
Subdivision 1 - Interpretation

- 7.1.1. 1. In this Division, unless the context otherwise requires:

“Bi-weekly Collection” means the scheduled collection once in a two-week period.

“Certified Compostable” means materials approved by the Biodegradable Products Institute (BPI) that are designed to completely biodegrade at an industrial composting facility.

“Collection Service” means the service for the collection of Residential Solid Waste.

“Commercial Premises” means business establishment or institution facilities. This includes but is not limited to educational and health care facilities, and churches;

“Construction Camp” means a building or collection of buildings for temporary residential use as workforce accommodation for an industrial construction project where residents are provided with (a) exclusive sleeping accommodation units with individual or communal bathroom(s) but no cooking facilities; and (b) meals in communal dining area(s).

“Container” shall mean a rigid plastic or paper receptacle used for temporary storage of Garbage, Food Waste, Recyclable Material, or Yard Waste. This may refer to bags, boxes, bins, cans, or carts owned by the owner or occupier or the District, and used for the Collection Service.

“Contractor” means the person or persons under contract with the District of Kitimat to provide Collection Service.

“Corrugated Cardboard” means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards.

“Director of Engineering” means the Director of Engineering Services or the Municipal Engineer of the District of Kitimat or their designated representative;

“District” means the District of Kitimat;

“Division” means Part 7, Division 1 of the *Kitimat Municipal Code*.

Part 7, Division 1 – Residential Solid Waste Collection

Subdivision 1 – Interpretation (continued)

- 7.1.1. “Dwelling Unit” means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities and has a separate entrance at first story level. For clarity, does not include Motor Home or Trailer.
- “Food Waste” means vegetative matter, food processing waste, kitchen waste and other organic wastes that can be composted, and includes but is not limited to: dairy products, egg shells, fruit and vegetable scraps, meat, bones, fish, seafood shells, noodles, rice, beans, grains, and bread, small amounts of oil and fat (soaked in paper towel or newspaper), teabags, coffee grounds, filters, tissues, paper towels, food soiled paper, and waxed cardboard but does not include Yard Waste.
- “Food Waste Container” means a Container for Food Waste as set out in Schedule “A”.
- “Garbage” means discarded matter including refuse, waste, noxious, offensive and unwholesome materials, but does not include Yard Waste, Food Waste, Recyclable Material, or Prohibited Waste.
- “Garbage Container” means a Container for Garbage as set out in Schedule “A”.
- “Industrial Premise” means an industry or manufacturing operation including but not limited to forestry, pulp and paper, mining or fisheries, aluminum smelter, or natural gas operations.
- “Kraft Paper Bag” means a paper yard waste bag made from readily compostable kraft paper, specifically designed for Yard Waste.
- “Motor Home” has the same meaning as the *Motor Vehicle Act* R.S.B.C. 1996, c.318 and amendments thereto.
- “Prohibited Waste” means items as set out in Part 7, Division 2, Subdivision 8.
- “Recycle BC” means MMBC Recycling Inc. doing business as Recycle BC.
- “Recyclable Material” means paper, paper packaging and cardboard, including Corrugated Cardboard, empty, rinsed plastic containers, empty, rinsed cartons and paper cups, empty, rinsed aluminum containers, and empty, rinsed steel containers, and as may be indentified by Recycle BC as acceptable in Recycle BC’s curbside collection program.

Part 7, Division 1 – Residential Solid Waste Collection

Subdivision 1 - Interpretation

- 7.1.1. “Recyclable Material Container” means a Container for Recyclable Material as set out in Schedule “A”.
- “Residential Solid Waste” means Garbage, Food Waste, Recyclable Material and/or Yard Waste generated by a Dwelling Unit.
- “Service Area” means within the boundaries of the District.
- “Solid Waste” means Food Waste, Garbage, Recyclable Material, and Yard Waste.
- “Trailer” has the same meaning as the *Motor Vehicle Act* R.S.B.C. c. 318 and amendments thereto.
- “Yard Waste” means all organic material produced by a yard or garden including grass clippings, hedge and tree pruning materials, small twigs, chipped tree waste, branches not exceeding 12 mm (1/2 inch) in diameter and 1.2m (4 feet) in length, and weeds and material from flower beds and vegetable gardens.
- “Yard Waste Container” means a container for Yard Waste as set out in Schedule “A”.
- “Weekly Collection” means the scheduled collection once every week.

Subdivision 2 - General Control

- 7.1.2
1. The District is hereby authorized to provide a Collection Service within the Service Area.
 2. Every owner or occupier of a Dwelling Unit within the Service Area which generates Residential Solid Waste shall be responsible for its proper storage and disposal in accordance with the applicable regional, provincial, federal and local government legislation.
 3. Every owner or occupier of an eligible Dwelling Unit located within the Service Area shall store Solid Waste in a manner to prevent access by wildlife or domestic animals, such as in an enclosed garage or fully enclosed storage bin or storage shed.
 4. Every owner or occupier of a Dwelling Unit located within the Service Area shall use the Collection Service for the collection, removal, management, and disposal of Residential Solid Waste generated in a Dwelling Unit.

Part 7, Division 1 – Residential Solid Waste Collection

Subdivision 2 - General Control

- 7.1.2
5. Despite any other provision in this Division, where the Director of Engineering may consider that a Dwelling Unit cannot be safely or efficiently serviced, the Director of Engineering may exclude that Dwelling Unit from the Collection Service and, upon notice to the owner of the Dwelling Unit, the Dwelling Unit is not permitted or required to receive the Collection Service.
 6. An owner or occupier of a Dwelling Unit located within the Service Area shall not cause or permit any Residential Solid Waste to collect or accumulate at their Dwelling Unit.

Subdivision 3 – Administration of Division

- 7.1.3
1. The Director of Engineering is authorized to administer this Division including the supervision, control, and direction of the collection, removal, and disposal of Residential Solid Waste within the Service Area.
 2. The decision of the Director of Engineering shall be conclusive with regard to the quantities and classes of Solid Waste and other matter as it pertains to the Collection Service.
 3. The District or its agents shall have the right to enter at all reasonable times upon any property to determine whether the provisions of the Kitimat Municipal Code for the Residential Solid Waste Collection Service are being complied with.

Subdivision 4 – Preparation for Collection - General

- 7.1.4.
1. Unless otherwise provided for in this Division, no person shall place for collection any Prohibited Waste.
 2. No person shall place for collection Solid Waste not generated by a Dwelling Unit.
 3. No liquid in free form shall be placed in any Container for collection.
 4. No solids or greases which may adhere to the collection vehicle, shall be put or placed in any Container for collection unless wrapped.

Part 7, Division 1 – Residential Solid Waste Collection

Subdivision 4 – Preparation for Collection - General

- 7.1.4. 5. Every owner or occupier of a Dwelling Unit served by the Collection Service:
- a) Shall place Residential Solid Waste for collection in accordance with the *Kitimat Municipal Code*;
 - b) Shall place the Solid Waste Container for collection by 8:00 a.m. but not earlier than 4:30 a.m. on the day scheduled for its collection in full view on the property line abutting the roadway which the Collection Service is provided such that the Container can be conveniently handled from the ground level and readily accessible from such roadway.
 - c) Shall remove and properly store the Container by 9:00 p.m. on the collection day.
 - d) Shall keep all Containers in good and sanitary condition, and shall replace any which become damaged or dangerous to persons handling them.
 - e) Shall pickup and properly dispose of any loose Residential Solid Waste by 9:00 p.m. on the collection day;
 - f) Shall not compress Residential Solid Waste into any Container in a manner that will inhibit the materials from freely being collected during the collection process;
 - g) Shall at all times, unless authorized by the Director of Engineering, keep Containers on the premises they are intended to serve, and shall not be kept or encroach upon or project over any street, lane or public place, except for the purpose of collection.

Subdivision 5 – Preparation for Collection - Garbage Container

- 7.1.5. 1. No person shall place items other than Garbage in a Garbage Container for collection.
2. No person shall place for collection a Garbage Container containing Garbage that weighs more than 23 kilogram (50 lbs).
3. Garbage shall be drained of excess moisture and wrapped in a suitable waterproof material before being placed in a Garbage Container.
4. Garbage of a small or fly away nature such as hair, dry ashes, and sawdust shall be secured in a disposable container, plastic or paper bag, or wrapped in paper.

Part 7, Division 1 – Residential Solid Waste Collection

Subdivision 6 – Preparation for Collection - Recyclable Container

- 7.1.6.
1. No person shall place items other than Recyclable Material in a Recyclable Material Container for collection.
 2. No person shall place for collection a Recyclable Material Container containing Recyclable Material that weighs more than 23 kilograms (50lbs).

Subdivision 7 – Preparation for Collection - Yard Waste

- 7.1.7.
1. No person shall place items other than Yard Waste in a Yard Waste Container for collection.
 2. No person shall place for collection a Yard Waste Container containing Yard Waste that weighs more than 23 kilograms (50 lbs).

Subdivision 8 – Preparation for Collection - Food Waste

- 7.1.8.
1. Unless otherwise provided for in 7.1.8.2 or 7.1.8.3, no person shall place items other than Food Waste in a Food Waste Container for collection.
 2. Moist Food Waste shall be drained of excess moisture and placed in a Certified Compostable bag or kraft paper bag inside the Kitchen Waste Container for collection.
 3. Food Waste may be placed in a Certified Compostable bag or kraft paper bag inside the Kitchen Waste Container for collection.
 4. No person shall place for collection a Food Waste Container containing Food Waste that weighs more than 23 kilograms (50 lbs.)

Subdivision 9 – Frequency of Collection Service

- 7.1.9.
1. Garbage Collection Service shall not be less than once Bi-Weekly.
 2. Yard Waste Collection Service shall not be less than once Bi-Weekly from May to November.
 3. Recyclable Material Collection Service shall not be less than once Bi-Weekly.
 4. Food Waste Collection Service shall not be less than once weekly.
 5. The frequency of the provision of the Collection Service is subject to change from time to time, as determined by the District or its agents, or as otherwise necessary to respond to environmental, emergency, and other unforeseeable circumstances.

Part 7, Division 1 – Residential Solid Waste Collection

Subdivision 10 – Container Limits

- 7.1.10.
1. Each Dwelling Unit is limited to collection of three (3) Garbage Containers per Collection Period.
 2. Each Dwelling Unit is limited to one (1) Food Waste Container per Collection Period.
 3. There is no limit on the number of Recyclable Material Containers per Collection Period.
 4. Each Dwelling Unit is limited to four (4) Yard Waste Container per Collection Period.
 5. Each Dwelling Unit shall make alternate disposal arrangements for Residential Solid Waste in excess of the limits set out in this Division.

Subdivision 11 – Litter Management

- 7.1.11.
1. No person shall accumulate, spill, drop, dump, or dispose of any Solid Waste, Prohibited Waste, or any other material on any street, sidewalk, park or other lands owned by the District or other public property, or upon private property, whether owned by that person or not, unless that person has obtained the permission of the Director of Engineering.

Subdivision 12 – Tampering with Containers

- 7.1.12.
1. No person, except the owner or occupier of the Dwelling Unit shall place Residential Solid Waste for pickup with the Residential Solid Waste of others without the permission of the owner or occupier.
 2. No person, except the owner or occupier of the Dwelling Unit or an agent of the District shall tamper with, disturb, and/or move from a Residential Solid Waste Container, or from an area adjacent to a Residential Solid Waste Container, any material.
 3. Residential Solid Waste collected by the District or its agent becomes the property of the District.

Part 7, Division 1 – Residential Solid Waste Collection

Subdivision 13 - Solid Waste Collection Fees

- 7.1.13. 1. Every eligible Dwelling Unit shall pay for Collection Service as follows:

Unit Served	Rate of Charge
Property serviced	\$146.00 per year, per Dwelling Unit, payable by line charge as part of annual property taxes

2. Properties that qualify for Schedule 4 grant of the *Home Owner Grant Act* and amendments thereto, shall receive a discount of TEN (10) percent for residential Collection Service charges on property tax notices associated with that property.

Schedule "A"

Garbage Container	<ul style="list-style-type: none"> • Rigid plastic can: <ul style="list-style-type: none"> ○ Of not more than 121 litres capacity; and ○ Having a secure, non-hinged lid that suppresses odours and deters access to the contents by wildlife and domestic animals without the use of ropes, bungee cords, straps, string, or other such devices.
Yard Waste Container	<ul style="list-style-type: none"> • Kraft Paper Bags with a capacity of not more than 121 litres; or • Rigid plastic can: <ul style="list-style-type: none"> ○ of not more than 121 litres; ○ readily identifiable as containing Yard Waste; and ○ which may have a secure, non-hinged lid.
Recyclable Material Container	<p>For all Recyclable Material:</p> <ul style="list-style-type: none"> • Rigid plastic box: <ul style="list-style-type: none"> ○ Of not more than 90 litres; ○ Blue in colour; and ○ Readily identifiable as containing Recyclable Material. <p>For paper, paper packaging, and cardboard:</p> <ul style="list-style-type: none"> • Reusable, poly bag: <ul style="list-style-type: none"> ○ Of not more than 80 litres; ○ Yellow in colour; ○ Dimensions of 24"x30"; and ○ Readily identifiable as containing paper products.
Food Waste Container	<ul style="list-style-type: none"> • Rigid plastic cart: <ul style="list-style-type: none"> ○ Of not more than 57 litres; ○ Having a secure, hinged lid that suppresses odors and deters access to the contents by wildlife and domestic animals without the use of ropes, bungee cords, straps, string, or other such devices; ○ Green in colour; and ○ Readily identifiable as containing food waste.

Subdivision 1 - Interpretation

7.2.1.

1. In this Division, unless the context otherwise requires:

Appliances see Ozone Depleting Substances (ODS) Containing Product

Asbestos means a waste containing Friable Asbestos fibres or Asbestos dust in concentration greater than 1 percent by weight either at the time of manufacture, or as determined using a method specified in the *Hazardous Waste Regulation No. 63/88*:

- a) **Asbestos Friable** means any material containing Asbestos that when dry, can be easily crumbled or pulverized to powder by hand due to its nature is very difficult to handle and therefore requires preapproval for disposal
- b) **Asbestos Non-Friable** means any material containing Asbestos fibres that are bound or locked into the product matrix, so that the fibres are not readily released

Asphalt means a petroleum by-product, mixed with materials such as gravel and crushed rock, used for applications such as paving roadways, driveways, or parking areas

Asphalt Shingles means a unit of prepared roofing material made from petroleum-based by-product and used in the installation on roofs

Auto Hulk means a wrecked or derelict vehicle body that has been drained of all fluids and is not registered under the *Motor Vehicle Act*

Automotive Batteries means all consumer and industrial lead-acid batteries typically found in Vehicles, boats, forklifts and back-up power supply over 5 kilograms in weight

Clean Wood means waste that comprises of solid wood, lumber, or pallets that:

- does not contain any glues or resins; and
- is unpainted, unstained, or untreated; and
- may or may not be pierced with nails or other metal fasteners

Corrugated Cardboard means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards.

