

Kitamaat Village Code

December, 1997

Kitamaat Village Council
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PART 1 - GENERAL PROVISIONS

Title

1. This Code shall be known as the Kitamaat Village Code.

Interpretation

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

"Code" means the Kitamaat Village Code;

"Council" means the Chief Councillor and Councillors of Kitamaat Village;

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

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

"Village" means someone or something pertaining to Kitamaat Village, and all properties and reserves governed by Kitamaat Village Council;

2. a. Words importing the singular number of the masculine gender only shall include the plural and the feminine and the converse.
b. The word "shall" is to be construed as imperative and the word "may" as permissive.

Bylaws

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

PART 1 - GENERAL PROVISIONS

Contents

1. This Code is divided into the following parts relating to the following subjects:
 - PART 1 GENERAL PROVISIONS
 - PART 2 TRAFFIC BYLAW
 - PART 3 EMERGENCY PROGRAM BYLAW
 - PART 4 FIRE PROTECTION BYLAW
 - PART 5 SMOKE ALARM BYLAW
 - PART 6 FIREARMS BYLAW
 - PART 7 DOG CONTROL BYLAW
 - PART 8 NOISE BYLAW
 - PART 9 NUISANCE BYLAW

Maintenance

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

Validity

1. If any part, subdivision, or portion of a provision in the Code shall be held to be invalid, such invalidity shall not affect the remaining portions of it, and such remaining portions shall be read and construed as separate and distinct from the portions so held to be invalid.
2. Where any conflict arises within the Code, the more restrictive provision will govern.
3. The amendment of the Code shall not be deemed to be, or involve, any declaration as to the previous state of the Code.

PART 1 - GENERAL PROVISIONS

Validity (Continued)

4. If in the Code there is a reference to a part or to a number and the Code is subsequently renumbered or amended, then the new part or number shall be incorporated into and replace such part or number, and such part containing such reference shall be deemed to be amended accordingly.

Fines and Imprisonment

1. Every person who violates any of the provisions of the Code or who causes, suffers or permits any act or thing to be done in contravention or violating any of the provisions of the Code or neglects or refrains from doing anything required to be done by any of the provisions of the Code, or carries out or who suffers, causes or permits to be carried out any development prohibited by or contrary to any of the provisions of the Code, or who develops, occupies, maintains or uses any land or building except in a manner specifically permitted in the Code shall be deemed to be guilty of an infraction of the Code and shall be liable to the penalties hereby imposed. For each day that a violation is permitted to exist, it shall constitute a separate offence.
2. Any Justice of the Peace or other Court which convicts any person of an offense against this Code is hereby authorized to impose, for each day or a part of a day upon which such offense was committed:
 - a. a fine or penalty not exceeding \$1000.00 upon such persons, or
 - b. imprisonment for a term not exceeding 30 days, or
 - c. both fine and imprisonment, as in this section provided.
3. That a person has been convicted of an offense of a continuing nature, proved to have occurred on a certain specified date or dates, shall not constitute a defence to a subsequent charge that a similar offense arising out of the same facts, other than the alleged date thereof, has been committed at some subsequent time.

PART 1 - GENERAL PROVISIONS

Fines and Imprisonment (Continued)

4. For the purposes of this section, and without limiting the generality of the word, "person" shall be deemed to include:
 - a. every registered tenant and occupier of real property in connection with which a violation of this Code has been caused or allowed; and
 - b. every architect, designer, builder, contractor, agent, employee or other person who violates or causes to be violated any of the provisions of this Code.
5. Every such person may be found guilty of a separate offense and suffer the fine, penalty, and imprisonment, in this Code provided.

Bylaw Enforcement

1. The Council of the Kitamaat Village may from time to time as it considers necessary appoint a Bylaw Enforcement Officer or Peace Officer for such term as Council may determine.
2. The Bylaw Enforcement Officer or Peace Officer shall:
 - a. receive, attend and investigate complaints from the public regarding alleged infractions of bylaws;
 - b. carry out patrols of the Village in an attempt to detect infractions of bylaws;
 - c. receive and handle general inquiries regarding bylaws and their applications;
 - d. service notices when required.

