



SPECIAL REGULAR AGENDA

For the **SPECIAL REGULAR MEETING** of Council to be held on Monday, July 6, 2026, taking place at 7:00 pm in the Council Chambers of City Hall, 424 – 3rd Avenue West, Prince Rupert, B.C.

1. CALL TO ORDER

2. ADOPTION OF AGENDA

Recommendation:

THAT the Agenda for the Special Regular Council Meeting of July 6, 2026, be adopted as presented.

3. PUBLIC COMMENTS REGARDING AGENDA ITEMS

4. CONSENT AGENDA

a) Reports for receipt

- I. Report from the Chief Administrative Officer Re: Follow-up to Council Inquiries.

Recommendation:

THAT all items on the Consent Agenda be approved or received as requested.

5. REPORTS

a) Report from the Chief Administrative Officer Re: Gitxaala Enterprises Property Purchase

Recommendation:

THAT Council receives this Report and directs Staff to:

- Proceed to execute a purchase and sale agreement for the lots and lane surrounding the Rona property;
 - Closed laneway behind 405 3rd Ave East to 18 Cow Bay Road
 - PID 012-532-398
 - PID 012-542-024
 - PID 012-542-032
 - PID 012-532-410
 - PID 012-594-300
 - PID 012-521-507
 - PID 012-594-334
- Proceed to execute a purchase and sale agreement for “Lot 2” and the “1st Ave Access” property;
 - PID 027-197-166

- Closed laneway beside 200 1st Ave West (Crest/Chances Entrance)

b) Report from the Recreation & Community Services Manager Re: Recreation 2026 Capital Project Changes

Recommendation:

THAT Council directs staff to reallocate funding for recreation capital projects as outlined.

6. BYLAWS

a) Highway Road Closure Bylaw No. 3657, 2025

Recommendation:

That Council give Fourth and Final Reading to Highway Road Closure Bylaw No. 3657, 2025, subject to pending MOTT review.

b) Good Neighbour Bylaw No. 3558, 2025

Recommendation:

THAT Council give Fourth and Final Reading to Good Neighbour Bylaw No. 3558, 2025.

7. COUNCIL ROUND TABLE

8. ADJOURNMENT



REPORT TO COUNCIL

Regular Meeting of Council

DATE: July 6th, 2026
TO: Mayor & Council
FROM: Richard Pucci, Chief Administrative Officer

SUBJECT: FOLLOW-UP TO COUNCIL INQUIRIES – CONSENT AGENDA

RECOMMENDATION:

THAT Council receives this Report for information purposes.

INQUIRIES:

- ***2nd Ave Bridge extra costs.***

Staff will provide a Memo to the Council when all costs associated with the delay have been aggregated.

C. Cunningham – How much is in the City's Parking Reserve?

- The City has approximately **\$230,000** in its Parking Reserve

Report Prepared By:

Richard Pucci
Chief Administrative Officer

Original signature available upon request



REPORT TO COUNCIL

Regular Meeting of Council

DATE: July 6th, 2026
FROM: Richard Pucci, Chief Administrative Officer
SUBJECT: GITXAALA ENTERPRISES PROPERTY PURCHASE

RECOMMENDATION:

THAT Council receives this Report and directs Staff to:

- **Proceed to execute a purchase and sale agreement for the lots and lane surrounding the Rona property;**
 - **Closed laneway behind 405 3rd Ave East to 18 Cow Bay Road**
 - **PID 012-532-398**
 - **PID 012-542-024**
 - **PID 012-542-032**
 - **PID 012-532-410**
 - **PID 012-594-300**
 - **PID 012-521-507**
 - **PID 012-594-334**
- **Proceed to execute a purchase and sale agreement for “Lot 2” and the “1st Ave Access” property;**
 - **PID 027-197-166**
 - **Closed laneway beside 200 1st Ave West (Crest/Chances Entrance)**

REASON FOR THE REPORT:

The Council has entertained and completed public notification regarding Gitxaala Enterprises Corporation (GEC_o)'s request to purchase various City-owned properties, as seen in the attachment.

ANALYSIS:

The Staff have completed the public notification process in accordance with the City's legislative requirements and have received two sets of comments of concern; both are attached. One was from an adjacent property owner, and one was on behalf of a local First Nation. Staff have met with both parties to hear their concerns.

GEC_o is requesting to purchase the property for the following reasons and with the noted requirements:

Rona Property Purchase:

- If the lots are acquired, GEC_o will be required to consolidate the municipal laneway and City lots into its existing RONA building centre parcels to allow for a larger 40,000-square-foot store redevelopment that will convert the existing store into a full-service drive-through warehouse and lumber yard. Also, they will

be required to have a building permit within 2 years, which will include the redevelopment of the surrounding lots into mixed-use with a community boardwalk and amenity area. Further, GEC_o will be required to place a reciprocal easement on the property beside Dolly's to ensure that the same level of access is maintained.

Lot 2 and Access Property Purchase:

- GEC_o is requesting to purchase "Lot 2," the parcel that is nestled into the Casino parking area, and a lot that provides access to both the Crest Hotel and Casino. If sold to GEC_o, it would facilitate their larger development and generate more tax revenue for the City. This sale also relieves the City of potential liability and maintenance of the access property. Furthermore, it addresses the orphaned parcel issues that have resulted in lost revenue for over a decade.

BUDGET/STRATEGIC PRIORITIES:

If sold, the City would receive funds into its Land Sale Reserve.

The Staff believes this development will benefit the community and meet several of the Council's Strategic Priorities.

CONCLUSION:

THAT Council receives this Report and directs Staff as per the recommendation.