Commercial Premises means any business establishment, apartment building or institution including but not limited to schools, churches, and hospitals

Commercial Waste means solid waste generated by stores, offices, restaurants, warehouses and nonmanufacturing activities at industrial facilities

Compressed Gas Cylinder means refillable propane tanks for home barbeques or camp stoves or disposable propane canisters, butane canisters, helium balloon tanks, and oxygen tanks

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Division 2 - Solid Waste Disposal

Concrete means a hardened mixture of cement with sand, gravel and/or rebar. Rebar protruding from cement shall not exceed 30 (thirty) centimetres in length

Construction and Demolition Waste means waste produced from the construction, renovation, and demolition of buildings and other structures, but does not include waste containing or contaminated with asbestos, creosote, polychlorinated biphenyls (PCBs), Gypsum or Wall Board or any other Hazardous Waste specified in section 40 (1) of the *Hazardous Waste Regulation*

Contaminated Soil means soil, sediment and/or fill material containing substances in quantities or concentrations greater than those specified in provincial environmental quality standards, but which is not a hazardous waste under *Hazardous Waste Regulation*

Controlled Waste means waste as set out in Schedule C

Controlled Waste Application means an application to dispose of waste as may be required by the Municipal Engineer and in a form acceptable to the Municipal Engineer

Corrugated Cardboard means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards

Council deleted by Bylaw No. 2040, 2023

Curbside Collection Service means the collection service for the District as set out in Part 7, Division 1 of the *Kitimat Municipal Code*

Dead Animals and Parts means any deceased pets, wildlife, livestock or slaughter remains or offal thereof, including: bones, feathers, skin, and hair but excluding cattle carcasses or free bodily fluids

District means the District of Kitimat

District Container Deleted by Bylaw No. 2040, 2023

Division unless context notes otherwise, means Part 7, Division 2 of the *Kitimat Municipal Code*

Environmental Management Act means the *Environmental Management Act*, S.B.C. 2003, c. 53, as amended or replaced and any successor legislation and regulations there under

Extended Producer Responsibility (EPR) Materials means materials regulated under the Recycling Regulation by the Provincial Environmental Management Act.

Food Waste means vegetative matter, food processing waste, kitchen waste and other organic wastes that can be composted, and includes but is not limited to: dairy products,

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Division 2 - Solid Waste Disposal

egg shells, fruit and vegetable scraps, meat, bones, fish, seafood shells, noodles, rice, beans, grains, and bread, small amounts of oil and fat (soaked in paper towel or newspaper), teabags, coffee grounds, filters, tissues, paper towels, food soiled paper, and waxed cardboard

Garbage means solid waste and has the same meaning as defined in this division

Gypsum Board or Wall Board means a board made from wood pulp, plaster, or other material. It includes, but is not limited to, new construction cut-offs or scraps and old wallboard that has been painted, covered in wallpaper, vinyl, ceramic tile, and lath and plaster. It does not include material containing asbestos

Hazardous Waste means waste defined as hazardous waste in the *Hazardous Waste Regulation*

Hazardous Waste Regulation means the *Hazardous Waste Regulation* No. 63/88, as amended or replaced and any successor legislation and any regulations thereafter

Household Batteries means all batteries accepted as EPR Materials.

Industrial Waste means any waste originating from an industrial or manufacturing operation including but not limited to: forestry, pulp and paper, mining or fisheries, aluminum smelter, or natural gas operations

Industrial Work Camp Waste means waste from a building or collection of buildings used or intended for use for the purpose of residential accommodation and supports for industrial project workers, where residents are provided with individual sleeping accommodation units, with individual or communal bathroom facilities, and where residents are provided meals in communal dining areas

Interpretation Act means the *Interpretation Act*, R.S.B.C. 1996, c.238 as amended or replaced and any successor legislation and any regulations thereafter

Landfill Site means the location established for the management and disposal of Solid Waste, Controlled Waste, and Restricted Waste as set out in this Division

Land Clearing Waste means the wood waste produced from clearing of land for development, other than organic materials, and includes trunks, stumps, tree branches 12mm (1/2 inch) in diameter or greater, tops and whole trees

Mattress means a unit comprised of a case of canvas or other heavy textile stuffed with wool, cotton, other fibres or similar material, with or without coiled springs, that was used as a bed or as a support for a bed (boxspring) and includes foam mattresses used as a primary sleeping surface.

Mixed Load means waste containing more than one stream of waste. Special handling fees and requirements may apply as specified in Schedule A

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Motor Vehicle Act means the *Motor Vehicle Act*, R.S.B.C. 1996, c. 318 as amended or replaced and any successor legislation and any regulations thereafter

Municipal Engineer means the Director of Engineering Services for the District of Kitimat or the authorized representative

Non-Resident Garbage deleted by Bylaw No. 2040, 2023

Non-Resident Yard Waste deleted by Bylaw No. 2040, 2023

Operational Certificate means the current certificate for operation of the Kitimat Landfill issued by the Province of British Columbia

Other Sewage Waste means any wastewater, sewage or slurry, including pumpage from catch basins, oil-water separators and shop floor drains, but does not include Septic Sludge

Organic Material means Food Waste, garden waste including leaves, grass, small twigs, chipped tree waste, tree branches less than 12 mm (1/2 inch) in diameter and 1.2 m (4 feet) in length, and compostable structural wood waste

Owner deleted by Bylaw No. 2040, 2023

Ozone Depleting Substances (ODS) Containing Product means Major Appliances containing a compressor and ozone depleting substances, including refrigerators, wine coolers/ beverage centres, freezers, room air conditioners, portable air conditioners and dehumidifiers

Person has the same meaning as defined in the *Interpretation Act*

Product Stewardship Materials means designated materials that fall under a specific product category of the *Recycling Regulation*, including, but not limited to, beverage containers, electronic and electrical products, fluorescent tubes and bulbs, gasoline, lead-acid batteries, packaging and printed paper, paint products, pesticides, pharmaceutical products, rechargeable batteries, solvents, flammable liquids, tires, Used Oil and Antifreeze, as those products are defined under the *Recycling Regulation*

Prohibited Waste means waste as set out in Schedule E

Recyclable Materials has the same meaning as defined in the *Environmental Management Act*

Recycling Regulation means Recycling Regulation 449/2004 as amended or replaced and any successor legislation and any regulations thereafter

Residential Premises deleted by Bylaw No. 2040, 2023

Restricted Waste means waste as outlined in Schedule D

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Septic Sludge means treated septic tank pumpage and treated sewage sludge from domestic sources, but does not include Other Sewage Waste

Service Area means the municipality of the District of Kitimat

Sharps means clinical and laboratory materials consisting of needles, syringes, blades or laboratory glass which have been autoclaved

Site Operator means a Person employed by or having a contract with the District for supervision or maintenance duties at the Landfill Site

Site Personnel the Site Operator and any person performing duties at the Landfill Site under the employment or supervision of a Site Operator, or any other person authorized by the District to perform duties at the Landfill Site from time to time

Soils Suitable for On-site Use means soils free of contamination, and free of rocks and organic materials, on-site suitability to be determined by Site Operator

Soils Unsuitable for On-site Use means soils mixed with other wastes, rocks and organic material but does not include Contaminated Soils

Solid Waste means discarded or abandoned materials, substances or objects but does not include Controlled Waste, Restricted Waste or Prohibited Waste

Trailer has the same meaning as defined in the *Motor Vehicle Act*

Used Oil and Antifreeze means all products as defined under the Lubricating Oil product category, Empty Oil Container product category, Oil Filter product category and Antifreeze product category in Recycling Regulation

Vehicle has the same meaning as motor vehicle defined in the *Motor Vehicle Act*

Yard Waste means all organic material produced by a yard or garden including grass clippings, hedge and tree pruning material, small twigs, chipped tree waste, branches not exceeding 12 mm (1/2 inch) in diameter and 1.2 m (4 feet) in length, weeds and material from flower beds and vegetable gardens

2. The following schedules are hereby made and declared to be integral parts of this Subdivision:

Schedule A	Fees
Schedule B	Charge Accounts
Schedule C	Controlled Waste
Schedule D	Restricted Waste
Schedule E	Prohibited Waste
Schedule F	Recyclables

Subdivision 2 - General Regulations

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Division 2 - Solid Waste Disposal

- 7.2.2.
1. *Deleted by Bylaw No. 2040, 2023*
 2. *Deleted by Bylaw No. 2040, 2023*
 3. No Person shall deposit Solid Waste at the Landfill Site except in accordance with the Division.
 4. All Solid Waste deposited at the Landfill Site shall become the property of the District, except where such Solid Waste is deposited contrary to the provisions of the Division in which case the District may refuse to accept ownership.
 5. No Person shall dispose of Solid Waste within the Service Area other than at the Landfill Site of the District of Kitimat.
 6. No Person shall deposit Solid Waste which originated outside the Service Area at the Landfill Site of the District.
 7. As an exception to 7.2.2.6.:
 - (a) the Municipal Engineer may authorize a Person to deposit Solid Waste from outside the Service Area at the Landfill Site upon request where:
 - (i) the deposit of such Solid Waste is consistent with the Operational Certificate for the Landfill Site;
 - (ii) the Municipal Engineer considers that there is sufficient space for the deposit at the Landfill Site;
 - (iii) the deposit is made in accordance with such terms and conditions as the Municipal Engineer considers appropriate in relation to such deposit.

Subdivision 3 - Landfill Site

- 7.2.3.
1. The Landfill Site is located at District Blocks A, B, and C, Lot 6185, Range 5.

Subdivision 4 – Facility Use Regulations

- 7.2.4.
1. *Deleted by Bylaw No. 2040, 2023*
 2. *Deleted by Bylaw No. 2040, 2023*
 3. *Deleted by Bylaw No. 2040, 2023*
 4. *Deleted by Bylaw No. 2040, 2023*
 5. *Deleted by Bylaw No. 2040, 2023*

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6. *Deleted by Bylaw No. 2040, 2023*
7. All Persons entering the Landfill Site do so at their own risk. The District accepts no responsibility or liability for damage or injury to Persons or property that occurs during or as a result of entry to the Landfill Site.
8. Solid Waste transported to the Landfill Site shall be adequately covered or secured to prevent the materials from blowing or falling off the Vehicle or Trailer while in transit.
9. Any Person depositing Controlled Waste or Restricted Waste at the Landfill Site, must declare that intention to Site Personnel at the time of deposit.
10. Any Person operating a Vehicle within the Landfill Site must do so in a safe and prudent fashion, and must obey speed limits
11. No Person shall leave a Vehicle unattended at the Landfill Site.
12. No Person shall loiter at the Landfill Site.
13. No Person at the Landfill Site shall engage in conduct that is disorderly or offensive including but not limited to loud or excessive use of offensive language or intoxication.
14. Children under thirteen (13) years of age and pets are not permitted at the Landfill Site except when they remain within the confines of a Vehicle.
15. No Person, other than Site Personnel acting in the course of their duties, shall ignite a fire or cause a fire to be ignited, or bring any burning materials or hot ashes, or light or smoke any cigarette (tobacco or cannabis), cigar, pipe, vaping device, or similar thing within the Landfill Site.
16. No Person shall remove, scavenge, or salvage Solid Waste from the Landfill Site except pursuant to Section 7.10.4.b of this Division.
17. Every Person who deposits Solid Waste at the Landfill Site shall comply with all directions of Site Personnel, whether such directions are given in the form of signage, or verbal or written instructions.
18. No Person shall be within the Landfill Site except in accordance with this Division unless the Municipal Engineer or Site Personnel has authorized their presence.

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Division 2 - Solid Waste Disposal

Subdivision 5 - Building Operations

Repealed by Bylaw No. 2036, 2023

Subdivision 6 - Excavated Material

Repealed by Bylaw No. 2035, 2023

Subdivision 7 – Solid Waste Receptacle

Repealed by Bylaw No. 2037, 2023

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Division 2 - Solid Waste Disposal

Subdivision 8 – Controlled Waste, Restricted Waste, and Prohibited Waste

7.2.8.

1. *Deleted by Bylaw No. 2040, 2023*
2. *Deleted by Bylaw No. 2040, 2023*
3. *Deleted by Bylaw No. 2040, 2023*
4. Controlled Waste is subject to the regulations set out in Schedule C.
5. Restricted Waste is subject to the regulations set out in Schedule D.
6. Prohibited Waste is subject to the regulations set out in Schedule E.

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Division 2 - Solid Waste Disposal

Subdivision 9 - Solid Waste Collection Fees

- 7.2.9.
1. *Deleted by Bylaw No. 2040, 2023*
 2. *Deleted by Bylaw No. 2040, 2023*
 3. *Deleted by Bylaw No. 2040, 2023*
 4. *Deleted by Bylaw No. 2040, 2023*
 5. Every Person who deposits Solid Waste, Controlled Waste, or Restricted Waste at the Landfill Site shall:
 - a. pay the applicable fees prescribed in Schedule A; and
 - b. pay the fees at the time of deposit.
 6. Section 7.2.9.5 and the fees prescribed in Schedule A shall not apply to the deposit of Solid Waste at the Landfill Site in the following circumstances:
 - a. where the Solid Waste is collected by the District or First Nation within the Service Area that pays a service fee to the District, or by a contractor on behalf of them, for purposes of a residential Curbside Collection Service.
 - b. where Municipal Engineer has authorized the deposit, without charge, of Solid Waste for purposes of encouraging voluntary clean-up initiatives.
 7. Notwithstanding sections 7.2.9.5.b. Charge Accounts may be established in accordance with Schedule B.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Subdivision 10 - Miscellaneous

7.2.10 Tampering with Containers

1. *Deleted by Bylaw No. 2040, 2023*

Administration of Bylaw

2. The Municipal Engineer is authorized with the administration of this Division and with the supervision, control and direction of the Landfill Site.
3. Without limiting the generality of section 7.2.10.2, the Municipal Engineer is hereby authorized to do the following:
- a. authorize the deposit of Solid Waste where not otherwise permitted at Landfill Site;
 - b. establish form for the Controlled Waste Application; and
 - c. prohibit the deposit of waste at the Landfill Site by Persons with an overdue Charge Account in accordance with Schedule B.
4. Without limiting the generality of section 7.2.10.2, the Municipal Engineer is hereby authorized to do the following:
- a. process Controlled Waste Applications, and where appropriate issue and cancel authorized Controlled Waste Applications in accordance with Schedule C; and
 - b. authorize Persons to remove, scavenge or salvage waste from the Landfill Site at defined locations.