PART 2 - TRAFFIC BYLAW

1. For the specific purpose of traffic law enforcement, all roads on Kitamaat Indian Reserves are deemed Highways under the Motor Vehicle Act.
2. No person shall drive any vehicle over 30 kilometres per hour upon or along any road.

PART 3 - EMERGENCY PROGRAM BYLAW

Interpretation

1. "Act" shall mean the Emergency Program Act;

"Declaration of a state of local emergency" means a declaration of a local authority or the head of a local authority;

"Disaster" means a calamity that:

- a. is caused by accident, fire, explosion or technical failure, or by the forces of nature, and
- b. requires prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit the damage to property;

"Head of a local authority" means the Chief Councillor of Kitamaat Village Council or a person designated to act in that capacity in the Chief Councillor's absence;

"Local authority" means Kitamaat Village Council.

Local Authority

1. The head of the local authority shall be the Chief Councillor.
2. The local authority:
 - a. may negotiate, subject to ratification by Council, agreements with other governments for mutual local emergency aid;
 - b. may, with the ratification of Council, consider expenditures and provide funds and resources for activities associated with the planning, organization and response to an emergency;
 - c. shall appoint a Kitamaat Village Emergency Plan Coordinator to oversee and coordinate the Program and the Plan with the head of a local authority or delegate;
 - d. shall authorize the Kitamaat Village Emergency Plan Coordinator to organize a Planning Committee consisting of the Kitamaat Village Emergency Plan Coordinator as Chair, the Local authority or delegate, and other individuals they deem necessary;

PART 3 - EMERGENCY PROGRAM BYLAW

Local Authority (Continued)

2. e. shall authorize the Kitamaat Village Emergency Plan Coordinator to organize an Operation Committee consisting of the Kitamaat Village Emergency Plan Coordinator as Chair, the Local authority or delegate, and other individuals they deem necessary;
- f. shall authorize the Kitamaat Village Emergency Plan Coordinator to prepare a comprehensive Kitamaat Village Emergency Plan;
- g. shall be responsible to review and approve the Emergency Program and Plan;
- h. as dictated by the emergency, shall be responsible for directing the evacuation of areas for the safety and well being of the public.

Kitamaat Village Emergency Plan Coordinator

1. The Kitamaat Village Emergency Plan Coordinator:
 - a. shall liaise with the local authority or delegate on all pertinent matters relating to the Program and the Plan;
 - b. shall, with the Planning Committee, coordinate the development and subsequent review of the Plan including its coordination with other emergency responses and plans as necessary, within the policy guidelines of the local authority;
 - c. shall, with the Operations Committee, see that training programs, studies, exercises and activities are conducted to keep the Plan in a state of readiness, within the policy guidelines of the local authority;
 - d. shall Chair the Operations Committee when the Plan is declared in effect in response to an emergency. The Operations Committee will direct emergency response activities, as required to deal with the emergency. The Operations Committee is authorized by the local authority or delegate to demolish or remove any privately owned wall, building, structure or works made dangerous to the public by enemy action or Civil Disaster. The Operations Committee or the local authority or delegate is authorized to use any land or any equipment or chattels belonging to the Village to further the Plan;

PART 3 - EMERGENCY PROGRAM BYLAW

Kitamaat Village Emergency Plan Coordinator (Continued)

1. e. shall perform such activities as required to assist the Provincial Emergency Program concerning training, research, and analysis in relation to emergency activities;
- f. shall direct evacuation of areas as instructed by the local authority;
- g. shall appoint a Public Relations Officer as required by the Emergency Plan to deal with the news media.

Regional Emergency Program Officer

1. The Area Coordinator or any person or Village employee acting under that authority shall obey the orders of the Emergency Program Officer of the region without regard to Village boundaries.

Declared Emergencies

1. The Plan may be put into operation in whole or in part by the local authority or delegate or the Operations Committee.

