

# Kitamaat Village Code

Kitamaat Village Council  
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## PART 1 - GENERAL PROVISIONS

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### 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;

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.

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## PART 1 - GENERAL PROVISIONS

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### 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 ANIMAL 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.
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.

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## PART 1 - GENERAL PROVISIONS

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### Bylaw Enforcement

1. The Council of the Kitamaat Village may from time to time as it considers necessary appoint a Bylaw Enforcement Officer or Bylaw Enforcement Officers for such term as Council may determine and shall be under the direction of the Chief Councillor.
2. The Bylaw Enforcement Officer or Officers 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.

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## PART 2 - TRAFFIC BYLAW

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### Interpretation

1. In this Bylaw:

"Curb Line" means the boundary line between the roadway and the sidewalk or boulevard within a street;

"Driver" means any person who drives, operates, propels, or who is in physical control of a vehicle;

"Emergency Vehicle" means an emergency vehicle as defined in the Motor Vehicle Act;

"Intersection" means the area within the respective property-lines produced across the streets, at the point where two or more streets intersect;

"Motor Vehicle" includes automobiles, motorcycles and all other vehicles propelled other than by muscular power, excepting trailers and mechanically propelled chairs for disabled persons;

"Parking" means the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for and while engaged in loading or unloading;

"Passenger Vehicle" means a vehicle, the principal use of which is the transportation of human beings;

"Peace Officer" means any member of the Royal Canadian Mounted Police or any person designated by the Council for preserving and enforcing the provisions of this Bylaw;

"Pedestrian" means a person afoot, or a disabled person or child in a wheelchair or carriage;

"Roadway" means that portion of any street designed or ordinarily used for vehicular traffic;

"Sidewalk" means that portion of any street between the curb line and the adjacent property line intended for pedestrians;

"Stop" means complete cessation of movement;

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## PART 2 - TRAFFIC BYLAW

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### Interpretation (Continued)

1. "Street or Highway" means a public street, road, parking lot, way, trail, lane, bridge, and any other public way and every road, lane or right of way designed or intended for, or used for the passage of traffic within the Village;

"Through Highway" means any street or highway or portion of at the entrance to which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same when stop signs are erected as provided in this Bylaw;

"Traffic" includes pedestrians, ridden or herded animals, vehicles, bicycles, and other conveyances, either singly or together, while using a highway for purposes of travel;

"Traffic Sign" means any warning sign, marking or device, other than traffic control signals, placed or erected under the provisions of this Bylaw, for directing, warning or regulating traffic or parking;

"Vehicle" includes a motor vehicle, a motor vehicle with its semi-trailer or trailer attachments, a trailer, and any vehicle propelled by muscular power;

### Emergency Signs

1. The Chief Councillor is authorized to cause to be placed, for such temporary periods as he/she considers necessary, traffic signs indicating that the operations, parking or standing of vehicles is prohibited:
  - a. on any street near any public or private assemblages, gatherings or functions;
  - b. upon any street or section of street, along the route of any parade;
  - c. at any other locations, where, under special circumstances it is deemed necessary to ease or safeguard traffic.

### Speed Limits

1. No person shall drive any vehicle over 30 kilometres per hour upon or along any avenue.
2. The speed limit specified shall be indicated by appropriate signs and shall apply to such boulevards, avenues, streets, loops, col-de-sacs and crescents as shall exist from time to time within the Village.

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## PART 2 - TRAFFIC BYLAW

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### Obedience to Traffic Signs

1. Every driver or pedestrian shall obey the directions or instructions on or indicated by any traffic sign, traffic lines, traffic signal or traffic control signal placed according to the provisions of this Bylaw except as in this Bylaw may otherwise be provided.
2. Every person driving or operating a vehicle shall bring the same to a complete stop before passing a standard warning, on which the sign "STOP" unaccompanied by other words is indicated, and shall not go on until such movement can be safely made.

### Traffic Direction

1. No person while riding, operating, driving or propelling any vehicle, or riding any horse or other animal or when walking, travelling or standing in, upon or on any street shall refuse to comply with any traffic direction, command or order, when made, required, demanded or signalled by any Peace Officer.

### Fire Department May Direct

1. Any officer or member of the Fire Department during duty in or about any fire or at the scene of any accident, to expedite traffic or safeguard pedestrians, may direct traffic on any street near such fire or accident.
2. No pedestrian or driver shall fail to comply with such directions of any such officer or member of the Fire Department.