Report Prepared By:

Richard Pucci,
Chief Administrative Officer

Original signature available upon request



PROPOSED DISPOSITION OF MUNICIPAL LANDS

Date: 2026 / 6 / 23



SUBJECT PROPERTIES

PID 012-542-032

PID 012-532-398

PID 012-542-024

**SUBJECT PROPERTY
PID 012-532-410**

SUBJECT PROPERTIES

PID 012-521-507

PID 012-594-334

PID 012-594-300

**SUBJECT PROPERTY
ROAD CLOSURE
BYLAW NO. 3672**

1st Avenue East

Cow Bay Road

George Hills Way

3rd Avenue East



PROPOSED DISPOSITION OF MUNICIPAL LANDS

Date: 2026 / 6 / 23



**SUBJECT PROPERTY
LOT 2
PID 027-197-166**

**SUBJECT PROPERTY
ROAD CLOSURE
BYLAW NO. 3673**

3rd Street

Stiles Place

Pacific Place

Bill Murray Drive

2nd Street

1st Avenue West

Manson Way

McBride Street

2nd Avenue West



Lax Kw'alaams Band

206 Shashaak Street
Lax Kw'alaams, BC V0V 1H0
Canada
1-877-725-3293

May 7, 2026

Deputy Chief Administrative Officer
City of Prince Rupert
424 3rd Avenue
Prince Rupert, BC V8J 1L7

Attention: Rosamaria Miller

Dear Rosamaria:

Re: Unauthorized Disposition of Crown Land by the City of Prince Rupert

We write on behalf of Lax Kw'alaams Band ("Lax Kw'alaams").

We have recently become aware by way of public notices made by the City of Prince Rupert (the "City") on May 1, 2026, attached hereto as Schedule "A" and "B" (the "**Disposition Notices**", each a "**Disposition Notice**"), that it proposes to dispose (the "**Proposed Dispositions**", each a "**Proposed Disposition**") of certain Crown lands (the "**Lands**") to Gitxaala Enterprises Corporation ("**GEC**").

We wish to note that the Proposed Dispositions have been brought to the attention of Lax Kw'alaams without any prior consultation.

Land Subject to the Proposed Dispositions

The Lands subject to the Proposed Disposition set out in the Disposition Notice attached hereto as Schedule "A" is as follows:

- (a) the subject parcel legally described as:

Legal Description	PID	Civic Address
Lot 2 District Lot 251 Range 5 Coast District Plan BCP32315	027-197-166	Bill Murray Drive, Prince Rupert, British Columbia

- (b) together with Together with adjacent road dedication show on Plan 4016, District Lot 251, Range 5, Coast District, subject to road closure, as identified in the map further set out in Schedule "A".

The Lands subject to the Proposed Disposition set out in the Disposition Notice attached hereto as Schedule “B” is as follows:

(a) the subject parcels legally described as:

Legal Description	PID	Civic Address
Lot 1 Waterfront Block F Section 1 District Lot 251 Range 5 Coast District Plan 1948	012-594-300	N/A
Lot 3 Waterfront Block F Section 1 District Lot 251 Range 5 Coast District Plan 1948	012-594-334	N/A
Lot 2 District Lot 251 Range 5 Coast District Plan 1948	012-521-507	N/A
Lot 6 Waterfront Block F District Lot 251 Range 5 Coast District Plan 1948	012-532-398	18 Cow Bay Road, Prince Rupert, British Columbia
Lot 4 District Lot 251 Range 5 Coast District Plan 1948	012-542-024	N/A
Lot 5 District Lot 251 Range 5 Coast District Plan 1948	012-542-032	N/A

(b) together with adjacent road dedication, subject to road closure as identified in the map further set out in Schedule “B”.

Background and Prior Understandings

As confirmed by the Supreme Court of Canada in *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3. S.C.R. 511, the Crown has a legal duty to consult and, where appropriate, accommodate Indigenous Nations when contemplating conduct that may adversely affect asserted or established rights.

The recent decision in *Gitxaala v. British Columbia (Chief Gold Commissioner)*, 2025 BCCA 430 further clarifies that consultation cannot be deferred to later stages of decision-making and must be meaningful, timely, and consistent with the Crown’s commitments under the Declaration on the Rights of Indigenous Peoples Act.

Pursuant to *Squamish Nation v. British Columbia (Community, Sport and Cultural Development)*, 2014 BCSC 991, if a municipal decision or action such as the disposition of Crown land could adversely affect asserted Aboriginal rights or title, the Province’s duty to consult with any affected band asserting such Aboriginal rights or title is triggered.

Lax Kw'alaams asserts Aboriginal rights and title within its traditional territory, including the Lands subject to the Proposed Dispositions, thereby triggering the Crown's duty to consult.

The Proposed Disposition inevitably impacts Lax Kw'alaams' Aboriginal rights and title as it will allow GEC to encroach upon territory that Lax Kw'alaams has asserted rights over without due process. As such, there is an interplay between the constitutional duty to consult as owed by the Crown, and the City's decision-making power regarding the Proposed Dispositions.

At this time, neither the City nor the Crown have consulted Lax Kw'alaams prior to the Proposed Disposition. This approach is inconsistent with the honour of the Crown and undermines the ability of Lax Kw'alaams to meaningfully participate in decisions affecting its lands, resources, and rights.

Lax Kw'alaams Position

Accordingly, on behalf of Lax Kw'alaams, we demands that the City:

- (i) **Pause all review and decision-making** on the Proposed Dispositions until adequate consultation has occurred;
- (ii) **Provide all relevant information** regarding the Proposed Dispositions, including the proposed below fair market value of the sale prices of the Lands, potential impacts, timelines, and decision points; and
- (iii) **Engage directly with Lax Kw'alaams** in developing and executing memorandums of understanding between Lax Kw'alaams and the City that adequately address the concerns of Lax Kw'alaams, engage Lax Kw'alaams in all future land use planning decisions made by the City, and provide Lax Kw'alaams with the right of first refusal on all land dispositions within their traditional and unceded territory

Please note that proceeding with the Proposed Dispositions without addressing these concerns may result in further action by Lax Kw'alaams to protect its rights and interests.

Lax Kw'alaams is available to meet at your earliest convenience to discuss an appropriate consultation process going forward.