PART 4 - FIRE PROTECTION BYLAW

Interpretation

1. "Apparatus" shall mean any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies;

"Council" shall mean the Kitamaat Village Council;

"Equipment" shall mean any tools, devices or materials used by the Fire Department to combat an incident or other emergency;

"Fire Chief" shall mean the member appointed as head of the Haisla Volunteer Fire Department;

"Fire Department" shall mean a Fire Chief, Deputy Fire Chief, and the number of regular and volunteer members as set by the Council from time to time and the apparatus and equipment required to perform the required duties and tasks contained in this bylaw;

"Fire Protection" shall mean all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising;

"Incident" shall mean a fire, a situation where a fire or explosion is imminent, or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded;

"Member" shall mean any person that is a duly appointed member of the Fire Department;

"Premises" shall mean building or structure as defined in the B.C. Building Code Regulation and B.C. Fire Code Regulation and includes private dwellings.

Appointment of Officers

1. The Fire Chief shall be appointed by the Executive Director.
2. Other officers and members, as the Fire Chief deems necessary, may be appointed to the Fire Department with the approval of the Executive Director.
3. The Fire Chief may appoint other officers of the Fire Department to act on his behalf.

PART 4 - FIRE PROTECTION BYLAW

Jurisdiction of Haisla Volunteer Fire Department

1. The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department will extend to the area and boundaries of Kitamaat Village. No part of the fire apparatus shall be used beyond the limits of the Village without the express authorization of, a written contract or agreement providing for the supply of firefighting services outside the Village boundaries, or with the approval of the Executive Director.

Responsibility of Fire Chief

1. The Fire Chief has complete responsibility and authority over the Fire Department subject to the direction and control of the Executive Director to which he shall be responsible, and in particular he shall be required to carry out all fire protection, fire prevention activities and such other activities as Council or the Executive Director directs including but not limited to:
 - a. fire prevention programs;
 - b. rescue;
 - c. other incidents;
 - d. pre-fire planning;
 - e. disaster planning;
 - f. preventative patrols.
2. The Fire Chief, subject to guidelines of the Executive Director, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire Department including but not limited to:
 - a. use, care and protection of Fire Department property;
 - b. the conduct and discipline of officers and members of the Fire Department; and
 - c. efficient operations of the Fire Department.

PART 4 - FIRE PROTECTION BYLAW

Absence of Fire Chief

1. The Fire Chief, or the senior ranking member present, shall have control, direction and management of all Fire Department apparatus, equipment or manpower assigned to an incident and, where a member is in charge, they shall continue to act until relieved by an officer authorized to do so.

Responsibility of Fire Department

1. The Fire Chief shall take responsibility for all fire protection and prevention matters including the enforcement of the Fire Services Act and "Regulations" thereunder and shall assume the responsibilities of the Local Assistant to the Fire Commissioner.
2. Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department, and the Fire Chief shall report to Council through the Executive Director on the operations of the Fire Department or on any other matter in the same manner.

Entering Premises

1. The Fire Chief, or any person delegated by the Fire Chief, may at any reasonable time enter any premises for the purpose of fire prevention inspections.
2. The Fire Chief, or the member in charge, at a fire is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
3. The Fire Chief, or the member in charge, at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.
4. The Fire Chief, or the member in charge, at an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over buildings or property, where deemed necessary to gain access to the incident or to protect any person or property.

PART 4 - FIRE PROTECTION BYLAW

Entering Premises (Continued)

5. The Fire Chief, or the member in charge, at an incident may at their discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by the Fire Chief.
6. No person shall enter the boundaries or limits of an area prescribed in accordance with this bylaw unless authorized to enter by the Fire Chief or the member in charge.
7. The Fire Chief, or the member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in this bylaw.

Assistance from Others

1. The Fire Chief may obtain assistance from other officials of the Village as deemed necessary in order to discharge duties and responsibilities under this bylaw.
2. No person at an incident shall impede, obstruct or hinder a member of the Fire Department or other person assisting or acting under the direction of the Fire Chief or the member in charge.