Subdivision 11 - Abandoned Vehicles

- 7.2.11. 1. *Deleted by Bylaw No. 2040, 2023*
2. *Deleted by Bylaw No. 2040, 2023*

Subdivision 12 – Violations and Penalties

- 7.2.12. 1. A Person who contravenes this Division may be refused or prohibited re-entry to the Landfill Site.
2. A Person who contravenes this Division shall, in addition to any other penalty imposed, pay any costs incurred by the District, or its agents, to remediate or rectify that Person's act or omission.

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Subdivision 13 – Appeal

- 7.2.13.
1. A Person directly affected by a decision made under this Division may deliver a written notice of appeal with the Municipal Engineer.
 2. A notice of appeal under section 7.2.13.1 must be delivered to the Municipal Engineer no later than thirty (30) days of the date of the decision being appealed.
 3. Upon considering a decision under appeal, the Municipal Engineer may:
 - a. confirm, reverse or vary the decision under appeal; or
 - b. make any decision that the Municipal Engineer considers appropriate.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Schedule “A”
Fees

1. Schedule A sets out the fees for deposit of Solid Waste, Controlled Waste, and Restricted Waste at the District’s Landfill Site.
2. The minimum charge to deposit waste applies to all instances where waste is deposited as set out in Schedule A.1. Additional fees may apply as per Schedule A.2. Fees for Commercial Waste will be applied as per Schedule A.2.
3. Any waste listed in the table classified as Controlled Waste under Schedule C, the fee is only applicable where the solid waste has received permission for disposal at the Kitimat Landfill Site.
4. Any person or Commercial Premise submitting an Application for Credit shall pay an application fee of \$25.00 at the time of application.
5. Despite Schedule A:
 - a. the minimum charge for depositing Dead Animals and Parts is \$110.00
 - b. the minimum charge for depositing Asbestos is \$165.00
 - c. a surcharge of fifty (50) percent will be applied to Mixed Loads
 - d. a handling fee of \$75 will apply to dispose of Auto Hulks
 - e. a handling fee of \$10 will apply per Mattress (any size)
 - f. *Septic Sludge will be accepted free of charge from residential premises in the Cable Car Neighbourhood and from 1846 to 2727 on Kitamaat Village Road.

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Schedule A – Fee Schedule

Schedule A.1

Solid Waste Category	2023	2024	2025	2026	2027
Minimum charge (less than 100kg)	NA	\$5.00	\$10.00	\$10.00	\$10.00

Schedule A.2

Solid Waste Category	2023	2024	2025	2026	2027
Garbage	\$50.00 per tonne	\$75.00 per tonne	\$100.00 per tonne	\$110.00 per tonne	\$120.00 per tonne
Construction and Demolition Waste	\$50.00 per tonne	\$75.00 per tonne	\$100.00 per tonne	\$110.00 per tonne	\$120.00 per tonne
Land Clearing Waste	\$50.00 per tonne	\$75.00 per tonne	\$100.00 per tonne	\$110.00 per tonne	\$120.00 per tonne
Mixed Load	\$50.00 per tonne	\$75.00 per tonne	\$100.00 per tonne	\$110.00 per tonne	\$120.00 per tonne
Controlled Waste					
Asbestos	\$50.00 per tonne	\$75.00 per tonne	\$100.00 per tonne	\$110.00 per tonne	\$120.00 per tonne
Asphalt	\$25.00 per tonne	\$37.50 per tonne	\$50.00 per tonne	\$55.00 per tonne	\$60.00 per tonne
Concrete - no rebar	\$25.00 per tonne	\$37.50 per tonne	\$50.00 per tonne	\$55.00 per tonne	\$60.00 per tonne
Concrete - with rebar	\$50.00 per tonne	\$75.00 per tonne	\$100.00 per tonne	\$110.00 per tonne	\$120.00 per tonne
Dead Animals and Parts	\$50.00 per tonne	\$75.00 per tonne	\$100.00 per tonne	\$110.00 per tonne	\$120.00 per tonne
Septic Sludge*	\$20.00 per tonne	\$30.00 per tonne	\$40.00 per tonne	\$50.00 per tonne	\$50.00 per tonne
Soil Suitable for Onsite Use	\$25.00 per tonne	\$37.50 per tonne	\$50.00 per tonne	\$55.00 per tonne	\$60.00 per tonne
Soil Not Suitable for Onsite Use	\$50.00 per tonne	\$75.00 per tonne	\$100.00 per tonne	\$110.00 per tonne	\$120.00 per tonne
Restricted Waste					
Appliances (Ozone Depleting Substances (ODS) Containing Product)	No Charge				
Automotive Batteries	No Charge				
Clean Wood	No Charge				
Propane Tank and Compressed Gas Cylinder	No Charge				
Scrap Metal	No Charge				

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Tires on rims	\$20/tire	\$20/tire	\$20/tire	\$20/tire	\$20/tire
Tires (rimless)	No Charge				
Yard Waste	No Charge	\$20.00 per tonne	\$20.00 per tonne	\$20.00 per tonne	\$20.00 per tonne

Schedule “B”

Charge Accounts

1. Schedule “B” forms part of the Division, unless the context requires otherwise, the following words and expressions have the following meanings:
 - 1.1. “**Account Holder**” means a person that holds a Charge Account;
 - 1.2. “**Applicant**” means a person who has submitted an Application for Credit;
 - 1.3. “**Application for Credit**” means an application for a Charge Account in the form established by the Municipal Engineer;
 - 1.4. “**Arrears**” with respect to a Charge Account means that an amount owing remains unpaid more than thirty (30) days after the date of invoice;
 - 1.5. “**Billing Address**” has the meaning assigned in Section 5 of Schedule B;
 - 1.6. “**Charge Account**” means an account held by a user of the Landfill Site at the District whereby the user is permitted to pay disposal fees on a monthly basis instead of paying at the time of disposal;
 - 1.7. “**Delinquent**” with respect to a Charge Account means that an amount owing remains unpaid more than thirty (30) after the date of a Notice of Arrears;
 - 1.8. “**Notice of Arrears**” means a written notice from the District to an Account Holder indicating that a Charge Account is in arrears.
2. A Person wishing to establish a Charge Account must submit a completed Application for Credit to the Finance Department.
3. The Finance Department shall examine and verify the references and credit history of the Applicant, and shall advise the Municipal Engineer of the creditworthiness of the Applicant.
4. Upon receipt of the report from the Finance Department under section 3, the Municipal Engineer may approve or deny an Application for Credit. The Municipal Engineer may deny an Application for Credit in any of the following circumstances:
 - 4.1. Where the Finance Department has advised that the Applicant is not creditworthy;
 - 4.2. Where the Municipal Engineer has reasonable grounds to believe the Applicant intends to deposit Prohibited Waste at the Landfill Site, or to deposit Solid Waste at the Landfill Site in a manner contrary to this Division; or

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

- 4.3. Where the Applicant, or any principal, partner, director or officer of the Applicant has had a Charge Account cancelled within the previous five (5) years.
5. Invoices for amounts owing on Charge Accounts will be generated by the District on a monthly basis and delivered to the address provided by the Account Holder on the Application for Credit, or to such address as the Account Holder may from time to time furnish for that purpose (the “**Billing Address**”). The onus is upon the Account Holder to notify the District of any change in Billing Address.
6. The total amount owing on any invoice must be paid in full by the Account Holder to the District within thirty (30) days of the date of the invoice.
7. Any amount not paid to the District within thirty (30) days of the date of the invoice is in arrears and must be paid immediately, along with interest pursuant to Section 13 of Schedule B.
8. Where a Charge Account is in arrears the District shall deliver a Notice of Arrears to the Account Holder at the Billing Address.
9. Any amount not paid to the District within thirty (30) days of the date of a Notice of Arrears is delinquent and must be paid immediately, along with interest pursuant to Section 13 of Schedule B.
10. Any Charge Account that is delinquent shall be suspended until such time as all amounts owing, including interest, are paid in full. During the period of suspension, the Account Holder must pay all disposal fees at the time of disposal.
11. Any Charge Account that becomes delinquent more than once shall be subject to immediate cancellation.
12. The District may refer any delinquent Charge Account to a third party collection agency at any time.
13. In addition to any other penalty imposed under the Division, any amount owing on a Charge Account that is not paid within thirty (30) days of the date of invoice shall bear interest at the rate of eighteen percent (18%) per year, calculated and accruing daily, from and including the first date upon which the account falls into arrears, and such interest shall form part of the amount in arrears.
14. The Municipal Engineer may, in addition to any other penalty imposed under the Division, cancel a Charge Account where the Account Holder has deposited Prohibited Waste at the Landfill Site, or has deposited Solid Waste at the Landfill Site in a manner contrary to the Division. As may be determined, in the sole discretion of the Municipal Engineer. During an investigation the charge account will be held in abeyance.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Schedule “C”
Controlled Waste

1. Schedule C lists Controlled Waste and applicable specifications and restrictions for disposal at the Landfill Site:

Controlled Waste	Specifications and Restrictions
Asbestos- Friable	<ul style="list-style-type: none"> - Approval of completed Controlled Waste Application required. - Hauler will be given a disposal time. Failure to show up at the correct time, or failure to notify the Site Operator may result in a penalty or refusal to dispose - Forty-eight (48) hours prior notice must be obtained before disposal - Material must be manifested or documented as required by the <i>Environmental Management Act</i> - Material must be disposed of, transported and contained as required by the <i>Environmental Management Act</i> - Failure to contain material as required by the <i>Environmental Management Act</i> may result in refusal to dispose - Site Restrictions may apply - Special handling Fees may apply
Asbestos- Non Friable	<ul style="list-style-type: none"> - Approval of completed Controlled Waste Application required. - Hauler will be given a disposal time. Failure to show up at the correct time, or failure to notify the Site Operator may result in a penalty or refusal to dispose - Forty-eight (48) hours prior notice must be obtained before disposal - Material must be disposed of, transported and contained as required by the <i>Environmental Management Act</i> - Site Restrictions may apply - Special handling fees may apply
Auto Hulks	<ul style="list-style-type: none"> - Auto Hulk must have the following removed prior to disposal: tires, antifreeze, lubricating oils, brake fluids, transmission fluids, ozone depleting substances, gaseous and liquid fuels and batteries - Site restrictions may apply - Special handling fees may apply
Concrete	<ul style="list-style-type: none"> - Site restrictions may apply - Special handling fees may apply
Dead Animals and Parts	<ul style="list-style-type: none"> - Material must be deposited three (3) hours prior to closing - Site restrictions may apply - Special handling fees may apply
Gypsum Board or Wallboard	<ul style="list-style-type: none"> - Site restrictions may apply - Special handling fees may apply
Recyclable Materials	<ul style="list-style-type: none"> - Site restrictions may apply - Special handling fees may apply

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Controlled Waste	Specifications and Restrictions
Septic Sludge	<ul style="list-style-type: none"> - Approval of Controlled Waste Application may be required for several or more loads from a single site. - Material must be residential pre-digested septic waste
Sharps	<ul style="list-style-type: none"> - Approval of Controlled Waste Application required.
Soils Suitable for On-site Use and Soils Unsuitable for On-site Use	<ul style="list-style-type: none"> - Approval of Controlled Waste Application required. - Forty-eight hours (48) prior notice must be obtained before disposal - Site restrictions may apply - Special handling fees may apply
Wood ash from commercial operations	<ul style="list-style-type: none"> - Site restrictions may apply - Special handling fees may apply

General Regulations

2. Where an approved Controlled Waste Application is required to dispose of Controlled Waste, the following requirements apply:

2.1 The Person who has generated the Controlled Waste must complete a Controlled Waste Application and submit it to the Municipal Engineer for approval as per Schedule C;

2.2 Controlled Waste must not be deposited unless the Municipal Engineer has approved the Controlled Waste Application which may include any terms and conditions of deposit the Municipal Engineer deems necessary or desirable to ensure compliance with this Division, the Operational Certificate, and any other applicable law;

2.3 Subject to the terms and conditions of the applicable Controlled Waste Application, an appointment for deposit must be made with the Site Operator a minimum of forty-eight (48) hours prior to deposit of Controlled Waste;

2.4 The Person depositing Controlled Waste must produce the applicable Approved Controlled Waste Application to Site Personnel upon arrival at the Landfill Site;

2.5 Controlled Waste must be inspected and accepted by Site Personnel prior to being deposited;

2.6 Loads of Controlled Waste must be of one type only and from no more than one source unless the Approved Controlled Waste Application specifies otherwise;

2.7 Controlled Waste must be kept separate from any other type of Solid Waste;

2.8 If the terms and conditions of an approved Controlled Waste Application are not met, Site Personnel may refuse to allow deposit;

2.9 Any deposit of Controlled Waste must be conducted so as to minimize health and safety risks;

2.10 The amount of Controlled Waste deposited on any occasion must not exceed the operational capacity of the Landfill Site, and the Municipal Engineer may refuse to authorize a Controlled Waste Application where the type or quantity of Controlled Waste sought to be deposited would be contrary to the terms of the Operational Certificate;

2.11 Notwithstanding the above, in cases of an emergency or hardship, the Municipal Engineer may permit the deposit of Controlled Waste before the applicable application period elapses, without a minimum of forty-eight (48) hours' notice, and outside regular appointment hours.