Sincerely,

Lax Kw'alaams



Mayor Garry Reece

SCHEDULE "A"



PUBLIC NOTICE OF Proposed Property Disposition to Gitxaala Enterprises Corporation

In accordance with Sections 26 and 94 of the *Community Charter*, notice is hereby given that the City of Prince Rupert proposes to dispose of the property described below at fair market value, subject to road closure, to Gitxaala Enterprises Corporation (Crest Hotel and Chances Prince Rupert), for commercial use and improvements.

The subject property is described as follows: PID 027-197-166, Lot 2, District Lot 251, Range 5, Coast District, Plan BCP32315, together with adjacent road dedication shown on Plan 4016, District Lot 251, Range 5, Coast District, subject to road closure.

All inquiries concerning this proposed property disposition may be directed to Rosamaria Miller, Deputy Chief Administrative Officer/ Corporate Officer, in writing by email to rosamaria.miller@princerupert.ca, or by mail (or drop-off) to City Hall at 424 3rd Avenue, Prince Rupert, B.C. V8J 1L7 by May 11, 2026.



SCHEDULE "B"



PUBLIC NOTICE OF Proposed Property Disposition to Gitxaala Enterprises Corporation

In accordance with Sections 26 and 94 of the *Community Charter*, notice is hereby given that the City of Prince Rupert proposes to dispose of the property described below at fair market value, subject to road closure, to Gitxaala Enterprises Corporation, for commercial use and improvements.

The subject property is described as follows: PIDs: 012-594-300, 012-521-507, 012-594-334, 012-542-024, 012-542-032, 012-532-398, being LOTS 1-6, and 14

WATERFRONT
BLOCK F
SECTION 1
DISTRICT LOT
251 RANGE 5

COAST DISTRICT PLAN 1948, together with adjacent road dedication, subject to road closure as identified in the map above.

All inquiries concerning this proposed property disposition may be directed to Rosamaria Miller, Deputy Chief Administrative Officer/ Corporate Officer, in writing by email to rosamaria.miller@princerupert.ca, or by mail (or drop-off) to City Hall at 424 3rd Avenue, Prince Rupert, B.C. V8J 1L7 by May 11, 2026.





Lax Kw'alaams Band

206 Shashaak Street
Lax Kw'alaams, BC V0V 1H0
Canada
1-877-725-3293

May 21, 2026

Chief Administrative Officer
City of Prince Rupert
424 3rd Avenue
Prince Rupert, BC V8J 1L7

Attention: Richard Pucci

Dear Richard:

Re: Proposed Disposition of Lands within Lax Kw'alaams Traditional Territory

Thank you for your email of May 19, 2026 clarifying that the properties referenced in the disposition notices and defined in our letter of May 7, 2026 (the “**Lands**”) are fee simple lands owned by the City of Prince Rupert (the “**City**”). We appreciate the prompt response.

We are also encouraged by the City’s ongoing work with Lax Kw’alaams on the Carving Building, which we view as a positive example of the kind of collaboration that can take place between Lax Kw’alaams and the City. We write in that same constructive spirit to share Lax Kw’alaams’ position on the proposed dispositions of the Lands to Gitxaala Enterprises Corporation (the “**Proposed Dispositions**” and “**GEC**”, respectively), and to outline the framework we respectfully ask the City to consider before proceeding.

With respect, Lax Kw’alaams’ view is that the fee simple status of the Lands as between the Province and the City does not, on its own, address the consultation considerations that arise. We expand on this below.

Applicable Legal Framework

The City exercises powers delegated by the Province in respect of municipal lands, roads, zoning, community planning, servicing, development approvals, and the disposition of public lands. In exercising those powers, the City’s discretion is informed by the honour of the Crown, section 35 of the *Constitution Act, 1982*, the common law duty to consult and accommodate, and British Columbia’s legal framework implementing the United Nations Declaration on the Rights of Indigenous Peoples (“**UNDRIP**”) through the *Declaration on the Rights of Indigenous Peoples Act* (“**DRIPA**”).

It is well established in Canadian law that the duty to consult is engaged where the Crown or its agents contemplate conduct that may adversely affect asserted or established Aboriginal rights and title, and that this duty applies to municipal decision-making in appropriate circumstances. We respectfully submit

that the Proposed Dispositions engage these considerations, as they would enable GEC to acquire and develop lands within territory over which Lax Kw'alaams has asserted such rights.

The OCP and the City's Reconciliation Commitments

We respectfully draw the City's attention to the commitments it has made in its own Official Community Plan, adopted in November 2025 as Bylaw No. 3460 (the "**OCP**"), and which we read as supporting early engagement with Lax Kw'alaams on decisions of this kind.

The OCP opens with a Territorial Acknowledgment recognizing that "what is now known as Prince Rupert is the traditional, ancestral, unceded territory of the Ts'msyen people," and noting that there are recommendations in the plan that can be undertaken "as part of Truth and Reconciliation."

Section 2.4 of the OCP identifies Lax Kw'alaams as one of the two Ts'msyen nations on whose territory the City resides, stating: "In Prince Rupert, it is the Ts'msyen nations of Lax Kw'alaams and Metlakatla whose territory we reside on."

At Section 5.7, Policy 3, the City has adopted UNDRIP "as the framework for reconciliation," and has committed "to developing an implementation plan in partnership with Indigenous governments, organizations, and individuals."

At Section 5.7, Policy 4, the City has committed to "pursue opportunities to recognize the territory and culture of First Nations in the Downtown District and on the waterfront." Several of the Lands subject to the Proposed Dispositions are waterfront properties to which this policy may be of particular relevance, including the lots in Waterfront Block F, Section 1, District Lot 251, and 18 Cow Bay Road.

At Section 5.7, Policy 5, the City has also committed to "engage Indigenous Nations... in all aspects of social planning."