### Following Fire Department Vehicles

1. No person driving or operating a vehicle, except such vehicles as are conveying persons authorized by law to perform duties concerning fires, shall follow closer than within 150 metres of any vehicle of the Fire Department travelling in response to any fire alarm, or to drive or stop his vehicle within a radius of 150 metres of any fire being fought by the Fire Department, or to drive such vehicle over or across any fire hose laid on any street, unless directed so to do by a Peace Officer or a member of the Fire Department.

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## PART 2 - TRAFFIC BYLAW

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### Groups Obstructing Traffic

1. Except as to parades:
  - a. no person shall form part of a group of persons congregated on a street in such manner as to obstruct the free passage of pedestrians or vehicles, except with the written permission of the Council; and
  - b. no person shall do anything that will direct the attention of persons and cause them to congregate in a group upon any street in a way that obstructs the free passage of pedestrians or vehicles, or so that the persons so congregated might thus be in danger of injury from traffic, except with the written permission of the Council.

### Removal and Impounding

1. No person shall park, place or leave any vehicle or other object or thing, in whole or in part, in or upon a street to be an obstruction or inconvenience to the free use of, or which may encroach on, any streets or areas in the Village.
2. The Executive Director or Peace Officer or any person authorized by either is empowered to remove any such vehicle, object or thing, at the expense of the owner or person in charge or control of it, if neither such removal nor impoundment as here after provided, shall relieve from responsibility or liability any person guilty of an infraction of any provision of these Bylaws or statute.

### Parking Prohibitions

1. No person shall park or leave standing any vehicle:
  - a. within 7.5 metres of any traffic sign or traffic signal;
  - b. within any intersection, and within 6 metres of the street line of an intersecting street, except lanes;
  - c. within 5 metres of any fire hydrant;
  - d. in front of or within 1.5 metres of the entrance or exit of any lane or driveway;
  - e. alongside or opposite any street excavation or obstruction when such stopping would obstruct traffic;



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## PART 2 - TRAFFIC BYLAW

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### Parking Prohibitions (Continued)

1.
  - f. on a sidewalk or walkway;
  - g. upon or within 6 metres of a pedestrian crosswalk;
  - h. on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - i. on either side of the street in front or within 30 metres of the driveway entrance to any Fire Hall;
  - j. on that side and portion of any street upon which any school or unfenced school property abuts, on any school day between the hours of eight o'clock in the forenoon and five o'clock in the afternoon;
  - k. on any bridge;
  - l. on any street for the principal purpose of displaying such vehicle for sale, or advertising, washing, greasing, repairing, wrecking or storing such vehicle, except repairs required by any emergency;
  - m. on the paved portion of any street without curbs where the pavement is 7.3 m or less in width;
  - n. on any street, highway or lane between the hours of two o'clock in the forenoon and seven o'clock in the forenoon, between the first day of October in any year and the 31st day of March the next.
  - o. on any portion of a street where traffic signs prohibit parking;
  - p. on other than the right-hand side of any street;
  - q. next to a traffic sign consisting of a curb painted yellow;
2. For a vehicle that has become unintentionally mechanically disabled to prevent its being driven, the provision of 1. above shall not be applicable for twenty-four hours, exclusive of Sundays and Statutory Holidays, from the time that a violation of 1. above would have occurred if it had not been for the provision of this subsection.

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## PART 2 - TRAFFIC BYLAW

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### Emergency Vehicles

1. The provisions of this Bylaw regulating the parking of vehicles shall not apply to any emergency vehicle while attending at any emergency call, but this exemption shall not excuse the driver of any such vehicle from exercising due and proper care for the safety of other traffic.

### Utility Vehicles

1. The provisions of this Bylaw prohibiting stopping and parking shall not apply to:
  - a. Village or provincial utility vehicles;
  - b. vehicles of a public utility corporation or power distribution company;
  - c. wrecking vehicles; or
  - d. police vehicles;

while such vehicles are engaged in works of necessity requiring them to be stopped or parked in contravention of any such provisions.

### Intersections and Lanes

1. No driver of any vehicle shall turn such vehicle to proceed in the opposite direction at any intersection or to interfere with traffic.
2. The driver of any vehicle emerging from any lane, driveway or building shall stop such vehicle immediately before driving on or across any sidewalk or boulevard extending to or across such lane, driveway or building entrance and shall not go on until movement can be safely made.

### Pedestrians and Right of Way

1. The driver of any vehicle shall exercise due care for the safety of pedestrians and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.
2. Whenever any vehicle has stopped or slowed down at a marked crosswalk, or at any unmarked crosswalk at an intersection, to allow a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such vehicle.