3. Where a Controlled Waste Application is not required to dispose of Controlled Waste, the following apply:

3.1 The Person disposing of the Controlled Waste is required to contact the Site Personnel to arrange for disposal

3.2 Controlled Waste must not be deposited unless the Site Personnel has approved the disposal, which may include any terms and conditions of deposit the Site Personnel deems necessary or desirable to ensure compliance with this Division, the Operational Certificate, and any other applicable law;

3.3 Controlled Waste must be inspected and accepted by Site Personnel prior to being deposited;

PART 7 - PUBLIC HEALTH
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- 3.4 Loads of Controlled Waste must be of one type only;
- 3.5 Controlled Waste must be kept separate from any other type of Solid Waste;
- 3.6 If the above conditions are not met, Site Personnel may refuse to allow deposit;
- 3.7 Any deposit of Controlled Waste must be conducted so as to minimize health and safety risks;
- 3.8 The amount of Controlled Waste deposited on any occasion must not exceed the operational capacity of the Landfill Site, and the Site Personnel may refuse to allow deposit where the type or quantity of Controlled Waste sought to be deposited would be contrary to the terms of the Operational Certificate;
- 2.11 Notwithstanding the above, in cases of an emergency or hardship, the Municipal Engineer may permit the deposit of Controlled Waste before the applicable application period elapses, without a minimum of forty-eight (48) hours' notice, and outside regular appointment hours.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Schedule “D”
Restricted Waste

1. Schedule D lists Restricted Waste:

Recyclable Materials	Specifications and Restrictions
Appliances (Ozone Depleting Substances (ODS) Containing Product)	- Appliances must contain no food products and be empty - Site restrictions may apply - Special handling fees may apply
Automotive Batteries	- Site restrictions may apply - Load restrictions may apply
Corrugated cardboard	- Site restrictions may apply
Industrial Camp Waste	- Site restrictions may apply - Special handling fees may apply - Authorization required
Industrial Waste	- Site restrictions may apply - Special handling fees may apply - Authorization required
Organic Material	- Site restrictions may apply
Propane Tank (Compressed Gas Cylinder)	- Site restrictions may apply - 1 propane tank per visit - Propane tank must be empty - Only 20 lbs propane tank accepted
Polystyrene Foam Packaging	- Site restrictions may apply
Scrap Metal	- Site restrictions may apply - Special handling fees may apply
Tires	- Passenger and Light Truck tires, medium truck tires and off road vehicle tires - Special handling fees may apply - Site restrictions may apply
Yard Waste	- Site restrictions may apply - Special handling fees may apply
Recyclables (as defined in Schedule F)	- Site restrictions may apply - Special handling fees may apply - Load restrictions may apply

Restricted Waste Regulations

2. Restricted Waste is recyclable or compostable and must be kept separate from other types of Solid Waste when deposited at a Landfill Site, and must be deposited in the designated location at the Landfill Site.
3. Tires from cars and light trucks are accepted for recycling through the Tire Stewardship BC program. Tires on rims have a surcharge for handling.

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Division 2 - Solid Waste Disposal

Schedule “E”
Prohibited Waste

Definition

1. Schedule E lists Class A Prohibited Waste and shall not be disposed of at the Landfill Site:
 1. Alum pond or lime sludge in dewatered form
 2. Automotive Batteries except as permitted within this Division
 3. Cattle Carcasses
 4. Empty steel and plastic drums, unless they are crushed, shredded, or similarly reduced in volume to the maximum practical extent
 5. Explosives
 6. Fencing wire
 7. Fuels
 8. Hazardous Waste as defined in *Hazardous Waste Regulation*
 9. Household batteries
 10. Ignitable Waste
 11. Industrial chemical waste
 12. Lithium-Ion batteries
 13. Free Liquid as defined in *Hazardous Waste Regulation*
 14. Used Oil and Lubricants
 15. Material that is on fire or smouldering
 16. Material that was previously on fire and has not been extinguished for at least thirty (30) days except with a letter from the Kitimat Fire Department stating it has been fully extinguished and is ready for disposal
 17. Ozone Depleting Substances except as permitted within this Division
 18. Paints and solvents
 19. Radioactive Waste as defined in *Hazardous Waste Regulation*
 20. Reactive Waste as defined in *Hazardous Waste Regulation*
 21. Grease from restaurants and mobile food vendors
 22. Septic Sludge, except as permitted within this Division
 23. Wire rope

Prohibited Waste Regulations

2. No person shall deposit or attempt to deposit Prohibited Waste at the Landfill Site.

PART 7 - PUBLIC HEALTH
Division 2 - Solid Waste Disposal

Schedule “F”
Recyclables

1. Recyclables are Extended Producer Responsibility (EPR) Materials accepted for deposit under a Product Stewardship program.
2. Site restrictions and special handling fees may apply.

Subdivision 1 - Interpretation

- 7.3.1. 1. In this Division, unless the context otherwise requires:
- "Licenced Establishment" means any establishment licenced under the provisions of the Liquor Control and Licencing Act to sell alcoholic beverages;
- "Proprietor" shall mean the person or persons who control, govern or direct the activity carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof.

Subdivision 2 - Signs

- 7.3.2. 1. The proprietor of every licenced establishment shall ensure that sign or signs warning of Fetal Alcohol Syndrome shall be installed and maintained as prescribed in this bylaw.
2. Signs warning of Fetal Alcohol Syndrome shall meet the following minimum requirements:
- a. For any licenced premises which is permitted to sell alcohol beverages for off premises consumption, there shall be at least one sign, located so it is clearly visible from the point where sale or dispensing of the alcoholic beverages takes place.
 - b. For any licenced premise which permits the consumption of alcoholic beverages on the premises, there shall be one sign, conspicuously displayed in each public ladies washroom located within the premise.
 - c. Each sign required hereunder shall have a minimum dimension of 21.5 cm (8-1/2 in.) by 21.5 cm (8-1/2 in.).

Subdivision 2 - Signs (Continued)

- 7.3.2. 2. d. Lettering on the sign shall be in bold print, white on a red background and shall be a minimum of 1 cm (3/8 in.) in height.
- e. The wording on the sign shall be as follows:
- "WARNING
DRINKING DISTILLED SPIRITS, BEER, COOLERS,
WINE AND OTHER ALCOHOLIC BEVERAGES DURING
PREGNANCY CAN CAUSE BIRTH DEFECTS"
- f. Signs shall be substantially in the form and style as that set out in Schedule "A", attached to and forming part of this bylaw."

SCHEDULE "A"

Sign in RED, Letters in WHITE

**WARNING:
DRINKING DISTILLED
SPIRITS, BEER, COOLERS,
WINE AND OTHER
ALCOHOLIC BEVERAGES
DURING PREGNANCY
CAN CAUSE
BIRTH DEFECTS.**

KITIMAT MUNICIPAL CODE

PART 7 - PUBLIC HEALTH
Division 4 - Cemeteries

Subdivision 1 - Interpretation

7.4.1. 1. In this Division, unless the context otherwise requires:

Amended by Bylaw No.
2060, 2024

Caretaker means the Municipal Engineer or their delegate.

Cemetery means land that is set apart or used as a place of Interment of Human Remains or Cremated Remains and includes any incidental or ancillary buildings on the land.

Cemetery Care Fund means a fund for the care and maintenance of a place of Interment.

Cemetery Columbarium means the structure in the Cemetery, owned and managed by the District, that contains, as an integral part of the structure or building or as free-standing sections, Niches to inter Cremated Remains.

Cemetery Mausoleum means the structure in the Cemetery that contains, as an integral part of the structure or building or as free-standing sections, Niches to inter Cremated Remains and Crypts to inter Human Remains and Cremated Remains.

Child means any person one year old up to and including twelve (12) years of age.

Clerk deleted by Bylaw No. 2060, 2024.

Council means the Council of the District of Kitimat.

Cremated Remains means human bone fragments that remain after cremation.

Cremation, Interment and Funeral Services Act means the *Cremation, Interment and Funeral Services Act*, S.B.C. 2004, c. 35, its Regulations, and any amendments thereto.

Crypt means one space in the Cemetery Mausoleum and is intended to be used for the entombment of one casket and one Cremated Remains.

Director of Public Works deleted by Bylaw No. 2060, 2024.

Disinterment means the removal, for permanent relocation, of human remains and the container, or any of the remaining container, holding the Human Remains.

District means the District of Kitimat.

Division means Part 7 – Public Health, Division 4 – Cemeteries of the *Kitimat Municipal Code*.

Engineer deleted by Bylaw No. 2060, 2024.

Exhumation means the exposure and removal of interred Human Remains for viewing or for examination.

Health Officer means the person appointed under the *Public Health Act*, S.B.C. 2008, c. 28, its Regulations and any amendments thereto.

Human Remains means a dead human body in any stage of decomposition but does not include Cremated Remains.

Infant means any person up to the age of one year.

Interment means disposition by:

- (a) burial of Human Remains or Cremated Remains,;
- (b) entombment of Human Remains or
- (c) inurnment of Cremated Remains.

Licence means a Licence for Columbarium Space, Licence for Mausoleum Space, or Licence for Reserve Plots.

Licence for Columbarium Space means the licence in a form as determined by the Municipal Engineer issued to the purchaser of a Niche in the Cemetery Columbarium in accordance with this Division stating the purchaser name, date of purchase, space purchased, and fee for purchase.

Licence for Mausoleum Space means the licence in a form as determined by the Municipal Engineer issued to the purchaser of a Crypt or Niche space in the Cemetery Mausoleum in accordance with this Division stating the purchaser name, date of purchase, space purchased, and fee for purchase.

Licence for Reserve Plots means the licence in a form as determined by the Municipal Engineer issued to the purchaser of a cemetery space in accordance with this Division stating the purchaser name, date of purchase, space purchased, and fee for purchase.

Mausoleum Memorial deleted by Bylaw No. 2060, 2024.

Mayor deleted by Bylaw No. 2060, 2024.

Medical Health and Health Officer deleted by Bylaw No. 2060, 2024.

Memorial means a tombstone, monument, plaque or other marker on a grave or plot, or an inscription of ornamentation on a crypt or niche front use to identify a lot or memorialize a deceased person.

Memorial Wall means the wall established in the Cemetery Mausoleum for the purpose of displaying Memorial markers.

Minister deleted by Bylaw No. 2060, 2024.

Municipal Engineer means the Municipal Engineer for the District of Kitimat or their delegate.

Niche means one space for the Interment of urns containing Cremated Remains. Unless otherwise stated in this Division, the number of urns contained within one Niche is limited by the size of the Niche and the size of the urns

Non-Resident means any person who has not lived within the municipal limits for more than one year.

Permit means a Cemetery Interment Permit, Mausoleum Interment Permit or Columbarium Interment Permit.

Permit – Cemetery Interment means the permit in the form determined by the Municipal Engineer for the Interment of remains in the Cemetery which will include the date issued, name of the applicant, name of the person being interred, grave space, and date and time of Interment.

Permit – Mausoleum Interment means the permit in the form determined by the Municipal Engineer for the Interment of remains in the Cemetery Mausoleum which will include the date issued, name of the applicant, name of the person being interred, Crypt or Niche space, and date and time of Interment.

Permit – Columbarium Interment means the permit in the form determined by the Municipal Engineer for the Interment of remains in the Cemetery Columbarium which will include the date issued, name of the applicant, name of the person being interred, Niche space, and date and time of Interment.

Shutter means the veneer plate of granite covering Crypts and Niches and to which may be attached approved Memorial markers.

Statutory Holiday means a day recognized by the provincial or federal government as a Statutory Holiday.

Treasurer deleted by Bylaw No. 2060, 2024

Urn means a container used to store Cremated Remains. Urns may contain the Cremated Remains of more than one person.

Subdivision–2 - Designated Lands

- 7.4.2. 1. The following lands have been set aside, operated, used or maintained as a Cemetery by the District:

KITIMAT MUNICIPAL CEMETERY, legally described as being:

- Lot 1, District Lot 6041, Range 5 Coast District Plan 3562; and
- Lot 2, District Lot 6041, Range 5 Coast District Plan 3562

Subdivision–3 - Cemetery Plans

- 7.4.3. 1. Deleted by Bylaw No. 2060, 2024.
2. Cemetery plans shall be submitted in accordance with the *Cremation, Interment and Funeral Services Act*.

Subdivision–4 - Licence to Use the Cemetery

- 7.4.4. 1. Council may, by agreement with a society, church or other organization, reserve a section of the Cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization concerned, and upon such an agreement being made, no person shall be issued with a Licence for Reserve Plots or Cemetery Interment Permit, unless the application to the District to purchase is accompanied by a certificate from the society, church or organization concerned, stating that they, or the person on whose behalf they may be acting, is entitled to burial in the reserved section. All Licences issued and services rendered by the District under these conditions shall be subject to payment at the regular rates set forth in the schedule of rates attached hereto Schedule C of this Division.

Subdivision–5 - Licence for Reserved Lots

- 7.4.5. 1. Deleted by Bylaw No. 2060, 2024.
2. The District may grant to any person, upon payment of the associated fee, and subject to the terms of Section 7.4.4. of the *Kitimat Municipal Code*, a Licence for Reserve Plots of any grave space which may be vacant and unlicensed in the Cemetery.
3. The District may grant to any person, upon payment of the associated fee, a Licence for Mausoleum Space of any Crypt or Niche which may be vacant and unlicensed in the Cemetery Mausoleum.

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4. The District may grant to any person, upon payment of the associated fee, a Licence for Columbarium Space of any Crypt which may be vacant and unlicensed in the Cemetery Columbarium.

Subdivision–6 - Limiting Sales

- 7.4.6. 1. The District reserves the right to limit the issuing of Licences to any one person to two (2) Licences.

Subdivision–7 - Transfer of Licence

- 7.4.7. 1. Where the holder of a Licence for Reserve Plots in the Cemetery wishes to transfer that Licence to another person, they shall first provide the Municipal Engineer with details include the space being transferred, name and address of transferee, the consideration to be paid for transfer of the Licence, and such other information as the Municipal Engineer may reasonably request. The provision of such information shall not bind the District to accept or permit the proposed transfer.
2. If the Licence for Reserve Plots to be transferred relates to a grave space located in an area reserved under an agreement made between the District and an organization pursuant to Section 7.4.4. of the *Kitimat Municipal Code*, the requirements of Section 7.4.4. of the *Kitimat Municipal Code* apply.
3. Upon acceptance by the District of the transfer fee prescribed “in Schedule C attached hereto, and upon compliance with the requirements of this Division by the Licence holder and the person to whom the Licence is to be transferred, the Municipal Engineer shall effect the desired transfer by an endorsement upon the Licence and shall record the transfer in the books or other records kept for that purpose.

Mausoleum

4. Where the holder of a Licence for Mausoleum Space in the Cemetery Mausoleum wishes to transfer that Licence to another person, they shall first provide the Municipal Engineer with details including the Crypt or Niche space being transferred, the name and address of transferee, the consideration to be paid for transfer of the Licence, and such other information as the Municipal Engineer may reasonably request. The provision of such information shall not bind the District to accept or permit the proposed transfer.
5. Upon acceptance by the District of the transfer fee prescribed in Schedule C of this Division, and upon compliance with the requirements of this Division by the Licence holder and the person

to whom the Licence is to be transferred, the Municipal Engineer shall effect the desired transfer by an endorsement upon the Licence and shall record the transfer in the books or other records kept for that purpose.

Columbarium

6. Where the holder of a Licence for Columbarium Space in the Cemetery Columbarium wishes to transfer that Licence to another person, they shall first provide the Municipal Engineer with details including the Crypt space being transferred, the name and address of transferee, the consideration to be paid for transfer of the Licence, and such other information as the Municipal Engineer may reasonably request. The provision of such information shall not bind the District to accept or permit the proposed transfer.
7. Upon acceptance by the District of the transfer fee prescribed in Schedule C of this Division, and upon compliance with the requirements of this Division by the Licence holder and the person to whom the Licence is to be transferred, the Municipal Engineer shall effect the desired transfer by an endorsement upon the Licence and shall record the transfer in the books or other records kept for that purpose.