In our respectful view, the most natural reading of these commitments — adopted as a bylaw and forming part of the framework within which the City exercises its discretion — is that they call for early engagement with Lax Kw'alaams in advance of a disposition of waterfront lands within Lax Kw'alaams' unceded territory. We invite the City to advance the Proposed Dispositions in a manner consistent with these stated commitments.

DRIPA and the Approach to Consultation

DRIPA affirms UNDRIP as having application to the laws of British Columbia, and requires the government, in consultation and cooperation with Indigenous peoples, to take the measures necessary to ensure the laws of British Columbia are consistent with UNDRIP. As a body exercising delegated provincial authority — and one that has expressly adopted UNDRIP as its reconciliation framework — the City's decisions are properly read in light of these standards.

The principles UNDRIP sets out, and that DRIPA affirms in BC law, include the rights of Indigenous peoples to participate in decisions affecting them through their own representative institutions, to be consulted with a view to obtaining their free, prior, and informed consent before administrative measures or

projects that may affect them or their lands, and to legal recognition and protection of the lands and territories they have traditionally owned, occupied, or used.

Given the nature of the Lands and their location within Lax Kw'alaams' traditional territory, our respectful view is that the consultation appropriate to the Proposed Dispositions sits toward the deeper end of the consultation spectrum, and is best engaged early — before decisions are substantially settled.

Consultation of this kind, in our experience, tends to involve early engagement, timely sharing of relevant information, adequate time for Lax Kw'alaams' review, meetings with decision-makers, openness to Lax Kw'alaams' own laws and governance processes, written responses to concerns, and accommodation measures that genuinely address impacts on Lax Kw'alaams' title, rights, and interests. We would welcome the opportunity to work with the City to give that process shape in the present circumstances.

Cumulative Context

We also ask the City to keep in mind that the Proposed Dispositions do not arise in isolation. They sit against decades of urban, port, industrial, transportation, and infrastructure development within Lax Kw'alaams' traditional territory, which together have meaningfully constrained Lax Kw'alaams' ability to exercise its rights and governance across that territory. The disposition of waterfront and associated lands in particular adds to that cumulative footprint. We would welcome the City's engagement on how those cumulative effects can be considered as part of the discussion.

Notice to the Province

For the City's information, on May 7, 2026, Lax Kw'alaams also wrote to the Premier and the Minister of Water, Land and Resource Stewardship of the Province of British Columbia, asking the Province to engage on the Proposed Dispositions and to ensure that Lax Kw'alaams is given the opportunity to participate in negotiations respecting the disposition of the Lands.

Our Requests

In light of the above, and in the constructive spirit reflected in the Carving Building work, we respectfully ask that the City:

- **Defer further steps** on the Proposed Dispositions to allow time for meaningful engagement with Lax Kw'alaams, and to allow the Province an opportunity to participate;
- **Share with Lax Kw'alaams** the documents and information relevant to the Proposed Dispositions, including staff reports, appraisals, maps, legal descriptions, draft agreements, environmental and heritage information, servicing and infrastructure plans, development concepts, the proposed sale terms, and any communications with GEC and other governments;
- **Keep Lax Kw'alaams informed** of other proposed, pending, or contemplated City land dispositions, transfers, leases, licences, dedications, closures, exchanges, rezonings, development approvals, or servicing commitments within Lax Kw'alaams' traditional territory;

- **Meet with Lax Kw'alaams' leadership and technical representatives** to develop a workplan for engagement on the Proposed Dispositions, including timelines, information-sharing protocols, capacity support for Lax Kw'alaams' review, and how potential impacts can be addressed;
- **Share with us, in writing**, how the City proposes to align its OCP implementation, land-disposition practices, and decision-making procedures with section 35 of the *Constitution Act, 1982*, the honour of the Crown, DRIPA, and UNDRIP — consistent with the City's own commitments in the OCP;
- **Provide written reasons** describing how Lax Kw'alaams' concerns have been considered before any decision on the Proposed Dispositions, or any future disposition within Lax Kw'alaams' territory, is made; and
- **Work with Lax Kw'alaams** on memoranda of understanding addressing engagement on future land-use planning decisions and the disposition of Lands within Lax Kw'alaams' traditional and unceded territory, including the consideration of a right of first refusal in appropriate circumstances.

We would be grateful for a written response within thirty (30) days, ideally including the documents requested above and a list of any other active or contemplated City land dispositions or related land-use decisions within Lax Kw'alaams' traditional territory. We are also happy to discuss timing if the City requires additional time to respond.

Lax Kw'alaams' representatives are available to meet at the City's convenience to begin the conversation.

Reservation of Rights

This letter is not intended to be an exhaustive statement of Lax Kw'alaams' rights, title, jurisdiction, governance, or remedies, all of which are reserved. While we anticipate that ongoing dialogue between Lax Kw'alaams and the City will allow these matters to be addressed collaboratively, Lax Kw'alaams reserves the right to pursue further measures it considers appropriate in the event that consultation and accommodation cannot be achieved through dialogue.

We look forward to hearing from you and to continuing the constructive relationship between Lax Kw'alaams and the City.

Sincerely



Lax Kw'alaams
Mayor Garry Reece

Olena Moshko

From: Amy Lashek <Dollysfish@outlook.com>
Sent: Thursday, June 4, 2026 3:38 PM
To: Richard Pucci
Cc: Rosamaria Miller; Ajay Purgas
Subject: Re: URGENT: Formal Objection, Request for Immediate Pause, and Expression of Interest – Sale of Lot 14 Waterfront Block F

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Richard,

I can meet June 16, 17, 18 or 19. Anytime between 10am and 2pm.