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## PART 2 - TRAFFIC BYLAW

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### Pedestrians and Right of Way (Continued)

3. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing or stopping if need be, to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is travelling or when the pedestrian is approaching so closely from opposite the roadway as to be in danger.

### Clinging to Motor Vehicles

1. No person while riding any bicycle, tricycle, roller skates, skate board, toy vehicle, skis or sleigh, shall cling or be attached to any vehicle in motion in or upon any street.

### Passengers' Conduct

1. No person while riding in or on any vehicle shall do any act that will interfere with the driver's proper control of the vehicle.

### Clearing Scene of Accident

1. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance lying upon the highway from such vehicle.

### Authorized Processions

1. No driver of a vehicle shall drive between the vehicles comprising a funeral or authorized procession while it is in motion, unless otherwise directed by a Peace Officer.

### Driving Over Curb

1. No person shall ride, drive or lead any animal or move, drive or propel any vehicle over or across any curb or across any planting strip except at a permanent or temporary driveway provided for such purposes.

### Weaving

1. No driver shall drive a vehicle so as to weave in and out of traffic in such a manner as to interfere with the driving of other vehicles.

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## PART 2 - TRAFFIC BYLAW

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### Reverse Driving

1. The driver of a vehicle shall at no time drive the vehicle in reverse unless such movement can be made in safety. Under no circumstances shall the driver of a vehicle back the same into an intersection or over a crosswalk.

### Pedestrian Regulations

1. At any street intersection where crosswalks are located and marked, pedestrians shall use such crosswalks in crossing the street.
2. Every pedestrian crossing a highway, at any point other than within a marked crosswalk, shall yield the right of way to all vehicles upon the highway.
3. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
4. No pedestrian shall stand in the roadway for the purpose of soliciting a ride from the driver of any private vehicle.
5. On the approach of an emergency vehicle, pedestrians shall proceed or return to the nearest sidewalk and remain there until such vehicle has passed.
6. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right of way.

### Issuance of Violation Notices

1. Police Officers and Bylaw Enforcement Officers of the Village are authorized to issue Code infraction notices (hereinafter called tickets) for violations or alleged violations of such of the provisions of this Code as Council by resolution may designate for such purpose, and to serve the said tickets by leaving the same on the vehicles that are the subject of such violations, or by personal service of it on the owner, possessor, or driver of such vehicles, or upon the persons committing or having committed the violation or alleged violation; if upon service of a ticket, the same shall preclude or stop the Village from causing or permitting an information to be sworn under this Code and the Summary Convictions Act, or an information laid and summons issued by means of a traffic ticket under the Motor Vehicle Act, until the time limited for payment of the voluntary Code violation penalty after this provided has elapsed.

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PART 2 - TRAFFIC BYLAW

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Issuance of Violation Notices (Continued)

2. Any person having been served with a ticket for aforesaid, or being the owner, possessor or driver of a vehicle ticketed as aforesaid, may, as an admission of the said violation or alleged violation, pay to the Council Office during those hours that the same is open for public business or in such manner as the Village may establish, within the time limited for such payment, a voluntary Code infraction penalty in the amount established for such violation as hereinafter provided; such payment shall constitute an absolute defence to summary conviction for such violation or alleged violation, if it shall not otherwise affect the right of the Village to any other remedy provided in this Part.
3. The Council may by resolution from time to time, establish, set and change the specific amount of a voluntary Code violation penalty for a violation of any provision in this Part contained, and the time limit and manner for payment of it including additional penalty for late payment, and shall cause a list of such penalties, times and additional penalties to be posted for public examination at the Council Office, and such part of the list as is appropriate thereto, to be printed upon such tickets.

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## PART 3 - EMERGENCY PROGRAM BYLAW

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### 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 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;

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## PART 3 - EMERGENCY PROGRAM BYLAW

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### 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;

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## PART 3 - EMERGENCY PROGRAM BYLAW

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### 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.



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## PART 4 - FIRE PROTECTION BYLAW

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### 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.

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## PART 4 - FIRE PROTECTION BYLAW

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### 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.

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## PART 4 - FIRE PROTECTION BYLAW

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### 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.

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## PART 4 - FIRE PROTECTION BYLAW

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### 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.

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## PART 4 - FIRE PROTECTION BYLAW

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### 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 of not less than TWENTY-FIVE (\$25.00) DOLLARS and, plus Court costs and, one each day that the offence continues shall be a separate offence.

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## PART 5 - SMOKE ALARM BYLAW

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### 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 owner, 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 owner 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 owner is responsible for the operation and maintenance of smoke alarms.