Subdivision 8 - Licence Regulations

- 7.4.8. 1. All Licences issued for use of space in the Cemetery shall be subject to the provisions of this Division and the *Cremation, Interment and Funeral Services Act*.

Subdivision 9 - Fees and Charges

- 7.4.9. 1. The fees for Exhumation, Interment, Disinterment, use of grave space and care of graves, and the charges for goods offered for sale by the District for use in the Cemetery, and any other Cemetery fees shall be those set out in Schedule C of this Division of this Division.
2. The fees set out in Schedule C of this Division to this Division shall be paid at the District Offices at the time of purchasing a Licence or Permit, or any goods or services sold by the District in connection with the operation of the Cemetery.

Subdivision–10 - Size of Grave Spaces

- 7.4.10. 1. The size of grave spaces in any Cemetery expansion shall be:

Adult - 1.5 m x 3.0 m	Infant - 1.3 m x 1.3 m
Child - 1.3 m x 2.0 m	Cremated Remains - 0.6 m x 0.6 m

Subdivision–11 - Permission to Inter, Disinter or Exhume

- 7.4.11. 1. No Interment, Disinterment, or Exhumation of Human Remains or Cremated Remains shall occur in the Cemetery, Cemetery Mausoleum, or Cemetery Columbarium until a Permit has been obtained from the District and the appropriate fee as specified in Schedule C has been paid to the District, except as may be permitted under the terms of section 7.4.13. of the *Kitimat Municipal Code*.

Subdivision 12 – Interment

- 7.4.12. 1. Deleted by Bylaw No. 2060, 2024.
2. All applications for a Permit must be made to the Municipal Engineer at the District municipal office during regular business hours at least forty-eight (48) hours prior to Interment in accordance with the *Cremation, Interment and Funeral Services Act*. Except as may be permitted under Subdivision 7.4.13.
3. Any person who makes application for a Permit or who requires an Interment to be made, shall provide the Municipal Engineer with information in accordance with the *Cremation, Interment and Funeral Services Act* and any other information which it is reasonable for the Municipal Engineer to request.
4. No person shall be granted a Permit to inter in an area of the Cemetery which Council has reserved under the provisions of Section 7.4.4. of the *Kitimat Municipal Code* except in accordance with Section 7.4.4. of the *Kitimat Municipal Code*.
5. Interment will be done in accordance with the *Cremation, Interment and Funeral Services Act*.

Subdivision–13 - Health Officer Direction

- 7.4.13. 1. Deleted by Bylaw No. 2060, 2024.
2. Deleted by Bylaw No. 2060, 2024.
3. Deleted by Bylaw No. 2060, 2024.
4. Where an order is issued by the Health Officer in accordance with the *Cremation, Interment and Funeral Services Act*, the District will follow the direction of the Health Officer.

Subdivision–14 – Exhumation, Disinterment, removal/Reinterment

- 7.4.14. 1. Exhumation, Disinterment and removal/Reinterment of Human Remains shall be done in accordance with the *Cremation, Interment and Funeral Services Act*.
2. The applicant of the Exhumation, Disinterment and removal/Reinterment of Human Remains shall arrange and pay for the services of a licensed funeral home in addition to District fees as set out in Schedule C of this Division.

Subdivision–15 - Cremation

- 7.4.15. 1. No person shall bury, cremate, or otherwise dispose of Human Remains, or bury or otherwise dispose of Cremated Remains within the municipal boundary of the District except in accordance with *Cremation, Interment and Funeral Services Act*.

Subdivision–16 - Interment in the Cemetery

- 7.4.16. 1. Only Human Remains or Cremated Remains shall be interred in the Cemetery and all Interments shall be subject to and comply with the provisions of this Division.
2. The holder of a Licence or Permit in the Cemetery shall not permit an Interment to be made in the Cemetery space to which the Licence refers, nor transfer or dispose of the said Cemetery space to another person, group or organization, except in accordance with this Division.
3. Deleted by Bylaw No. 2060, 2024.
4. Deleted by Bylaw No. 2060, 2024.
5. Each Interment in the Cemetery, other than the Interment of Cremated Remains, shall provide for not less than one (1) metre of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket or grave liner enclosing the Human Remains in the grave.
6. Only one Human Remain is to be interred in each grave space in the Cemetery.
7. Notwithstanding Section 7.4.16.6 of the *Kitimat Municipal Code* the Interment of up to two Cremated Remains may be made in the area above the interred Human Remains. Where two Cremated Remains are interred, one Memorial marker for single grave plots is allowed.

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8. Each Interment of Cremated Remains shall be interred in the Cemetery:
 - a) in a container encased in concrete not less than 40 mm thick, and shall be buried in the grave not less than 0.6 m deep; or
 - b) Notwithstanding 7.4.16.8(a) of the *Kitimat Municipal Code*, where the concrete encased container of Cremated Remains is used as a foundation-base for a tablet memorial installed on the grave, the container may be buried according to the requirements of Section 7.4.21. of the *Kitimat Municipal Code*.
 9. A grave liner meeting the District's requirements shall be used for each Interment, except where Cremated Remains are interred according to the requirements of Section 7.4.16.8 of the *Kitimat Municipal Code*.
 10. No person shall inter any Human Remains or Cremated Remains in the Cemetery except:
 - a) between the hours of 10:00 a.m. and 2:00 p.m.; or
 - b) as directed in writing by the Municipal Engineer; or
 - c) in accordance with Section 7.4.13 of the *Kitimat Municipal Code*.
 11. No person shall inter any Human Remains or Cremated Remains in the Cemetery on Saturday or Sunday or any Statutory Holiday without:
 - a) the written permission of the Municipal Engineer; or
 - b) in accordance with Section 7.4.13 of the *Kitimat Municipal Code*.
 12. No grave shall be dug or opened by any person except as authorized by the Municipal Engineer.

Subdivision–17 - Mausoleums and Above-ground Vaults

- 7.4.17. 1. A License for Mausoleum Space or Mausoleum Interment Permit will be issued in accordance with this Division and the following:

Interment in the Mausoleum

- (a) Arrangements for Interment in the Cemetery Mausoleum will be made in accordance with section 7.4.12 of the *Kitimat Municipal Code*.
- (b) No person shall inter any Human Remains or Cremated Remains in the Cemetery Mausoleum except:
 - a) between the hours of 10:00 a.m. and 2:00 p.m.; or
 - b) as directed in writing by the Municipal Engineer.

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- (c) No person shall inter any Human Remains or Cremated Remains in the Mausoleum on Saturday or Sunday or any Statutory Holiday without the written permission of the Municipal Engineer.
 - (d) No sale, assignment or transfer of Crypts and Niches or of rights of Interment therein, shall be made without the written consent of the Municipal Engineer which consent will not be withheld unreasonably.
 - (e) An assignment or transfer of Interment rights for Crypts and Niches may be made by the owner of such rights. After an Interment has been made in a Crypt, no assignment or transfer will be permitted.
 - (f) Deleted by Bylaw No. 2060, 2024.
 - (g) The fees for Interment and Disinterment, use of Crypts and Niches, installations of Memorials and any other fees are as set out in Schedule C of this Division.
 - (h) All Interments, Disinterments and removals from Crypts and Niches shall be done in accordance with this Division and the *Cremation, Interment and Funeral Services Act*.

Caskets and Urns

- (i) External dimensions of a casket to be placed in any Crypt shall not exceed 61 cm (2'0") high by 76 cm (2'6") wide by 221 cm (7'3") long.
- (j) Urns to be placed into outside Niches shall be made of metal, stone or porcelain or plastic and shall be manufactured for the express purpose of containing Cremated Remains. The number of urns contained within an outside Niche is limited only by the size of the urns and the size of the Niche. A maximum of two Memorial markers are permitted for each outside Niche regardless of the number of urns contained therein.
- (k) Urns to be placed into inside Niches shall be made of bronze metal. Inside Niches are designed to contain four (4) or two (2) urns. An inside Niche shall contain no more than the maximum number of urns for which it is designed.

Mausoleum General

- (l) No Memorial marker shall be placed or installed until after Interment. Memorial marker fees are as set out in Schedule C of this Division. Payment of all applicable fees shall be payable before installation of a Memorial marker.

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- (m) Cemetery Mausoleum Memorials shall be in the form as set out in this Division.
 - (n) All improvements, alterations and embellishments of Crypts or Niches or areas in the Cemetery Mausoleum shall be done in accordance with this Division. Improvements, alterations and embellishments made contrary to this Division shall be removed, without notice, at a charge to the Crypt or Niche owner. The District may remove items placed in the Cemetery Mausoleum where considered to be detrimental to the beauty of the Cemetery Mausoleum or their presence impedes maintenance. The District assumes no responsibility for items removed under this Division.
 - (o) No person may visit the Cemetery Mausoleum except in accordance with section 7.4.22.9 of the *Kitimat Municipal Code*.
 - (p) Deleted by Bylaw No. 2060, 2024.
 - (q) Wherever in the rules and regulations of a cemetery such terms as interment, burial, lot, etc. appear, these terms shall be extended in meaning to include corresponding terms as are applicable to crypt or niche spaces.
 - (r) No person shall be permitted to burn incense or candles or other flammable products in the Cemetery Mausoleum at any time.
 - (s) The Interment of one casket only is permitted in each Crypt. Notwithstanding, one Cremated Remains may be interred in a Crypt in addition to a casket so long as the Interment of the Cremated Remains is done at the same time as or prior to the Interment of the casket.

Mausoleum Memorials

2. Cemetery Mausoleum Memorials shall be allowed in accordance with Schedule F of this Division and the following:

(a) Flowers

Containers shall hold artificial flowers only and must be permanently affixed to the Shutters of Crypts and may be used only if such container has been specifically manufactured for this purpose and is made of a bronze alloy.

(b) Inscriptions

Memorial must comply with Schedule F of this Division.

(c) Crypt Name Plate

Crypt Name Plate must comply with Schedule F of this Division.

(d) Niche Name Plate

Niche Name Plate must comply with Schedule F of this Division.

(e) Memorial Wall Plate

Memorial Wall Plate must comply with Schedule F of this Division.

(f) Crypt Portraits

Only pictures of the deceased are allowed to be affixed to the face of a Crypt or outside Niche. The pictures must be in a frame 5.7 cm (2"1/4") by 7 cm (2"3/4") cast in bronze alloy, manufactured specifically for this purpose.

(g) Glass Niches

The names of deceased shall be engraved at the discretion of the owner of the Niches. Name plates made of bronze coloured plastic with black engraved lettering may be placed inside the glass Niche adjacent or in front of each urn. No opportunity exists for exterior Memorial markers on glass Niches.

Subdivision–18 - Cemetery Caretaker

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|--------|----|---------------------------------|
| 7.4.18 | 1. | Deleted by Bylaw No. 2060, 2024 |
| | 2. | Deleted by Bylaw No. 2060, 2024 |

Subdivision–19 - Administration

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|---------|----|--|
| 7.4.19. | 1. | The Municipal Engineer shall maintain records in accordance with the <i>Cremation, Interment and Funeral Services Act</i> . |
| | 2. | The Municipal Engineer is hereby authorized on behalf of the District and subject to the provisions of this Division to establish the form of and grant a Licence. |
| | 3. | The Municipal Engineer is hereby authorized on behalf of the District and subject to the provisions of this Division to establish the form of and grant a Permit. |
| | 4. | Deleted by Bylaw No. 2060, 2024. |

Subdivision–20 - Cemetery Care Fund

- 7.4.20.
1. A fund shall be established to be known as the Cemetery Care Fund and such fund shall be administered in accordance with the requirements of the *Cremation, Interment and Funeral Services Act*.
 2. Deleted by Bylaw No. 2060, 2024.
 3. Licences for Cemetery space sold shall be subject to the Cemetery Care Fund.
 4. On all Permits or Licences for Cemetery space the amount required to be used for Cemetery Care Fund purposes shall be specified in Schedule C of this Division.
 5. On any Permit or Licence sold prior to installation by any person a Memorial shall pay to the District a \$10.00 fee to the Cemetery Care Fund.
 6. Deleted by Bylaw No. 2060, 2024.
 7. Deleted by Bylaw No. 2060, 2024.
 8. Deleted by Bylaw No. 2060, 2024.
 9. Deleted by Bylaw No. 2060, 2024.
 10. The District may exercise its option of reclamation of right of Interment previously sold in accordance with the *Cremation, Interment and Funeral Services Act*.
 11. Unless otherwise noted, the Cemetery Care Fund is established at 25 (Twenty-five) percent.

Subdivision 21 - Memorials

- 7.4.21.
1. Deleted by Bylaw No. 2060, 2024.
 2. No grave or grave space in the Cemetery shall be defined by a fence, hedge, or railing, and no Memorial other than as specified in 7.4.21.3. of the *Kitimat Municipal Code* may be installed on a grave.

3. A tablet type Memorial may be installed on a grave in the Cemetery provided the installation fee, as set out in Schedule C of this Division, is paid and conforms to the following:
- a. each Memorial tablet shall be installed in a position on the grave as directed by the Municipal Engineer and shall have its top surface set level and flush with the surface of the surrounding ground;
 - a.1 a memorial tablet must be made of stone or bronze;
 - b. each bronze Memorial tablet shall be attached to a concrete base not less than 10 cm (4") thick, with side surfaces true and perpendicular with top surface of the attached tablet;
 - c. each stone Memorial tablet shall be not less than 10 cm (4") thick and shall have its side surfaces true and perpendicular with its top surface;
 - d. except as permitted otherwise in 7.4.21.3.e. the top surface of Memorial tablets and concrete bases shall measure as follows:

MAXIMUM SIZE (in mm)

(1)	on single grave plots	400 X 710
(2)	on two grave plots	400 X 1120
(3)	on cremation plots:	
	single	250 X 410
	double (one plot)	300 X 510
	double (two plots)	310 X 710

- e. a bronze Memorial tablet intended for installation on the grave of an adult or Child may be smaller than its concrete base provided the concrete base conforms to the size for the grave as required by 7.4.21.3.d. of the *Kitimat Municipal Code* above, and provided the part of the base extending beyond the tablet does not exceed 5 cm (2") wide and has a smooth, slightly bevelled surface to shed water at its outer edges;
- f. one Memorial tablet per interment may be installed on each grave, but where two related persons are buried side by side in adjacent graves, one tablet which provided for the memorialization of both persons may be used instead of two separate tablets provided the single tablet so used is set to embrace evenly the two graves concerned;

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- g. on a Cremated Remains size grave a Memorial base which conforms to the requirements of 7.4.21.3.d. and which supports either a stone or bronze tablet, may enclose one or two containers of Cremated Remains, as permitted by the terms and requirements of 7.4.16.8.