Thank-you,
Amy

From: Richard Pucci <Richard.Pucci@princerupert.ca>
Sent: June 4, 2026 1:50 PM
To: Amy Lashek <Dollysfish@outlook.com>
Cc: Rosamaria Miller <Rosamaria.Miller@princerupert.ca>; Teri Forster <Teri.Forster@princerupert.ca>; Wade Niesh <Wade.Niesh@princerupert.ca>; Gurvinder Randhawa <Gurvinder.Randhawa@princerupert.ca>; Nick Adey <Nick.Adey@princerupert.ca>; Reid Skelton-Morven <Reid.Skelton-Morven@princerupert.ca>; Barry Cunningham <Barry.Cunningham@princerupert.ca>; Ajay Purgas <admin@dollysfishmarket.com>
Subject: RE: URGENT: Formal Objection, Request for Immediate Pause, and Expression of Interest – Sale of Lot 14 Waterfront Block F

Hi Amy,

Thank you for the email.

I have spoken with Gitxaala (GECO), and I think it is best that we all meet so that Blair can run through what he is proposing to the Council as part of the purchase and sale and overall development.

Coincidentally, we have not received the Road Closures back from the Ministry of Transportation and Transit, so the final consideration is now slated for the 29th of June, not the 15th.

Both Blair and I are available next Thursday or Friday – would you be available to meet on one of those days?

For further communication regarding this meeting, I will remove the Mayor and Council from the cc, as this is a staff process.

I am looking forward to discussing in person.

Thanks RP

From: Amy Lashek <Dollysfish@outlook.com>
Sent: Wednesday, June 3, 2026 11:22 AM
To: Richard Pucci <Richard.Pucci@princerupert.ca>
Cc: Rosamaria Miller <Rosamaria.Miller@princerupert.ca>; Teri Forster <Teri.Forster@princerupert.ca>; Wade Niesh <Wade.Niesh@princerupert.ca>; Gurvinder Randhawa <Gurvinder.Randhawa@princerupert.ca>; Nick Adey <Nick.Adey@princerupert.ca>; Reid Skelton-Morven <Reid.Skelton-Morven@princerupert.ca>; Barry Cunningham <Barry.Cunningham@princerupert.ca>; Ajay Purgas <admin@dollysfishmarket.com>
Subject: Re: URGENT: Formal Objection, Request for Immediate Pause, and Expression of Interest – Sale of Lot 14 Waterfront Block F

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Richard,

Thank you for your response and for confirming that Council has received our concerns, and that final consideration of the sale is now anticipated for June 15.

During our recent meeting with Lee Brain, acting on behalf of Gitxaala Enterprises Corporation, we were advised that the sale would not proceed unless a suitable easement agreement could be reached with us, as the sale would otherwise landlock our property and significantly impact our operations.

Could you please clarify whether the sale is contingent on a suitable easement agreement being reached with us, or whether access protections remain under consideration by Council?

You also mentioned opportunities this disposition may bring to our business. At this point, we do not see any benefit to our business from the proposed sale and would appreciate clarification on what opportunities Council or staff believe this transaction creates for us and for the City.

During our meeting with Lee Brain, we were advised that Gitxaala Enterprises Corporation intends to remove the two buildings they currently own, that the land to the rear would primarily be used for storage, and that there are currently no plans for the lot across from those buildings or for Lot 14. We also discussed our 40-foot container being in the way of a proposed boardwalk. Based on those discussions, we are struggling to understand the benefit of this disposition, particularly given the impact it may have on our business operations and access.

Part of our concern stems from our previous dealings with the City. In 2023, when we were pursuing the purchase of land to the rear of our property, we were advised that the City was not in the business of selling land for storage purposes and that any purchaser would be expected to develop the property within a specified period or risk the land reverting back to the City. We were therefore required to demonstrate development plans rather than simply using the land for storage.

Based on our discussions, it appears that Gitxaala Enterprises Corporation may be acquiring land that will primarily be used for storage. If that understanding is incorrect, we would appreciate clarification. If it is correct, we would like to understand why different standards appear to apply.

I would also like to formally reiterate our interest in purchasing Lot 14. In 2023, we approached the City regarding acquisition of this area and were advised that it would not be sold because adjacent businesses relied on it for access. We relied on that information and continued investing in and operating our business based on that understanding.

Given that we are now being told there are currently no plans for Lot 14, we would ask Council to consider selling Lot 14 directly to Dolly's Fish Market. We believe our continued ownership and use of the property would support local industry, preserve access, strengthen seafood processing operations, and align with the City's planning and economic development objectives.

Finally, we would like to request a meeting with City Planning staff to better understand how this proposed disposition aligns with the City's planning objectives and to discuss our interest in acquiring Lot 14.

Thank you for your time and consideration. We look forward to your response.

Sincerely,

Amy Lashek & Fabio Pomponio
Dolly's Fish Market

From: Richard Pucci <Richard.Pucci@princerupert.ca>

Sent: May 21, 2026 3:38 PM

To: Dollysfish@outlook.com <Dollysfish@outlook.com>

Cc: Rosamaria Miller <Rosamaria.Miller@princerupert.ca>

Subject: RE: URGENT: Formal Objection, Request for Immediate Pause, and Expression of Interest – Sale of Lot 14 Waterfront Block F

Hi Amy/Fabio,

Thank you for the email and your patience with our response.

I want to let you know that the final consideration of the sale will not occur at the upcoming meeting on May 25th, but we anticipate it will occur at the June 15th meeting.

In response to your email and formal objections, staff are seeking to ensure that an access easement is made a condition of the sale and that, prior to any sale, staff will confirm with you whether the sale will be subject to the grant of an easement. The terms for this ultimately lie with the Council, and I know the Council is live to your request and situation.

Protected access is a topic of discussion, and we have heard and know your concerns. We also know you have talked to Lee about the opportunities this disposition brings, which is exciting for your business.

Please know that the Council has received and heard your concerns, and we will follow up with what we can when the Council gives us instructions.