Public Intervention/Assistance

1. No person shall damage or destroy Fire Department apparatus or equipment.
2. No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
3. No person shall falsely represent themselves as a Fire Department member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
4. No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire incident, fire hydrant, cistern or body of water designated for firefighting purposes.

PART 4 - FIRE PROTECTION BYLAW

Public Intervention/Assistance (Continued)

5. The Fire Chief or the member in charge of an incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing same and in demolishing a building or structure at or near the fire or other incident.
6. The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment considered necessary to deal with an incident. Remuneration rates shall be determined by public tender on a semi annual basis.

Liabilities

1. The Fire Chief and all members of the Fire Department shall be indemnified against any claim for damages arising out of the performance of their duties.

Fires

1. No person shall at any time light, ignite or start or knowingly permit, allow, or cause to be lighted, ignited or started, any fire of any kind whatsoever in the open air except where such a fire is used in any appliance or device solely used for the preparation of food, or in a National Fire Protection Association approved incinerator, and except as provided herein.
2. Notwithstanding 1. above, the Fire Chief may issue a permit to allow the burning in the open air of brush, stumps, slash and like materials resulting from the clearing of land.
3. Any person to whom a permit has been issued under 2. above, shall place a competent person at all times in charge of such a fire while the same is burning or smouldering, and until the same is extinguished, and shall provide such person with efficient appliances and equipment to effectively prevent the same from getting beyond his control or causing damage, or becoming dangerous to life or property.
4. Every person who contravenes any provision of this section of this bylaw commits an offence and shall be liable, upon summary conviction, to a fine or penalty not exceeding \$1,000.00 plus Court costs and, one each day that the offence continues shall be a separate offence.

PART 5 - SMOKE ALARM BYLAW

Smoke Alarm Installation and Maintenance

1. For the purposes of this section:

"Authorized" means authorized by the Fire Chief or any other person designated by Council to act on the Fire Chief's behalf;

"Building" means any structure used or intended for supporting or sheltering any use or occupancy;

"Smoke Alarm" means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite and which conforms to standards for smoke alarms;

"Occupant" means agent, lessee, licensee or tenant of any building or premises to which any of the provisions of this bylaw apply;

"Person" means natural persons of either sex, associations, corporations, co-partnerships, whether acting by themselves or by a servant, agent or employee and the heirs, executors, administrators or assigns or other legal representatives proprietors, and successors, or such persons to whom the context shall apply according to the law;

"Dwelling Unit" means a suite operated as a housekeeping unit, used or intended for being used as a residence and usually containing cooking, eating, living, sleeping and sanitary facilities;

"Suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories.

2. It is the responsibility of the occupier of every existing occupied building to ensure that one or more smoke alarms are installed in every dwelling unit.
3. Smoke alarms required by this bylaw shall be installed in conformance with the B.C. Building Code Regulations in effect at the time of installation.
4. In single family dwellings the occupants are responsible for the operation and maintenance of smoke alarm(s).
5. In all residential buildings other than single family dwellings, the occupier is responsible for the operation and maintenance of smoke alarms.

PART 5 - SMOKE ALARM BYLAW

Smoke Alarm Installation and Maintenance (Continued)

6. Smoke alarms shall be tested by the occupant as required, but not less than every six months to ensure that they are functioning correctly.
7. The Fire Chief or other person designated by the Fire Chief is hereby authorized to:
 - a. enter at all reasonable times upon any property which is subject to the regulations enacted by this bylaw in order to ascertain whether the smoke alarm(s) is installed and being maintained in conformity with the bylaw;
 - b. require the installation and maintenance of a smoke alarm(s) in conformance with this bylaw within a period of ten days, if he finds that a smoke alarm(s) has not been installed or is not functioning.