Subdivision 22 - General

- 7.4.22.
1. Cut flowers, wreaths and floral offerings may be placed on graves, but may be removed by the Caretaker when the condition is considered to be detrimental to the beauty of the Cemetery, or the presence impedes maintenance.
 2. No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery, other than an employee of the District authorized by the Municipal Engineer.
 3. All persons are prohibited from damaging or defacing any Memorial, fence, gate or structure in the Cemetery, or any improvements in the Cemetery.
 4. No person shall enter the Cemetery in a vehicle after sunset, or drive a vehicle in the Cemetery at any time at a speed of more than 16 km/h (10 mph) and all vehicles and their drivers, while in the Cemetery grounds, shall be subject to the reasonable directions and orders of the Caretaker.
 5. No person shall solicit orders for markers, tablets, Memorials, curbing, cappings, or like works within the limits of the Cemetery.
 6. All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Caretaker, but any person not behaving with proper decorum within the Cemetery, or disturbing the quiet and good order of the Cemetery, may be evicted therefrom by the Caretaker.
 7. Except in accordance with Section 47(b) the *Cremation, Interment and Funeral Services Act*, no person shall discharge firearms, other than during of a military funeral service, in the Cemetery. Notice in writing to the Municipal Engineer of a military funeral service is required.
 8. No person shall interfere at the Cemetery in accordance with section 47 of the *Cremation, Interment and Funeral Services Act*.
 - 8.1 No person shall disturb or interfere with persons in accordance with section 48 of the *Cremation, Interment and Funeral Services Act*.

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9. No person shall enter or remain in the Cemetery during a period not within the posted visiting hours. In the absence of posted visiting hours, no person shall enter or remain in the Cemetery in accordance with section 49(1)(b) of the *Cremation, Interment and Funeral Services Act*.
 - 9.1 A person or persons restricted by the Municipal Engineer in accordance with section 49(2) of the *Cremation, Interment and Funeral Services Act* shall comply with the direction of the Municipal Engineer.
 10. Notwithstanding anything herein contained, the administration and operation of the Cemetery shall be carried out at all times in accordance with the *Cremation, Interment and Funeral Services Act*.
 11. No person shall be permitted to burn incense or candles or other flammable products in the Cemetery at any time.

Subdivision 23 - Columbarium

- 7.4.23 1. A Licence for Columbarium Space or Columbarium Interment Permit will be issued in accordance with this Division and the following:

Interment in the Columbarium

- (a) Arrangements for interment in the Cemetery Columbarium will be made in accordance with section 7.4.12 of the *Kitimat Municipal Code*.
- (b) No person shall inter any Cremated Remains in the Cemetery Columbarium except:
 - a) between the hours of 10:00 a.m. and 2:00 p.m.; or
 - b) as directed in writing by the Municipal Engineer.
- (c) No person shall inter any Cremated Remains in the Cemetery Columbarium on Saturday or Sunday or any Statutory Holiday without the written permission of the Municipal Engineer.
- (d) No sale, assignment or transfer of Niches or of rights of Interment therein, shall be made without the written consent of the Municipal Engineer which consent will not be withheld unreasonably.
- (e) An assignment or transfer of Interment rights for Niches may be made by the owner of such rights. After an Interment has been made in a Niche, no assignment or transfer will be permitted.

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- (f) The fees for Interment and Disinterment, use of Niches, installations of Memorials and any other fees are as set out in Schedule C of this Division.
 - (g) All Interments, Disinterments and removals from Niches shall be done in accordance with this Division and the *Cremation, Interment and Funeral Services Act*.

Urns

- (h) Urns shall be made of metal, stone or porcelain or plastic and shall be manufactured for the express purpose of containing Cremated Remains.
- (i) Niches are designed to contain four (4) urns. A Niche shall contain no more than the maximum number of urns for which it is designed.

Memorial

- (j) Memorials, as set out in Schedule G of this Division, are permitted.

Columbarium General

- (m) No Cemetery Columbarium marker shall be placed or installed until after Interment. Memorial marker fees are as set out in Schedule C of this Division. Payment of all applicable fees shall be payable before installation of a Memorial marker.
- (n) Cemetery Columbarium Memorials shall be in the form as set out in this Division.
- (o) All improvements, alterations and embellishments of Niches or area around the Cemetery Columbarium shall be done in accordance with this Division. Improvements, alterations and embellishments made contrary to this Division shall be removed, without notice, at a charge to the Niche owner. The District may remove items placed by the Cemetery Columbarium where considered to be detrimental to the beauty of the Cemetery or their presence impedes maintenance. The District assumes no responsibility for items removed under this Division.
- (p) No person may visit the Cemetery Columbarium except in accordance with section 7.4.22.9 of the *Kitimat Municipal Code*.
- (q) Wherever in the rules and regulations of a cemetery such terms as interment, burial, lot, etc. appear, these terms shall

be extended in meaning to include corresponding terms as are applicable to Niche spaces.

Columbarium Memorials

2. Cemetery Columbarium Memorials shall be allowed in accordance with Schedule G of this Division and the following:

(a) Flowers

Cut flowers, wreaths and floral offerings may be placed in the designated area, but may be removed by the Caretaker when the condition is considered to be detrimental to the beauty of the Cemetery, or the presence impedes maintenance.

(b) Niche Name Plate and Photograph

Niche Name Plate and Photographs must comply with Schedule G of this Division.

3. No person shall tamper, remove, or otherwise dispose of Cemetery Columbarium Memorials.

Subdivision 24 – Board of Cemetery Trustees

1. The District of Kitimat has established itself as a Board of Trustees in accordance with *Cremation, Interment and Funeral Services Act*.

SCHEDULE A

Deleted by Bylaw No. 2060, 2024.

SCHEDULE B

Deleted by Bylaw No. 2060, 2024.

SCHEDULE C

DISTRICT OF KITIMAT

FEES

A. CEMETERY

1. Grave Space Fees

Total Fee

Adult size (including Care Fund contribution of \$52.50)	\$210.00
Adult size - non resident (including Care Fund contribution of \$68.75)	\$275.00
Child size (including Care Fund contribution of \$28.75).....	\$115.00
Child size - non resident (including Care Fund contribution of \$42.50)	\$170.00
Infant size (including Care Fund contribution of \$26.25)	\$105.00
Infant size - non resident (including Care Fund contribution of \$40.00)	\$160.00
Cremated remains size (including Care Fund contribution of \$23.75)	\$95.00
Cremated remains size - non resident (including Care Fund contribution of \$37.50)	\$150.00

2. Services

Opening and closing grave for burial

Adult size	\$230.00
Child size	\$195.00
Infant size	\$150.00
Cremated remains size	\$90.00

Disinterment/exhumation (administration fee) \$50.00
 (NB: Services of licenced funeral home are in addition
 to above disinterment/exhumation fee.)

Burials after 2:00 p.m. Monday to Friday – extra	\$ 70.00
Burials on Saturday - extra	\$275.00
Burials on Sunday or Statutory Holiday - extra	\$325.00
Installation of Memorials (including \$10.00 Care Fund contribution)	\$55.00
Transfer of Licence	\$35.00

3. Goods

Grave Liners: wooden rough box- Adult	\$160.00
- Child.....	\$115.00
- Infant or Ashes	\$40.00
Concrete Base for Bronze Tablets	\$45.00

SCHEDULE C (Continued)**B. CEMETERY MAUSOLEUM****1. Crypt & Niche Space Fees**

Section A (same price list applies to Section B & varying levels)
(below prices include 28% Care Fund contribution - GST is extra)

Westminster (must be purchased with abutting Level 1 crypt)

A-1-W/M	\$ 8,000.00	A-4-W/M	\$18,500.00
A-2-W/M	\$ 8,000.00	A-5-W/M	\$ 8,000.00
A-3-W/M	\$18,500.00	A-6-W/M	\$ 8,000.00

Lounge (Level 1)

A-1-1	\$10,000.00
A-2-1	\$10,000.00
A-3-1	\$23,500.00
A-4-1	\$23,500.00
A-5-1	\$10,000.00
A-6-1	\$10,000.00

Level 3

A-1-3	\$10,975.00
A-2-3	\$10,975.00
A-3-3	\$24,500.00
A-4-3	\$24,500.00
A-5-3	\$10,975.00
A-6-3	\$10,975.00

Level 2

A-1-2	\$10,975.00
A-2-2	\$10,975.00
A-3-2	\$24,500.00
A-4-2	\$24,500.00
A-5-2	\$10,975.00
A-6-2	\$10,975.00

Level 4

A-1-4	\$10,000.00
A-2-4	\$10,000.00
A-3-4	\$23,500.00
A-4-4	\$23,500.00
A-5-4	\$10,000.00
A-6-4	\$10,000.00

Inside Niches Bank A-D

Level 1	\$2,165.00
Level 2	\$2,265.00
Level 3-6	\$2,365.00
Level 7	\$2,165.00
Level 8	\$2,065.00
Level 9	\$1,865.00
Level 10	\$1,765.00

Outside Niches Bank A-D

Level 1	\$1,765.00
Level 2	\$1,865.00
Level 3-5	\$1,965.00
Level 6	\$1,865.00
Level 7	\$1,765.00
Level 8	\$1,665.00

2. Services**Crypt**

(a) Interment	\$400.00
(b) Interment after 2:00 p.m., Monday to Friday	\$200.00 (additional)
(c) Interment Saturday, Sunday or Statutory Holidays	\$400.00 (additional)
(d) Remove and reinstall shutter	\$ 90.00

SCHEDULE C (Continued)B. CEMETERY MAUSOLEUM (Continued)

(e) Attachment of each item to shutter:	
i) name bar	\$ 50.00
ii) pictures	\$ 50.00
iii) flower vase	\$ 50.00
iv) lights	\$ 50.00
(\$50 each to a maximum of \$150.00).	
(f) Disinterment/Exhumation	\$750.00
(NB: Services of licenced funeral home are in addition to above disinterment/exhumation fee.)	
(g) Transfer of Licence	\$ 50.00

Niche

(a) Interment	\$105.00
(b) Interment after 2:00 p.m., Monday to Friday	\$175.00 (additional)
(c) Interment Saturday, Sunday or Statutory Holidays	\$350.00 (additional)
(d) Remove shutter	\$ 40.00
(e) Attach Name plate	\$ 50.00 per plate
(f) Disinterment/Exhumation	\$250.00
(NB: Services of licenced funeral home are in addition to above disinterment/exhumation fee.)	
(g) Transfer of Licence	\$ 50.00

Memorial Wall Service (Gross to Customer)

(a) Bronze Standardized Nameplate	\$365.00
(b) Space Reserve on Memorial Wall	200.00
(c) Installation of Nameplate onto Wall	<u>50.00</u>
Total Price to Customer	<u>\$615.00</u>

Distribution of Revenues

i. Name Bar Gross Price	\$365.00
Accruing to DOK 5% Admin Fee	(18.25)
Accruing to Evergreen	<u>\$346.75</u>
ii. Space on Reserve on Memorial Wall	\$200.00
Accruing to DOK 5% Admin Fee (200 x .05)	(10.00)
Accruing to Perpetual Care Fund 28% (200 x .28)	(56.00)
Accruing to Evergreen	<u>134.00</u>
Total to Evergreen	<u>\$480.75</u>

SCHEDULE C (Continued)B. CEMETERY MAUSOLEUM1. Niche Space Fees

- (a) Niche Space \$1,350.00*
 *price includes 25% Cemetery Care Fund contribution, price does not include taxes

2. Services

Prices below do not include taxes, if applicable.

Niche

- (a) Minimum Interment Fee \$250.00*
 (i) Interment after 2:00 p.m., Monday to Friday \$125.00
 (ii) Interment Saturday, Sunday or Statutory Holiday \$500.00
 (b) Remove Shutter \$40.00
 (c) Attach Name Plate \$120.00**
 (d) Disinterment/Exhumation \$250.00
 (e) Transfer of Licence \$50.00

*Additional Interment Fees may apply – see C. Columbarium 2(a)(i) and 2(a)(ii)

**An additional \$10.00 Cemetery Care Fund fee will be charged.

C. CEMETERY COLUMBARIUM

1. Niche Space Fees

- (a) Niche Space \$1,350.00*
*price includes 25% Cemetery Care Fund contribution, price does not include taxes

2. Services

Prices below do not include taxes, if applicable.

Niche

- (a) Minimum Interment Fee \$250.00*
 - (i) Interment after 2:00 p.m., Monday to Friday \$125.00
 - (ii) Interment Saturday, Sunday or Statutory Holiday \$500.00
- (b) Remove Shutter \$40.00
- (c) Attach Name Plate \$120.00**
- (d) Disinterment/Exhumation \$250.00
- (e) Transfer of Licence \$50.00
- (f) Attach Photograph \$60.00**

*Additional Interment Fees may apply – see C. Columbarium 2(a)(i) and 2(a)(ii)

**An additional \$10.00 Cemetery Care Fund fee will be charged.

MISCELLANEOUS FEES

Administrative Fee to Order Cemetery Columbarium Memorial..... \$70.00

SCHEDULE D Deleted by Bylaw No. 2060, 2024

SCHEDULE E

Deleted by Bylaw No. 2060, 2024

SCHEDULE F

DISTRICT OF KITIMAT

CEMETERY MAUSOLEUM MEMORIALS

This Schedule provides specifications to standardize approved Cemetery Mausoleum Memorials for installation in the Cemetery Mausoleum Niches, Crypts, and Memorial Wall. The following attachments give dimensions and font for approved name plates.