Thanks



Richard Pucci, P.L.Eng
Chief Administrative Officer (CAO)
Administration Department

Phone: (250) 627 0956

Email: Richard.Pucci@princerupert.ca

princerupert.ca

From: Rosamaria Miller

Sent: Friday, May 8, 2026 5:12 PM

To: 'Amy Lashek' <Dollysfish@outlook.com>; Herb Pond <Herb.Pond@princerupert.ca>

Cc: Teri Forster <Teri.Forster@princerupert.ca>; Wade Niesh <Wade.Niesh@princerupert.ca>; Gurvinder Randhawa <Gurvinder.Randhawa@princerupert.ca>; Nick Adey <Nick.Adey@princerupert.ca>; Reid Skelton-Morven <Reid.Skelton-Morven@princerupert.ca>; Barry Cunningham <Barry.Cunningham@princerupert.ca>; Ajay Purgas <admin@dollysfishmarket.com>

Subject: RE: URGENT: Formal Objection, Request for Immediate Pause, and Expression of Interest – Sale of Lot 14 Waterfront Block F

Thank you Amy for your correspondence regarding the proposed disposition.

I want acknowledge your concerns related to access and the potential impacts on your operations.

At this time, I can confirm that the matter will not be proceeding to the May 11 Council agenda and has been deferred to a later Council meeting. Potentially this may mean May 25 however I will need to confirm agenda pieces before I will be in a position to fully confirm that date.

With respect to the information you've requested, I will need to review the status of the proposed disposition and any associated considerations, including those related to access and adjacent operations, and will follow up with you as soon as possible.

Thank you for your patience. I will be in touch as soon as I have had an opportunity to look into this further.

Sincerely,
Rosa



Rosamaria (Rosa) Miller
Deputy Chief Administrative Officer (DCAO)

Phone: (250) 627 0963

Email: rosamaria.miller@princerupert.ca

princerupert.ca

This message and any attachment may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by telephone and destroy any copies. Any dissemination of this information by a person other than the intended recipient is unauthorized and may be illegal. Thank you.

From: Amy Lashek <Dollysfish@outlook.com>
Sent: Friday, May 8, 2026 4:54 PM
To: Rosamaria Miller <Rosamaria.Miller@princerupert.ca>; Herb Pond <Herb.Pond@princerupert.ca>
Cc: Teri Forster <Teri.Forster@princerupert.ca>; Wade Niesh <Wade.Niesh@princerupert.ca>; Gurvinder Randhawa <Gurvinder.Randhawa@princerupert.ca>; Nick Adey <Nick.Adey@princerupert.ca>; Reid Skelton-Morven <Reid.Skelton-Morven@princerupert.ca>; Barry Cunningham <Barry.Cunningham@princerupert.ca>; Ajay Purgas <admin@dollysfishmarket.com>
Subject: URGENT: Formal Objection, Request for Immediate Pause, and Expression of Interest – Sale of Lot 14 Waterfront Block F

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Rosa,

We are requesting immediate disclosure of all proposed sale conditions relating to:

LOT 14 WATERFRONT BLOCK F DISTRICT LOT 251 RANGE 5 COAST DISTRICT PLAN 1948 and other properties listed in this land disposition

Today we were advised by Lee Brain, who stated he is representing Gitxaala Nation/Gitxaala Enterprises Corporation regarding the proposed purchase, that the sale process is contingent upon reaching an easement or access agreement with us due to the impact on our operations and access to our property.

However, the City has not communicated any such conditions to us directly.

Given that our business is directly and materially affected by this proposed disposition, we are requesting copies or details of:

- Any proposed easement or right-of-way conditions;
- Any access-related sale conditions;
- Any agreements, draft agreements, or terms under consideration relating to adjacent business access;
- Any reports or internal assessments regarding the impact on our operations;
- Confirmation of whether the sale is conditional upon preserving access to our property and business.

As previously communicated, this parcel is critical to our operations and represents the only viable access for receiving commercial and sport-caught fish, as well as access to our parking area.

We also request confirmation as to whether Council has been advised that adjacent businesses may lose operational access if this sale proceeds without legally protected access arrangements.

Given the May 11 timeline, we request a response as soon as possible, including disclosure of all material sale conditions currently under consideration.

To date, we have not received any direct communication from the City regarding proposed easement discussions or protections for our business operations, despite those issues apparently being central to the proposed transaction. We would appreciate immediate clarification regarding the status of the proposed sale, any conditions attached to it, and any steps the City intends to take to ensure our business access is preserved.

Thank you,

Amy Lashek & Fabio Pomponio

Get [Outlook for Android](#)

From: Rosamaria Miller <Rosamaria.Miller@princerupert.ca>
Sent: Tuesday, May 5, 2026 4:13:11 PM
To: Amy Lashek <Dollysfish@outlook.com>; Herb Pond <Herb.Pond@princerupert.ca>
Cc: Teri Forster <Teri.Forster@princerupert.ca>; Wade Niesh <Wade.Niesh@princerupert.ca>; Gurvinder Randhawa <Gurvinder.Randhawa@princerupert.ca>; Nick Adey <Nick.Adey@princerupert.ca>; Reid Skelton-Morven <Reid.Skelton-Morven@princerupert.ca>; Barry Cunningham <Barry.Cunningham@princerupert.ca>; Ajay Purgas <admin@dollysfishmarket.com>
Subject: RE: URGENT: Formal Objection, Request for Immediate Pause, and Expression of Interest – Sale of Lot 14 Waterfront Block F

Thank you for your email Amy. Although Mayor & Council are included on this email, I will ensure it is included as a part of their Council package.

Best,
Rosa



Rosamaria (Rosa) Miller
Deputy Chief Administrative Officer (DCAO)

Phone: (250) 627 0963
Email: rosamaria.miller@princerupert.ca



princerupert.ca

This message and any attachment may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by telephone and destroy any copies. Any dissemination of this information by a person other than the intended recipient is unauthorized and may be illegal. Thank you.