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## PART 5 - SMOKE ALARM BYLAW

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### Smoke Alarm Installation and Maintenance (Continued)

6. Smoke alarms shall be tested by the occupant or owner 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.

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**PART 6 - FIREARMS BYLAW**

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**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.



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## PART 7 - ANIMAL CONTROL BYLAW

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### Interpretation

1. In this bylaw unless otherwise specified:

"Dog" shall mean any animal of the canine species apparently over the age of SIX (6) months;

"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 animal 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 animals;

"Running at Large" shall mean an animal 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 animal; or
- b. in the direct and continuous charge of a person who is competent to control the animal; 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 animal.
3. Every licence issued under this Bylaw shall be for a specific animal, and no person shall place, fix or use a licence issued in respect of one animal on or for another animal.

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## PART 7 - ANIMAL CONTROL BYLAW

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### 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 animal running at large or violating any portion of this Bylaw may be impounded.
2. No person shall tether or otherwise fasten an animal in a public place.
3. No animal 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 an animal may not be released from impoundment if it is judged by the Village, Control Officer, or Poundkeeper to be a vicious animal.
5. When an animal has been impounded, the Poundkeeper shall provide good and sufficient nourishment, shelter and attendance.

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## PART 7 - ANIMAL CONTROL BYLAW

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### Impoundment (Continued)

6. Where the Poundkeeper can determine from Village licence records the owner of an impounded animal, the Poundkeeper shall attempt to notify the owner by telephone of such impoundment.
7.
  - a. All impounded animals 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 animal will be with the Village and the animal may be destroyed, retained or ownership transferred; at the discretion of the Village.
8. Any animal may be destroyed at any time on the request of the owner of record or designate, or if the animal is diseased or suffering.
9. The owner of record or owner shall be responsible for all uncollected amounts in respect of an impounded animal whether or not they effect the release of the animal.

### Obstruction

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

### Nuisance

1. The owner of any animal, or any person who is in possession of or harbouring any animal which; by excessive barking, or howling or by chasing any person or animal, 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.
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.

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**PART 7 - ANIMAL CONTROL BYLAW**

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**Nuisance (Continued)**

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.
5. No person shall directly feed by any means any undomesticated fur bearing animal.
6. No person shall harass or throw any object at any undomesticated fur bearing animal.

**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<br>of last impoundment | \$ 50.00 |
| 3rd Impoundment with 24 calendar months<br>of last impoundment | \$ 75.00 |
| 4th Impoundment with 24 calendar months<br>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 |
| Animal Under 10 lbs.             | \$ 3.00   |
| Animals from 10 to Under 50 lbs. | \$ 5.00   |
| Animals Over 50 lbs.             | \$ 10.00  |

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## PART 8 - NOISE BYLAW

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### 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, in the opinion of Kitamaat Village Council, 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.

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**PART 8 - NOISE BYLAW**

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**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.

<u>Prohibition</u>	<u>Prohibited Time</u>	<u>Prohibited Place</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	Residential Area
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	Residential Area
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 authorized by law or in accordance with good safety practices.	At all times	Residential Area
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	Residential Area
Yelling, shouting, hooting, whistling.	1900 one day to 700 next day	Residential Area

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**PART 8 - NOISE BYLAW**

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**Prohibition by Time and Place (Continued)**

<b><u>Prohibition</u></b>	<b><u>Prohibited Time</u></b>	<b><u>Prohibited Place</u></b>
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.	2030 one day to 700 next day	Residential Area
Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials or refuse unless necessary for the maintenance of essential services or the moving of private household effects.	1900 one day to 700 next day	Residential Area
The operation of any tool, household appliance, motor, or other device except those used for snow removal or cutting grass.	1900 one day to 700 next day Residential Area	

**Exceptions**

1. In the opinion of Council 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."



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## PART 9 - NUISANCE BYLAW

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### Interpretation

1. "Village Official" means an Officer of the Village, Bylaw Enforcement Officer or any person appointed to administer the Kitamaat Village Kitamaat 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 owner or an occupier.

### Prohibitions

1. No Owner or 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 Owner or 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. Owners or Occupiers of real property or their agents shall keep their property clear of brush and noxious weeds.
2. Owners or 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. Owners or Occupiers of real property or their agents shall remove from it any unsightly accumulations of filth, discarded materials, rubbish or graffiti.
4. Owners or 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.

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## PART 9 - NUISANCE BYLAW

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### 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 Owner or Occupier of the real property to comply within a stated time period.

### Remedial

1. If the Owner or 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 Owner or 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.