1. Crypt Name Plate
2. Outside Niche Name Plate
3. Memorial Wall Name Plate

FAMILY
GIVEN NAMES HERE
YOB **YOD**

Name Casting for Kitimat Mausoleum, Crypts and Lounges

Notes:

1. Font: Arial
2. Material: Cast Bronze low luster polish
3. Colour Finish: Bronze with dark brown bars
4. Family Name letter size: 1- ½ inches
5. Given Name letter size: 1- 0 Inches
6. Date number size: 0- 3/4 inches
7. Bar width: 0- 5/8 inches
8. Space between upper bar and given name: 0- 5/8 inches
9. Maximum length of Casting: 27-0 inches
10. May only contain text noting Surname, Given Name(s), initials of Given Names (or combination thereof), Year of Birth (YOB) and Year of Death (YOD). Text must be hand chased and polished
11. Must be true and free from defects and roughness
12. Must be secured by chemical means

2. Outside Niche Name Plate

Kitimat Mausoleum - Bronze Casting for Outside Niches

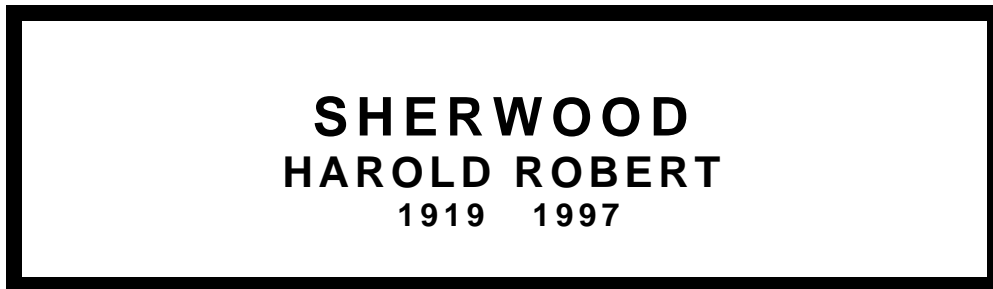
Option Number 1
Separate Family Names
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch



Option Number 2
Same Family Name
Family Name letter size: 3/4 inch
Given Names: 3/8 inch
Dates: 3/8 inch



Option Number 3
Single Cremation Nameplate
Family Name letter size: 3/4 inch
Given Names: 1/2 inch
Dates: 1/2 inch



Notes:

-
1. Font: Arial
 2. Material: Bronze
 3. Colour Finish: Bronze letters and numbers with dark brown background
 4. Total casting dimensions: 10 inches by 4 inches
 5. Family Name letter size: Depending on option selected
 6. Given Name letter size: Depending on option selected
 7. Date number size: Depending on option selected
 8. May only contain text noting Family Name, Given Name(s), Initials of Given Names (or combination thereof), Year of Birth (YOB) and Year of Death (YOD).
 9. Text must be hand chased and polished.
 10. Must be true and free from defects and roughness
 11. Must be secured by chemical means

3. Memorial Wall Name Plate

Kitimat Mausoleum

Name bar for memorial wall

YOB GIVEN AND FAMILY NAMES YOD

Notes

1. Font: Arial
2. Material: Cast Bronze
3. Colour Finish: Bronze letters and numbers with dark brown mount
4. Letter size: 1-0 inches
5. Number size: 0-3/4 inches
6. Bar underline width: 0-1/4 inches
7. Maximum length of total bar: 22 inches
8. May only contain text noting Surname, Given Name(s), initials of Given Names (or combination thereof), Year of Birth (YOB) and Year of Death (YOD).
9. Text must be hand chased and polished
10. Must be true and free from defects and roughness
11. Must be secured by chemical means

SCHEDULE GDISTRICT OF KITIMATCEMETERY COLUMBARIUM MEMORIALS

This Schedule provides specifications to standardize approved Cemetery Columbarium Memorials. Please see Schedule F for specifications of Niches within the Cemetery Mausoleum.

Columbarium Niche Name Plate

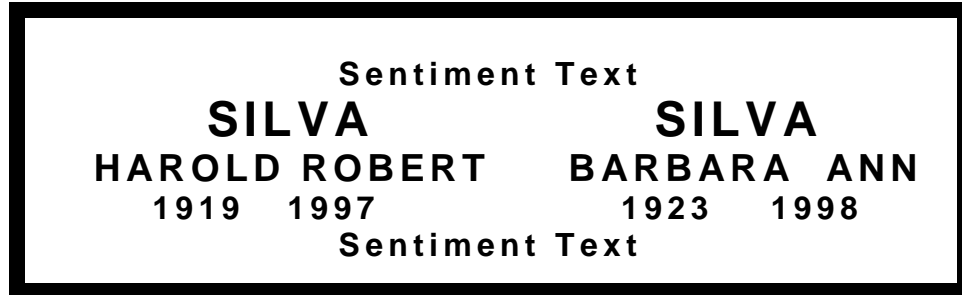
1. Font: Arial
2. Material: Bronze
3. Colour Finish: Bronze letters and numbers with dark brown mount
4. Total casting dimensions: 10 inches by 4 inches
5. Family Name letter size: See below
6. Given Name letter size: See below
7. Date number size: See below
8. Sentiment Text Size: See below
9. May only contain text noting Family Name, Given Name(s), Initials of Given Names (or combination thereof), Year of Birth (YOB) and Year of Death (YOD) and two lines of sentiment.
10. Text must be hand chased and polished.
11. Must be true and free from defects and roughness
12. Must be secured by chemical means

Columbarium Photograph

1. Total casting dimensions: 10 inches by 4 inches
2. Frame Size: 4.7 inches x 3.5 inches
3. Frame Shape: Oval
4. Frame Material: Bronze
5. Other: Specifically designed for this purpose

Columbarium - Bronze Casting for Niches

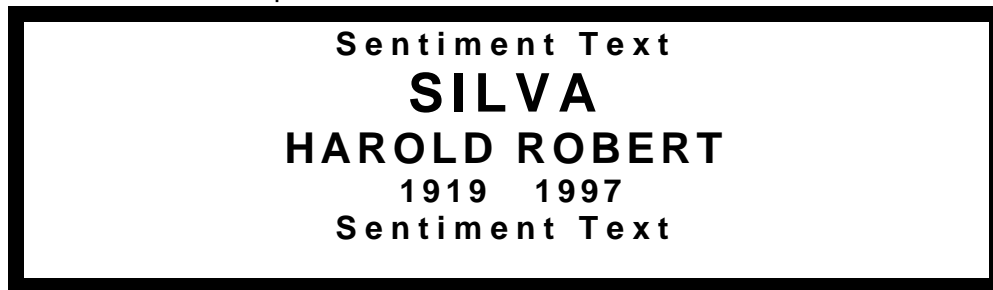
Option Number 1
Separate Family Names
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch



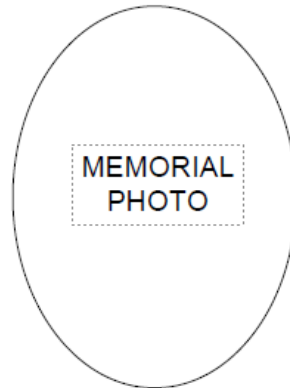
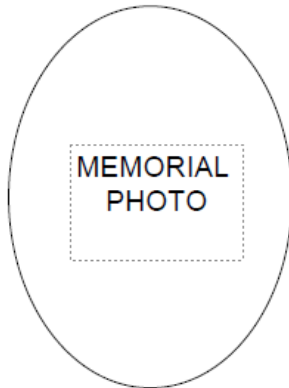
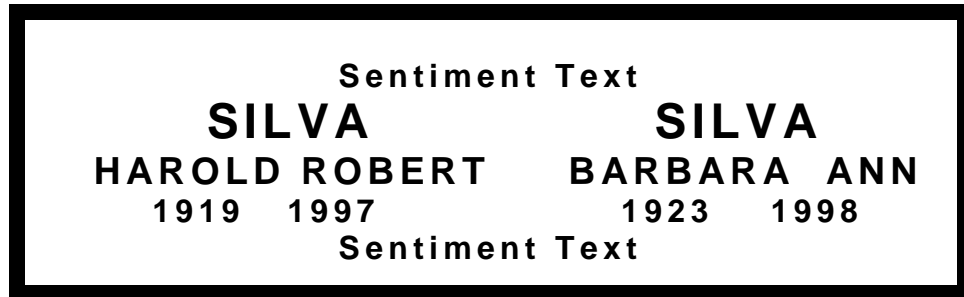
Option Number 2
Same Family Name
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch

Sentiment Text
SILVA
HAROLD ROBERT BARBARA ANN
1919 1997 1923 1998
Sentiment Text

Option Number 3
Single Cremation Nameplate
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch

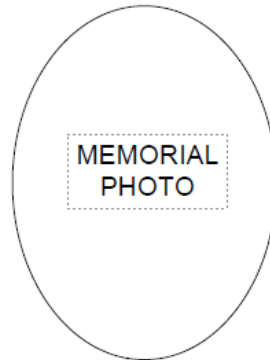


Option Number 4
Separate Family Names
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch
Photographs: 3.5"x4.7"/each



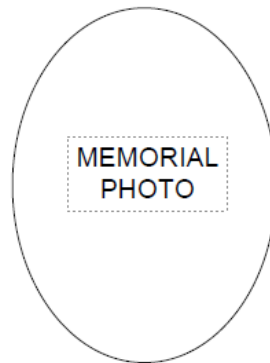
Option Number 5
Same Family Name
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch

Sentiment Text
SILVA
HAROLD ROBERT BARBARA ANN
1919 1997 1923 1998
Sentiment Text



Option Number 6
Single Cremation Nameplate
Family Name letter size: 5/8 inch
Given Names: 3/8 inch
Dates: 3/8 inch
Optional Sentiment Text: 3/8 inch

Sentiment Text
SILVA
HAROLD ROBERT
1919 1997
Sentiment Text



PART 7 - PUBLIC HEALTH
Division 5 - Open Air Markets

Subdivision 1 - Rental of Stalls

- 7.5.1. 1. Stalls may be rented between the hours of 8:00 A.M. and 5:00 P.M. on Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays, except on public holidays.

Subdivision 2 - Rental Rates

- 7.5.2. 1. Stall rentals shall be FIVE Dollars (\$5.00) per day for each 20 foot stall and THREE Dollars (\$3.00) per day for each 10 foot portion of a stall, such rental to be payable in advance to the Municipal Licence Inspector.

Subdivision 3 - Places of Sale

- 7.5.3. 1. All produce shall be sold from stalls and merchandising from any vehicle is prohibited unless an insufficient number of stalls are available.

Subdivision 4 - Alterations

- 7.5.4. 1. The structure of stalls shall not be moved or altered in anyway.

Subdivision 5 - Health and Sanitation

- 7.5.5. 1. All merchandising shall comply with Provincial Health and Sanitary Regulations and no fresh meat shall be sold or offered for sale.
2. Cured meats, poultry and fish may be sold PROVIDED that adequate cooling facilities are provided.
3. All Foodstuffs, particularly that to be consumed without washing or cooking, shall be protected from vermin, flies and airborne contaminants.
4. All litter and rubbish shall be deposited in rubbish baskets and bins provided and each stall shall be left in a clean and orderly state. Tenants shall be held responsible for any damage, normal wear and tear excepted.

Subdivision 6 - Advertising

- 7.5.6. 1. Signs shall be permitted provided that they are in the form of one name plate, nor exceeding one foot in depth by five feet in length for each ten feet of stall frontage.

PART 7 - PUBLIC HEALTH
Division 6 - Clean Indoor Air

Subdivision 1 - Interpretation

7.6.1. 1. In this Division, unless the context otherwise requires:

"Smoke" or "Smoking" shall include the carrying of a burning cigar, cigarette, pipe or other smoking equipment containing burning tobacco;

"Place of Public Assembly" shall mean a building or structure or portion thereof used for the gathering together of persons for the purpose of education, worship, entertainment, recreation, business or amusement but does not include a restaurant, a reception area or a place where only a private social function is being held;

"Private Social Function" shall mean a special social event for which an entire room or hall has been solely reserved, and at which attendance is limited to people who have been specifically invited or designated by the sponsor, but does not include events which are held privately for the purpose of business, sales or education;

"Restaurant" shall mean a premise where prepared food is served to the public in exchange for money or service; or to which the public has access for the purpose of purchasing prepared food for consumption on the premises;

"Bank" shall include a credit union, trust company or other financial institution;

"Government Office" shall mean an office of the Government of Canada, the Government of the Province of B.C. or the District of Kitimat;

"Personal Services Establishment" shall mean any place or premises in which a person provides a service to or on the body of another person in exchange for money or services and includes but is not limited to, a barber shop, beauty parlour, and health shop;

"Retail Shop" shall mean any place or premises where goods are displayed or offered for sale by retail, but does not include a restaurant;

Subdivision 1 - Interpretation (Continued)

- 7.6.1. 1. "Place of Employment" shall mean any indoor place of work other than:
- a. a private home which also serves as a place of work; or
 - b. a workplace occupied solely by an independent contractor or only by the partners to a partnership;

"Reception Area" shall mean the public space of an office or other establishment used for the receiving or greeting of customers, clients or other persons dealing with such office or establishment;

"Service Line" shall mean an indoor line of two or more persons awaiting service of any kind, and includes but is not limited to sales, transactions, provision of information or advice and the exchange or transfer of money or goods, but includes a service line at a private social function as defined herein;

"Proprietor" shall mean the person or persons who control, govern or direct the activity carried on within the building, place or premises referred to in this bylaw and includes the person actually in charge thereof;

"Post" shall include the act of keeping continuously displayed.

Subdivision 2 - Prohibition

Place of Public Assembly

- 7.6.2. 1. Subject to 7.6.2.2., no person shall smoke in an area being used as place of public assembly.
2. The proprietor of a place of public assembly may designate an area, not to exceed 50% of the total floor area of such place of public assembly as a smoking area.
3. An area designated in accordance with 7.6.2.2. shall not include:
- a. the seating areas in theatres, motion picture theatres, music halls, lecture halls which include classrooms, concert halls, auditoriums, gymnasiums, swimming pools, indoor sporting areas and libraries;

Subdivision 2 - Prohibition (Continued)

- 7.6.2. 3. b. the display areas of museums and art galleries;
- c. an area in which smoking is prohibited by the Fire Commissioner or by any other law, bylaw or regulation; and these areas shall not be included in the calculation of the total floor area.
4. The proprietor of every place of public assembly shall ensure that signs as described in Subdivision 7.6.14. shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.2.1. applies.

Subdivision 3 - Restaurants

- 7.6.3. 1. The proprietor of a restaurant shall display in a conspicuous place so as to be visible to persons at the entrance to the restaurant a sign or signs indicating whether or not a non-smoking section is provided in the restaurant.
- The sign or signs shall consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour with capital letters having an actual height of not less than 5.1 centimetres (2 inches). The sign or signs shall carry one of the following texts as appropriate:
- SMOKING AND NON-SMOKING SEATING AVAILABLE;
- NO NON-SMOKING SEATING; or
- NON-SMOKING SEATING ONLY.
2. Subject to 7.6.3.3. the proprietor of a restaurant may designate non-smoking areas in the restaurant.

Subdivision 3 - Restaurants (Continued)

- 7.6.3. 3. Where a non-smoking area is designated:
- a. the non-smoking area shall be not less than TWENTY-FIVE percent (25%) of the total seating capacity of the restaurant;
 - b. the non-smoking area shall have the seating arranged so as to be contiguous to provide a non-smoking area.
 - c. the proprietor of every restaurant shall ensure that signs as prescribed by Subdivision 7.6.14. are displayed clearly indicating the non-smoking area.