From: Amy Lashek <Dollysfish@outlook.com>
Sent: Tuesday, May 5, 2026 2:26 PM
To: Herb Pond <Herb.Pond@princerupert.ca>; Rosamaria Miller <Rosamaria.Miller@princerupert.ca>
Cc: Teri Forster <Teri.Forster@princerupert.ca>; Wade Niesh <Wade.Niesh@princerupert.ca>; Gurvinder Randhawa <Gurvinder.Randhawa@princerupert.ca>; Nick Adey <Nick.Adey@princerupert.ca>; Reid Skelton-Morven <Reid.Skelton-Morven@princerupert.ca>; Barry Cunningham <Barry.Cunningham@princerupert.ca>; Ajay Purgas <admin@dollysfishmarket.com>

Subject: URGENT: Formal Objection, Request for Immediate Pause, and Expression of Interest – Sale of Lot 14 Waterfront Block F

Some people who received this message don't often get email from dollysfish@outlook.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor and Council,

I am writing to formally object to the proposed sale of a municipal property listed by the City of Prince Rupert, to request an immediate pause of the process, and to express our interest in acquiring the specific parcel identified below.

This matter is time-sensitive given the stated May 11 deadline, and we request that this email be entered into the official record.

While we understand that multiple properties have been identified for sale, our concerns relate specifically to:

LOT 14 WATERFRONT BLOCK F DISTRICT LOT 251 RANGE 5 COAST DISTRICT PLAN 1948

This parcel is directly adjacent to our business and is essential to our operations. It provides critical access for receiving fish and represents the only viable access to the rear of our property. Any loss of this access will have immediate and severe consequences, including the potential shutdown of our business.

In June 2023, we formally approached the City to purchase this same parcel. At that time, we were explicitly advised that the property could not be sold due to its impact on surrounding businesses. We relied on that representation in good faith and continued to invest in and operate our business on the understanding that this access would be preserved.

The City is now proposing to proceed with a sale that creates the very impact it previously identified as unacceptable. This raises serious concerns regarding consistency in decision-making, procedural fairness, and the failure to consider legitimate reliance interests.

Further, we have not been consulted in advance of this decision despite being a directly and materially affected adjacent business. Proceeding under these circumstances, without meaningful engagement, raises significant legal and economic concerns.

We therefore request the following, on an urgent basis:

- Immediate confirmation that the City will pause or delay any decision or commitment regarding the sale of the above-noted parcel until this matter is fully reviewed;
- Full disclosure of the process under which the City is proceeding, including compliance with the Community Charter and all applicable notice and transparency requirements;
- Clarification as to whether alternative purchasers or competing offers are being considered;

- An opportunity to meet with Council and/or senior staff without delay to discuss the direct operational impact on our business and explore viable solutions.

For clarity, we are prepared to submit a formal offer to purchase this property. At a minimum, if the City intends to proceed with a sale to another party, legally enforceable access must be preserved through an easement or right-of-way sufficient to maintain our operations.

Absent a pause and meaningful engagement, we will be required to consider all available options to protect our business interests, including seeking legal remedies.

We trust Council will recognize the seriousness of this matter and act to ensure a fair, transparent, and lawful process that does not result in the avoidable loss of a local business.

We request written acknowledgment of this correspondence and confirmation of next steps at your earliest convenience.

Sincerely,

Amy Lashek & Fabio Pomponio

Owner

Dolly's Fish Market

Mobile 778-818-2929

Mobile 250-600-7033

Office 250-624-6090

Dolly's Fish Market

2026 Waterfront Expansion & Community Development Proposal

Vision

Dolly's Fish Market remains committed to investing in Prince Rupert and building upon the vision originally presented to Council in 2023. Since that time, our business has continued to grow, including expansion into Terrace, British Columbia, and the exploration of additional opportunities throughout the region.

Our goal is to create a long-term, sustainable development that supports local seafood processing, retail activity, tourism, employment, and public access to the waterfront while remaining consistent with the City's economic development and planning objectives.

Proposed Land Acquisition

Preferred Option

- Acquisition of Lots 6 and 14 in their entirety.

Alternative Option

- Acquisition of all of Lot 6 and a subdivision of Lot 14 sufficient to maintain:
 - Commercial fish receiving operations.
 - Sport fish receiving operations.
 - Parking and customer access.
 - Future business expansion.
 - Continued emergency and service access.

This approach would allow both Dolly's Fish Market and Gitxaala Enterprises Corporation to operate successfully while supporting future waterfront improvements.

Consolidation of Lot 6

Lot 6 would be consolidated with Dolly's existing property to create a single integrated development parcel.

This would:

- Allow utilities and services to be extended efficiently from existing infrastructure.
- Reduce municipal servicing costs.
- Eliminate the need for redundant infrastructure.

- Support long-term development rather than isolated storage uses.
- Create opportunities for future retail, tourism, and seafood-related investment.

While temporary storage may continue to support our growing operations, the long-term objective remains active development consistent with our 2023 proposal.

Retail and Seafood Expansion

The next phase of Dolly's Fish Market includes:

- Expansion of local seafood processing capacity.
- Additional retail space showcasing Northwest Coast seafood products.
- New tourism experiences connected to Prince Rupert's fishing heritage.
- Additional employment opportunities.
- Increased partnerships with local fishers and community organizations.
- Future value-added seafood production and distribution.

Since presenting our original proposal, Dolly's has expanded into Terrace, British Columbia, demonstrating our commitment to growth and continued investment in the region.

Support for the Boardwalk

Dolly's Fish Market fully supports the proposed waterfront boardwalk initiative.

We believe the boardwalk would:

- Increase tourism activity.
- Strengthen Cow Bay as a destination.
- Improve public access to the waterfront.
- Benefit existing businesses.

We are committed to working collaboratively with Gitxaala Enterprises Corporation and the City to accommodate this vision.

If the boardwalk impacts our current operations or existing outdoor areas, we would welcome discussions regarding the construction of a replacement patio that enhances both public access and the visitor experience.

