
PART 1 - GENERAL PROVISIONS
Division 1 - The Code

Subdivision 1 - Title

- 1.1.1. 1. This Bylaw shall be known as the Kitimat Municipal Code.

Subdivision 2 - Interpretation

- 1.1.2. 1. In this Bylaw, unless the context otherwise requires:

"Act" means the Local Government Act;

"Authority Having Jurisdiction" means the Manager and any member of staff acting under the Manager's orders and jurisdiction for the purpose of administering any regulation contained in the "Code";

"Assessor" means the Assessor of the District of Kitimat;

"Building Inspector" means the Building Inspector and includes Assistant Building Inspectors of the District of Kitimat appointed by the Chief Administrative Officer;

"Cafeteria" means a self-serve restaurant;

"Caretaker" shall mean the person or persons duly appointed from time to time as Caretaker of the Kitimat Municipal Cemetery;

"Cemetery" means any parcel or tract of land owned, used or maintained by the Municipality as a Cemetery, columbarium or mausoleum;

"Chief Administrative Officer" means the Chief Administrative Officer of the District of Kitimat;

"Chief of Police" means the senior resident of the Royal Canadian Mounted Police Force detachment in the District;

"Clerk" means the Clerk of the District of Kitimat;

"Code" means the Kitimat Municipal Code;

"Coffee Shop" means a public coffee house or tea house or place with facilities for preparing and serving light refreshments without wine, malt liquor or other liquors;

"Collector" means the Collector of the District of Kitimat;

Subdivision 2 - Interpretation (Continued)

- 1.1.2. 1. "Community Project" means any work, service enterprise or undertaking of a charitable or non-profit nature, being carried on in the Municipality or elsewhere for the benefit of persons living in the Municipality, or for the benefit of needy persons elsewhere in the world;
- "Council" means the Mayor and Councillors of the District of Kitimat;
- "Dining Lounge" means a public eating place in a club, hotel, or entertainment premise having tables, tablecloths and other table service with or without dance floor where meals are prepared and served at regular breakfast, luncheon, dinner, or supper hours with or without liquors;
- "Dining Room" means a public eating place or divided sections of a public eating place, having tables covered with tablecloths and supplied with table service, in which premises meals are prepared and served at regular breakfast, luncheon or dinner hours with or without wine or malt liquor;
- "Director of Leisure Services " means the Director of Leisure Services of the District of Kitimat;
- "Fire Chief" means the Fire Chief of the District of Kitimat;
- "Furnished" means provided with sleeping, washing and sanitary facilities, which shall include not less than either one double or two single beds, two chairs, a chest of drawers or its equivalent, bedding and linen;
- "Installation" includes any pole, structure, tank, storage container, pipe, or other similar installation;
- "Motel" means a building or a group of buildings which contain not less than 10 units, used or occupied or intended to be used or occupied as temporary accommodation by tourists or transients; and within which not more than 25% of the total number of units contain rooms greater in number than a bathroom plus one room undivided by any partitions other than a screen to cover kitchen facilities;

Subdivision 2 - Interpretation (Continued)

1.1.2. 1. "Motel Area" means the area or areas within which a motel or motels are permitted, as designated on the zoning map of the District of Kitimat;

"Municipal" means someone or something pertaining to the District of Kitimat;

"Municipal Engineer" means the Municipal Engineer of the District of Kitimat or such person as may be carrying out the duties of the Municipal Engineer for the District of Kitimat;

"Municipality" means the District of Kitimat;

"Owner" in respect of real property means the registered owner of an estate in fee simple, and includes:

- a. the tenant for life under a registered life estate;
- b. the registered holder of the last registered agreement for sale;
- c. the holder or occupier of land held in the manner mentioned in sections 409 and 410 of the Local Government Act;
- d. a person who is an owner under the letters patent of a municipality, incorporated under section 10 of the Local Government Act.