Subdivision 4 - Banks and Government Offices

- 7.6.4. 1. No person shall smoke at or near any public area of a bank or government office.
2. The proprietor of every bank or government office shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.14.1. applies.

Subdivision 5 - Personal Services Establishment

- 7.6.5. 1. The proprietor of a Personal Service Establishment shall display in a conspicuous place so as to be visible to persons at the entrance to the Personal Service Establishment a sign or signs indicating whether or not a non-smoking section is provided in the Personal Services Establishment. The sign or signs shall consist of two contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour with capital letters having an actual height of not less than 5.1 centimetres (2 inches).

Subdivision 5 - Personal Services Establishment (Continued)

- 7.6.5. 1. The sign or signs shall carry one of the following texts as appropriate:
- SMOKING AND NON-SMOKING SEATING AVAILABLE;
NO NON-SMOKING SEATING; or
NON-SMOKING SEATING ONLY.
2. Subject to 7.6.3.3. the proprietor of a Personal Service Establishment may designate non-smoking areas in the Personal Service Establishment.
3. Where a non-smoking area is designated:
- a. the non-smoking area shall be not less than TWENTY-FIVE percent (25%) of the total seating capacity of the Personal Service Establishment;
 - b. the non-smoking area shall have the seating arranged so as to be contiguous to provide a non-smoking area;
 - c. the proprietor of every Personal Service Establishment shall ensure that signs as prescribed by Subdivision 7.6.14. are displayed clearly indicating the non-smoking area.

Subdivision 6 - Retail Stores

- 7.6.6. 1. No person shall smoke in a retail shop or its public restrooms except in a part thereof used as a restaurant or lunch counter subject to Subdivision 7.6.3. or a part of the retail shop used as private work areas by members of the staff.
2. The proprietor of every retail store shall ensure the sign or signs as prescribed by 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.6.1. applies.

Subdivision 7 - Hospitals, Health Clinics and Schools

- 7.6.7. 1. No person shall smoke in a hospital or health clinic or school except in any portion thereof designated as a smoking area by the hospital or health clinic authorities or school authorities.
2. The proprietor of every hospital, health clinic and school shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each area to which 7.6.14.1. applies.

Subdivision 8 - Reception Areas

- 7.6.8. 1. Except as provided in 7.6.8.2, no person shall smoke in a reception area.
2. The proprietor may designate an area of not less than 13 square metres (140 square feet) and not more than FIFTY percent (50%) of the floor area of the reception area for the purpose of smoking.
3. The proprietor of every reception area shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to be clearly visible from all parts of each floor to which 7.6.8.1. applies.

Subdivision 9 - Service Lines

- 7.6.9. 1. No person shall smoke in or near any indoor service line in any premises.

Subdivision 10 - Buses

- 7.6.10. 1. No person shall smoke on a school or public bus.

Subdivision 11 - Elevators, Escalators, and Inside Stairways

- 7.6.11. 1. No person shall smoke in an elevator, or on an inside stairway in any building.
2. The proprietor of every building or any building or part thereof shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise by this bylaw permitted shall be conspicuously posted so as to apply clearly to the areas regulated by 7.6.11.1.

Subdivision 12 - Taxicabs

- 7.6.12. 1. No person shall smoke in a taxicab, except with the consent of all passengers and the driver of the taxicab.
2. The proprietor in any taxicab to which 7.6.12.1. applies shall ensure that a sign or signs as prescribed by Subdivision 7.6.14. hereof or otherwise permitted by this bylaw shall be conspicuously posted so as to be clearly visible from all parts of the taxicab.

Subdivision 13 - Place of Employment

- 7.6.13. 1. Each place of employment shall develop a smoking policy dealing with the places people may smoke in the work place.
2. The policy shall generally deal with the times and places where people may or may not smoke and these decisions and policy implementation are the responsibility of the proprietor.
3. The proprietor shall ensure each employee is aware of the smoking policy and be responsible for ensuring compliance.

Subdivision 14 - Signs

- 7.6.14. 1. For the purposes of this Division "letter height" means the actual height of the letter regardless of whether it is a capital or lower case letter.

Subdivision 14 - Signs (Continued)

- 7.6.14. 2. To be in accordance with this Division, such sign shall:
- a. carry the text "No Smoking" in capital or lower case letters or a combination thereof;
 - b. consist of TWO (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour;
 - c. with respect to size of lettering, to be not less than the following height based upon the maximum viewing distance in direct line of sight for:
 - (1) 3 metres or less, letter height of 2.5 centimetres;
 - (2) 6.1 metres or less, letter height of 5.1 centimetres;
 - (3) 12.2 metres or less, letter height of 7.6 centimetres;
 - (4) 24.4 metres or less, letter height of 10.2 centimetres;
 - (5) 48.8 metres or less, letter height of 15.2 centimetres;
 - (6) 73.1 metres or less, letter height of 20.32 centimetres;
- 7.6.14. 3. Include in the text at the bottom of each sign - Part 7, Division 6 - "Kitimat Municipal Code - Maximum Penalty \$500.00" in letters not less than 1.3 centimetres (½ inch) in height for signs with letter size of 2.5 centimetres (1 inch), and not less than one quarter of the height of the letters for all other sizes of letter.
- 7.6.14. 4. Notwithstanding the provisions of 7.6.14.1., one of the following graphic symbols may be used to indicate "no smoking area". Each symbol shall include the text "Kitimat Municipal Code - Part 7, Division 6" in letters and figures at least FIVE percent (5%) of the diameter of the circle in the symbol and there may be added appropriate symbols, such as directional arrows. Any such symbol shall be on a white background with a circle and interdictory stroke in red, with a cigarette, letters and figures in black, provided such symbol complies with the other provisions of this Subdivision.

NO SMOKING



Part 7, Division 6 - "Kitimat Municipal Code -
Maximum Penalty \$500.00

Subdivision 14 - Signs (Continued)

- 7.6.14. 5. With respect to size of the graphic symbol, the diameter of this circle and the symbol referred to in 7.6.14.4. hereof shall be not less than the number of centimetres prescribed below, based upon the maximum viewing distance and direct line of sight, as follows:
- a. 3 metres or less, 10.2 centimetres;
 - b. 6.1 metres or less, 15.2 centimetres;
 - c. 12.2 metres or less, 20.32 centimetres;
 - d. 24.4 metres or less, 20.32 centimetres;
 - e. 48.8 metres or less, 40.6 centimetres;
 - f. 73.1 metres or less, 61 centimetres;
6. Notwithstanding that the symbol in 7.6.14.3. hereof is a cigarette, it shall include a lighted cigar, cigarette, pipe or other lighted smoking equipment.

Subdivision 15 - Posting

- 7.6.15. 1. In every area where smoking is not permitted under this bylaw, the proprietor shall post or have posted and continue to post a sufficient number of signs, as prescribed in Subdivision 7.6.14., prominently displayed so as to be clearly visible from all points to which such no smoking applies.
2. Where a smoking area has been designated under the Code, such area shall bear a sign or signs "smoking in this area only". Where an area has been so designated, smoking shall be permitted in that area, and such sign shall be prominently displayed so as to be clearly visible from all points to which smoking applies and such signs shall comply with the requirements in 7.6.14.2.
3. This bylaw shall not apply to a private social function.

Subdivision 16 - Offences

- 7.6.16. 1. The proprietor of the premises to which this Division applies shall ensure that the sign or signs prescribed in Subdivision 7.6.14. hereof or otherwise permitted by this Division shall be prominently displayed so as to be clearly visible to persons.
2. Any proprietor who fails or neglects to perform the duty imposed upon him by 7.6.16.1. hereof shall be guilty of an offence and liable to a penalty of not more than \$500.00.
3. Compliance with this Division shall be a condition of maintaining a valid District of Kitimat Business Licence.
4. No person shall smoke in any place or area designated as a non-smoking area under this Division.

Subdivision 17 - Penalty

- 7.6.17. 1. Any person who contravenes the provisions of this Division is guilty of an offence and, on summary conviction, is liable to a fine of not less than \$25.00 and not more than \$500.00 for the first offence; and not less than \$75.00 and not more than \$500.00 for the second offence; and not less than \$150.00 and not more than \$500.00 for the third and subsequent offence.

PART 7 - PUBLIC HEALTH
Division 7 - Restriction of Cannabis, Tobacco, and Controlled
Substance Use in Public Places and Parks

Subdivision 1 – Definitions

7.7.1 “Cannabis” means cannabis as defined in Part 9, Division 1 of the Kitimat Municipal Code

Bylaw 2023, 2023

“Consume Cannabis” means to ingest into your body in a means other than to Smoke or Vape

Bylaw 2023, 2023

“Consume Controlled Substance by Needle” means to ingest into your body a Controlled Substance through a needle

Bylaw 2023, 2023

“Controlled Substance” means the substances listed in Annex A of the Subsection 56(1) Class Exemption for adults in the Province of British Columbia to possess small amounts of opioids, cocaine, methamphetamine and MDMA issued by the Federal Minister of Health effective January 31, 2023

Bylaw 2023, 2023

“Smoke or Vape” includes the following:
(a) smoke or hold lighted cannabis or tobacco;
(b) use or hold a device that is vapourizing Cannabis, Tobacco, or Controlled Substance for inhalation or release into the air

“Tobacco” means tobacco as defined by the Province of British Columbia (in the Tobacco and Vapour Products Control Act) and includes products produced from tobacco in any form or for any use

Subdivision 2 – Restrictions

7.7.2.1 No person shall, in any park or public place, Consume Cannabis or have in their possession any Cannabis unless the said Cannabis is consumed or possessed pursuant to and in compliance with a license issued under the Cannabis Control and Licensing Act.

Bylaw 2023, 2023

7.7.2.2 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle in or on any of the following outdoor public places:

Bylaw 2023, 2023

- (a) a skating rink, sports field, swimming pool, playground or skate park;
- (b) a spray pool or wading pool within the meaning of regulations under the Public Health Act or a splash pad;
- (c) a deck, seating area, viewing area or other place used in association with a place to which paragraph (a) or (b) applies.
- (d) within a 7.5 metre distance from a place described in paragraph (a), (b) or (c)

PART 7 - PUBLIC HEALTH
Division 7 - Restriction of Cannabis, Tobacco, and Controlled Substance Use in Public Places and Parks

7.7.2.3 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle in or on any of the following places:

Bylaw 2023, 2023

- (a) lands designated as park within the District of Kitimat Zoning Bylaw;
- (b) a regional park within the meaning of the Local Government Act;
- (c) an outdoor area established by a local government for purposes of community recreation.
- (d) within a 7.5 metre distance from a place described in paragraph (a), (b) or (c)

7.7.2.4 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle:

Bylaw 2023, 2023

- (a) in or at a transit shelter or bus stop, train station or stop, taxi stand, or similar place marked for passenger loading or unloading, or
- (b) within a 7.5 metre distance from a place described in paragraph (a).

7.7.2.5 A person must not Smoke or Vape a Controlled Substance or Consume Controlled Substance by Needle in any District of Kitimat facility or owned buildings.

Bylaw 2023, 2023

Subdivision 1 – Interpretation

7.8.1. Unless otherwise specified, the following will apply to this Division.

Contaminated Soil means soil, sediment and/or fill material containing substances in quantities or concentrations greater than those specified in provincial environmental quality standards, but which is not a hazardous waste under Hazardous Waste Regulation No. 63/88.

Municipal Engineer means the Director of Engineering Services of the District of Kitimat or their authorized representative.

Owner means the owner or occupier of real property;

Person has the same meaning as defined in the *Interpretation Act*,

Subdivision 2 – Excavated Material

- 7.8.2.
1. No Person shall deposit or cause to be deposited any Contaminated Soil.
 2. No Person shall deposit or cause to be deposited any soil, sand, gravel, rock or other excavated material on any land in the District unless:
 - a. the material originates within the boundaries of the property on which it is deposited and is graded to blend in with the surroundings; or
 - b. the material consists of topsoil or rock being deposited for purposes of establishing a landscaped area; or
 - c. the material is deposited in a location designated by the Municipal Engineer in writing.
 3. The Municipal Engineer in issuing permission provided for in 7.2.8.2. may specify:
 - a. that the applicant produce the written permission of the Owner of the property on which material is to be deposited;
 - b. the maximum elevation to which the material to be deposited may be placed;
 - c. the nature of the material which may be deposited;
 - d. the frequency of grading, compaction, or levelling which will be required.

Subdivision 1 - Interpretation

7.9.1 1. Unless otherwise specified, the following will apply to this Division:

District Container means a container supplied by the District of Kitimat in public spaces for public use while using the public space

Commercial Premise means any business establishment, apartment building or institution including but not limited to schools, churches, and hospitals

Controlled Waste means waste as outlined in Part 7 – Public Health, Division 2 – Solid Waste Disposal of the *Kitimat Municipal Code*

Division means Part 7, Division 9 of the *Kitimat Municipal Code*

Municipal Engineer means the Director of Engineering Services of the District of Kitimat or the authorized representative

Prohibited Waste means waste as outlined in Part 7 – Public Health, Division 2 – Solid Waste Disposal of the *Kitimat Municipal Code*

Restricted Waste means waste as outlined in Part 7 – Public Health, Division 2 – Solid Waste Disposal of the *Kitimat Municipal Code*

Solid Waste Bin means the container owned by or rented to a Commercial Premise for the purpose of collection of Solid Waste

Solid Waste means discarded or abandoned materials, substances or objects but does not include Controlled Waste, Restricted Waste or Prohibited Waste

Subdivision 2 - Containers

7.9.2

District Containers

1. No Person shall place any Controlled Waste, Prohibited Waste, or Restricted Waste in a District Container.

Commercial Premises – Garbage

2. Commercial Premises shall arrange their own Solid Waste collection and disposal.
3. Any Commercial Premise arranging their own collection shall provide, maintain and use in good and sanitary condition a sufficient number of Solid Waste Bins to hold the Solid Waste accumulated by that Commercial Premise and the Solid Waste Bins shall prevent access by bears, other wildlife, or domestic animals.

PART 7 - PUBLIC HEALTH
Division 9 - Commercial Premise Solid Waste

4. Nothing in this Division prevents the Municipal Engineer from approving any number of Commercial Premises to go cooperatively on common Solid Waste Bins for Solid Waste collection.
5. No Solid Waste or Solid Waste Bin from a Commercial Premises shall be stored upon any lane, street, walkway, sidewalk or other public place, unless approved in writing by the Municipal Engineer.