PART 6 - FIREARMS BYLAW

Firing of Firearms and Bows Prohibited

1. No person shall discharge a longbow, crossbow, gun, air gun, air rifle, air pistol, spring gun or other firearm within the Village, with these exceptions:
 - a. police or other persons in the discharge of their duties;
 - b. for the humane destruction of sick or injured animals, or protection from predatory animals.

Dog Control Regulations

1. Notwithstanding 1. above, any person engaged in the enforcement of the Animal Control Regulations may use a tranquillizer gun for the purposes of such control.

PART 7 - DOG CONTROL BYLAW

Interpretation

1. In this bylaw unless otherwise specified:

"Dog" shall mean any dog of the canine species;

"Control Officer" shall mean the person(s), company or organization appointed; from time to time by the Village to ensure compliance with this bylaw of the Kitamaat Village Code;

"Owner" shall mean any adult person residing on and/or owning the property where the dog is normally harboured, possessed or domiciled;

"Owner of Record" shall mean the person or persons shown as the licensed owner on the Village record;

"Pound" shall mean the place or places designated by the Village for the care and control of impounded dogs;

"Running at Large" shall mean a dog not under control by being other than:

- a. on the property of its owner or of another person who has the care and control of the dog; or
- b. in the direct and continuous charge of a person who is competent to control the dog; or
- c. securely confined within an enclosure.

Licences

1. No person shall own, possess or harbour any dog within the boundaries of Kitamaat Village unless a valid and subsisting licence has been issued by Kitamaat Village under this Bylaw for such a dog.
2. No dog licence shall be issued to any person under the age of EIGHTEEN (18) years, unless such person provides the Village with the written consent, from their parent or guardian; and any parent or guardian providing a written consent shall be deemed to be the "owner of record" of the dog.
3. Every licence issued under this Bylaw shall be for a specific dog, and no person shall place, fix or use a licence issued in respect of one dog on or for another dog.

PART 7 - DOG CONTROL BYLAW

Licences (Continued)

4. On or before February 15th every owner shall apply for a licence for that calendar year for each dog. On being satisfied the application meets the provisions of this Bylaw and on receiving the appropriate fee listed in Schedule "A" of this Bylaw, the Village shall issue a dog licence and numbered dog tag.
5. The Village, upon being satisfied that the dog has been acquired after February 15th, may prorate the purchase of the full licence fee by the number of full months remaining in the licence period, provided that in no event shall the licence fee be prorated to less than a THREE (3) month period.
6. Owners applying for licences for a spayed female dog or neutered male dog, shall provide proof to the satisfaction of the Village that their dog is in fact spayed or neutered.
7. Where an owner has a valid licence for a dog from an area other than Kitamaat Village, upon surrender of that licence, a credit of one month for each month the surrendered licence remains in effect in the period January 1st to December 31st, will be given.
8. The Village upon being satisfied that a tag issued has been lost or stolen, may issue a replacement tag on the payment of the fee listed in Schedule "A" of this Bylaw.

Impoundment

1. Any dog running at large or violating any portion of this Bylaw shall be impounded.
2. No person shall tether or otherwise fasten a dog in a public place.
3. No dog shall be released from impoundment except to the owner of record, or delegate, and until all provisions of this Bylaw are complied with and all applicable charges, licence fees, board costs, damage costs and/or fines as specified in Schedule "A" are paid to the Poundkeeper.
4. Notwithstanding any other provision a dog may not be released from impoundment if it is judged by the Village, Control Officer, or Poundkeeper to be a danger to a person or another dog.

PART 7 - DOG CONTROL BYLAW

Impoundment (Continued)

5. When a dog has been impounded, the Poundkeeper shall provide good and sufficient nourishment, shelter and attendance.
6. Where the Poundkeeper can determine from Village licence records the owner of an impounded dog, the Poundkeeper shall attempt to notify the owner by telephone of such impoundment.
7.
 - a. All impounded dogs shall be kept for a maximum period of SEVENTY-TWO (72) hours, excluding Sundays and Statutory Holidays, or until released to the owner of record or designate, which ever is shorter.
 - b. After SEVENTY-TWO (72) hours, if unclaimed by the owner of record or designate, ownership of the dog will be with the Village and the dog may be destroyed, retained or ownership transferred; at the discretion of the Village.
8. Any dog may be destroyed at any time on the request of the owner of record or designate, or if the dog is diseased or suffering.
9. The owner of record or owner shall be responsible for all uncollected amounts in respect of an impounded dog whether or not they effect the release of the dog.