"Person" includes any corporation, partnership, company, association, or party, and the heirs, executors, administrators or other legal representatives of such person to whom the context can apply according to law;

"Planning Officer" means the Planning Officer of the District of Kitimat;

"Police" or "Police Officer" means any member of the Royal Canadian Mounted Police detachment in the District or any Police Officer employed by the Municipality;

Subdivision 2 - Interpretation (Continued)

- 1.1.2. 1. "Public Space" includes all land acquired by the Municipality by purchase, lease, dedication or otherwise and designated as a street, avenue, boulevard, walkway, park, public square, parking lot or pedestrian mall, and all similar public areas;

"Restaurant" means a public eating place having either tables, booths, or counter space where meals are prepared and served at regular breakfast, luncheon and dinner hours without wines, malt liquor or liquor. Restaurant includes a "drive-in" restaurant, where persons may eat in their automobiles and cafeteria;

"Soliciting Funds" means approaching persons on the highway or on a door-to-door basis for the purpose of obtaining from such person a contribution in monies, or standing or being on a highway for the purpose of obtaining contributions in money from other persons using the highway;

"Special Bylaw" means a bylaw which is temporary in character or related to a special purpose, and includes but shall not be limited to, bylaws relating to a particular election, or debenture for borrowing a certain sum of money, levying a special assessment, providing for the annexation of specific additional territory to the Municipality, the making of an individual contract or agreement and the granting of a specific licence;

"Tourist" or "Transient" means a person requiring temporary accommodation within the Municipality for a period not in excess of 365 days in any 400 consecutive days and whose abode is not permanently within the Municipality of Kitimat;

"Treasurer" means the Treasurer of the District of Kitimat;

"Unit" means one or more furnished habitable rooms, used or intended to be used by tourists or transients;

"Vehicle" means a device capable of being moved upon a highway in, upon, or by which any person or thing may be transported or drawn upon a highway, except devices moving only upon stationary rails or tracks;

Subdivision 2 - Interpretation (Continued)

- 1.1.2. 1. "Vehicle Owner" means the registered owner or any person who is a purchaser of a vehicle whether by way of Conditional Sale or otherwise howsoever, and any person who has title to or possession, conditional or otherwise, of a vehicle.
2. a. Words importing the singular number of the masculine gender only shall include the plural and the feminine and the converse.
- b. The word "shall" is to be construed as imperative and the word "may" as permissive.
- c. All references in this Code to "The Revised Statutes of British Columbia", or to any specific edition thereof, shall be deemed to be references to the statutes as amended from time to time.

Subdivision 3 - Bylaws

- 1.1.3. 1. Every bylaw passed by the Council, except special bylaws, shall constitute an amendment to the Code and shall be incorporated in the Code.
2. The classification of a bylaw as a special bylaw shall, notwithstanding the definition of a special bylaw in Section 1.1.2.1., be in the direction of the Council.
3. The Council may determine that any special bylaw of general significance to the Municipality shall constitute an amendment to the Code and be incorporated therein.
4. Every bylaw amending the Code shall specifically state the part and section or sections of the Code that the bylaw adds, alters or repeals.

Subdivision 4 - Contents

- 1.1.4. 1. This Code is divided into the following parts relating to the following subjects:
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| PART 1 | GENERAL PROVISIONS |
| PART 2 | MUNICIPAL GOVERNMENT |
| PART 3 | TRAFFIC AND VEHICLES |
| PART 4 | LICENCES AND PERMITS |
| PART 5 | POLICE AND FIRE REGULATIONS |
| PART 6 | PUBLIC UTILITIES |
| PART 7 | PUBLIC HEALTH |
| PART 8 | PUBLIC WORKS |
| PART 9 | PLANNING |
| PART 10 | FINANCE |
| PART 11 | LEISURE SERVICES |
| PART 12 | CIVIL DEFENCE |
| PART 13 | BUILDING |

Subdivision 5 - Maintenance

- 1.1.5. 1. The Council shall determine by resolution the manner in which the Code is to be kept and maintained.

Subdivision 6 - Validity

- 1.1.6. 1. If any part, subdivision, or portion of a provision in the Code shall be held to be invalid, such invalidity shall not affect the remaining portions thereof, and such remaining portions shall be read and construed as being separate and distinct from the portions so held to be invalid.
2. Where any conflict arises within the Code, the more restrictive provision will govern.
3. The amendment of the Code shall not be deemed to be, or involve, any declaration whatsoever as to the previous state of the Code.
4. If in the Code there is a reference to a part or subdivision or subsection or to a number and the Code is subsequently renumbered or amended, then the new part or subdivision or subsection or number shall be incorporated into and take the place of such part, subdivision or subsection or number, and such part, subdivision or subsection containing such reference shall be deemed to be amended accordingly.