Obstruction

1. No person shall hinder, delay or obstruct any person lawfully engaged in the capturing or the taking to the pound of any dog under this Bylaw and no person shall release, take or let out any dog from the pound, without the consent of the Poundkeeper.

Nuisance

1. The owner of any dog, or any person who is in possession of or harbouring any dog which; by excessive barking, or howling or by chasing any person or dog, or otherwise disturbs the quiet and peace of any person, shall be guilty of an infraction of this Bylaw.
2. No dog owner shall permit dog feces to accumulate on their property in such a manner to be offensive to sight or smell.

PART 7 - DOG CONTROL BYLAW

Nuisance (Continued)

3. The owner or person in charge of any dog shall remove immediately any feces despoiled by the dog from any private residential or commercial property unless the property is owned by the owner or person in charge of the dog and dispose of it in a sanitary manner.

4. The owner or person in charge of any dog, shall remove immediately any feces deposited by the dog from publicly accessible areas and dispose of it in a sanitary manner.

SCHEDULE "A"

FEEES

DOG LICENCES

- | | |
|-----------------------------------|-------------|
| 1. Neutered Male or Spayed Female | \$ 7.00/yr. |
| 2. Other Dogs | \$30.00/yr. |
| 3. Seeing Eye Dogs | No Charge |
| 4. Replacement of Lost Tag | \$ 2.00 |

IMPOUNDMENT

- | | |
|--|----------|
| 1st Impoundment | \$ 30.00 |
| 2nd Impoundment with 24 calendar months
of last impoundment | \$ 50.00 |
| 3rd Impoundment with 24 calendar months
of last impoundment | \$ 75.00 |
| 4th Impoundment with 24 calendar months
of last impoundment | \$100.00 |
| Additional Impoundment Fee for Unlicensed Dog | \$ 30.00 |

BOARD

- | | |
|---------|---------|
| Per Day | \$ 6.00 |
|---------|---------|

DESTRUCTION

- | | |
|-------------------------------|-----------|
| Cats Under 2 Months | No Charge |
| Dog Under 10 lbs. | \$ 3.00 |
| Dogs from 10 to Under 50 lbs. | \$ 5.00 |
| Dogs Over 50 lbs. | \$ 10.00 |

PART 8 - NOISE BYLAW

Interpretation

1. In this Bylaw:

"Motorized Conveyance" means a conveyance propelled or driven otherwise than by muscular, gravitations or wind power;

"Point of Reception" means any point on the property of a person where sound or vibration originating from other than those premises is received;

"Residential Area" means those areas of the Village within a Residential zone category.

Prohibited Acts

1. The acts listed below are hereby declared to result in sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:

- a. race a motorized conveyance except in a legally regulated racing event;
- b. operate a motor vehicle in such a way that the tires squeal or the engine races;
- c. operate a combustion engine, pneumatic device, motor vehicle, or construction equipment in a residential area unless it is equipped with effective muffling devices which are in good working order and in constant operation;
- d. operate a motorized conveyance on other than a driveway, road or parking lot.

No person shall commit or cause or permit the commission of any of the acts listed above.

PART 8 - NOISE BYLAW

Prohibition by Time and Place

1. No person shall commit or cause or permit the commission of an act listed below in Column A, during the times listed in Column B in the locations listed in Column C should it result in the emission of sound which is clearly audible at a point of reception.

In all residential areas:

<u>Prohibition</u>	<u>Prohibited Time</u>
Persistent, repeated or regular barking, calling or whining or other similar persistent sound made by a domestic pet or other animal on a property.	At all times
The playing of a musical instrument or the operation of a device or group of connected devices used for the production, reproduction, or amplification of sound.	At all times
The persistent or repeated or regular operation of an auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the reproduction or amplification of any similar sound; except where required or authorised by law or in accordance with good safety practices.	At all times
The persistent or repeated or regular operation of a toy, model or replica used as an amusement and which is not a conveyance.	At all times
Yelling, shouting, hooting, whistling.	between 2300 hrs and 700 hrs
The operation of a lawn mower that is, where appropriate, equipped with effective muffling devices which are in good working order and in constant operation.	between 2030 hrs and 700 hrs
The operation of any tool, household appliance, motor or other device except those used for snow removal and cutting grass.	between 2300 hrs and 700 hrs

PART 8 - NOISE BYLAW

Exceptions

1. The emission of sound in connection with the following are not objectionable and are excluded:
 - a. emergency measures taken for health, safety or welfare purposes, or for the preservation or restoration of property unless such sound is of a longer duration or of a nature more disturbing than is reasonable for the accomplishment of such emergency purpose;
 - b. sounds associated with traditional festive and religious activities; and sanctioned community events and celebrations, unless such sound is of a longer duration or of a nature more disturbing than reasonable for the event.
 - c. any activities directed to be performed by Public Works, subject to any specified operation, noise or timing restrictions."

PART 9 - NUISANCE BYLAW

Interpretation

1. "Village Official" means an Officer of the Village, Bylaw Enforcement Officer or any person appointed to administer the Kitimaat Village Kitimaat Village Bylaws.

"Premises" means real property consisting of land only or land and improvements, and means a portion of real property occupied separately by the occupier.

Prohibitions

1. No Occupier of Premises shall cause or permit water, rubbish, or noxious, offensive or unwholesome matter to collect or accumulate around their premises.
2. No person shall deposit or throw bottles, broken glass or other rubbish in any open place.
3. No Occupier of real property shall allow such property to become or to remain unsightly.
4. No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.

Requirements

1. Occupiers of real property or their agents shall keep their property clear of brush and noxious weeds.
2. Occupiers of real property or their agents shall prevent infestation of it by noxious or destructive insects and shall clear the property of noxious or destructive insects.
3. Occupiers of real property or their agents shall remove from it any unsightly accumulations of filth, discarded materials, rubbish or graffiti.
4. Occupiers of real property shall prevent motor vehicles which are not licensed for the current or immediately preceding year under the Motor Vehicle Act from being parked on any lot in any residential zone except in an enclosed building.

PART 9 - NUISANCE BYLAW

Inspection

1. Village Officials are hereby authorized to enter upon any lands and premises in the Village at all reasonable times to ascertain whether the provisions of the Code are being observed.
2. Where a Village Official observes that real property does not comply with the Code, the Village Official may notify the Occupier of the real property to comply within a stated time period.

Remedial

1. If the Occupier of real property fails to comply with a direction from the Council to remove from the real property any unsightly accumulations of filth, discarded materials or vehicles, rubbish or graffiti, or clearing the property of brush, or noxious weeds, or clearing the property of infestation of noxious or destructive insects, the Village, by its employees and others, may enter and effect the removal or clearance at the expense of the Occupier who fails to comply, and the charges for doing so, if unpaid on December 31st in any year, shall be added to and form part of the taxes payable on that real property as taxes in arrear.

This bylaw is hereby made at a duly convened meeting of the Council of the Kitamaat Village Indian Band this

18 day of December, 1997.

Voting in favour of the bylaw are the following members of the Council:

Felix Grant

Chief Councillor

Rod Baltoe

Councillor

Louise Barbette

Councillor

Ken Hall

Councillor

Russell Ross

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

being the majority of those members of the Council of the Kitamaat Village Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.

Number of members of the Council present at the meeting: 5

I, FELIX GRANT Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing bylaw was mailed to the Minister of Indian Affairs and Northern Development at the Regional Office in Vancouver pursuant to subsection 82(1) of the Indian Act, this 18 day of December, 1997.

Felix Grant

Witness Chief/Councillor