Alignment with City Objectives

We believe this proposal aligns with the City's long-term goals by:

- Supporting local business retention and expansion.
- Encouraging active commercial development.
- Increasing tourism opportunities.
- Preserving Prince Rupert's seafood industry.
- Creating additional employment opportunities.
- Utilizing existing infrastructure efficiently.
- Supporting public waterfront access.

Our proposal represents continued private investment by a locally owned family business that has operated, grown, and reinvested within Prince Rupert.

Commitment to Collaboration

Dolly's Fish Market supports Indigenous economic development, public access improvements, and the proposed boardwalk.

Our objective is not to prevent development, but rather to identify a solution that:

- Protects existing businesses.
- Preserves essential access.
- Allows both Dolly's Fish Market and Gitxaala Enterprises Corporation to succeed.
- Ensures consistency with the planning principles previously applied by the City.
- Creates long-term economic benefits for Prince Rupert.

We remain committed to working collaboratively with Council, City Planning staff, and Gitxaala Enterprises Corporation toward a mutually beneficial solution.



REPORT TO COUNCIL

Regular Meeting of Council

DATE: July 6, 2026
TO: Richard Pucci, Chief Administrative Officer
FROM: Brian Millis, Recreation & Community Services Manager
SUBJECT: RECREATION 2026 CAPITAL PROJECT CHANGES

RECOMMENDATION:

THAT Council directs staff to reallocate funding for recreation capital projects as outlined.

REASON FOR REPORT:

The Five-Year Financial Plan included projects for the Recreation Complex, specifically in the Arena, the Jim Ciccone Civic Centre, and at the Earl Mah Aquatic Centre. After further investigation into costs, and actual versus intended outcomes, projects are proposed to change to better meet the capital needs of the department.

ANALYSIS:

The arena funds approved by Council were intended to be put towards a 'grinding' of the arena floor, but the funding envelope provided is not enough to make significant headway and extend the life of the arena pad as was thought when the work was put out for proposals. Staff are working on getting better estimates to ensure the arena pad is in good condition for years to come and propose reallocating the funding to another purpose identified during a review conducted by Technical Safety BC and utilizing the remaining budget to cover the approved outdoor cladding project budget shortfall.

Recent reviews by Technical Safety BC and Yeti Refrigeration identified that the arena's ammonia plant is the oldest in the region and contains components approaching end of life.

In addition, updated Technical Safety BC requirements for aging equipment reinforce the need to address these issues now. Based on a subsequent assessment, the immediate priority is the replacement of the oil separators.

Replacement of Oil Separators

Oil separators play a vital role in the refrigeration process by removing lubricating oil from the refrigerant stream and returning it to the compressor. Deterioration or failure of these components can result in several operational and financial risks:

- **Reduced System Efficiency:** Excess oil circulating through the refrigeration system reduces heat transfer efficiency, increasing energy consumption and operating costs.
- **Increased Equipment Wear:** Inadequate oil management can lead to compressor damage, premature equipment failure, and costly repairs.
- **Operational Reliability Risks:** Failure of an oil separator can result in unplanned shutdowns and ice plant interruptions, impacting facility users, rentals, tournaments, and community programming.
- **Asset Protection:** Replacing aging oil separators helps protect significant investments in refrigeration equipment and extends the overall life of the plant.

Strategic Benefits

The proposed replacement project supports several organizational objectives:

- Improves the reliability and resilience of critical arena infrastructure.
- Protects a high-value municipal asset and reduces lifecycle maintenance costs.
- Minimizes the risk of unplanned facility closures and service disruptions.
- Supports environmental responsibility through improved refrigeration system efficiency.
- Enhances user satisfaction by ensuring consistent ice availability and facility operations.

Aquatic Centre Exterior Cladding

The Aquatic Centre exterior cladding project was approved and budgeted at \$170,000. After proposals were received the cost of the work is closer to \$220,000. Reallocating a portion of the remaining balance of funding obtained by cancelling the arena resurfacing to this project will ensure it can be completed.

COST:

The 2026 Capital Budget reallocation of the arena resurfacing is proposed as follows:

Project	Approved Budget	Proposed Change	Final Total	Funding Source
Arena Resurfacing	\$150,000	(\$150,000)	\$0	RBA
Oil Separator Replacement	\$0	\$75,000	\$75,000	RBA
Aquatic Exterior Cladding	\$170,000	\$50,000	\$220,000	RBA
Total	\$320,000	\$(25,000)	\$295,000	RBA

The balance of \$25,000 not needed can be returned to the reserve fund from which it was approved, meaning it will be available for future projects.

CONCLUSION:

Reallocating approved funding as presented will address the high priority item identified by Technical Safety BC and ensure the exterior cladding on the aquatic center can be completed.

Report Prepared By:

Report Reviewed By:

Brian Millis
 Recreation & Community
 Services Manager

Richard Pucci
 Chief Administrative Officer

Original signature available upon request



HIGHWAY ROAD CLOSURE BYLAW NO. 3657, 2025

BEING A BYLAW TO CLOSE A PORTION OF HIGHWAY ALLOWANCE

Pursuant to Section 40 of the *Community Charter*, Prince Rupert City Council may, by bylaw, close a portion of a highway to traffic and remove the dedication of the highway, if prior to adopting the bylaw, Council publishes notices of its intention in a newspaper and provides an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

The Council of the City of Prince Rupert deems that it is in the public interest to close to traffic, remove the dedication of highway comprising of approximately 69.6 sqm of dedicated Highway on Plan 923, which is shown outlined in bold black on the reference plans EPP152176 prepared by McElhanney, a reduced copy of which is attached hereto (*the "Road Closure Plan"*);

The City intends to close that portion of highway to sell for consolidation with a neighbouring lot.

Notices of Council's intention to close that portion of highway to traffic, to remove its dedication as highway, and published in a newspaper and posted in the public notice posting place, and the Council has provided an opportunity for persons who consider they are affected by the closure and disposition to make representations to Council; and

The Council of the City of Prince Rupert does not consider that the closure of the Closed Road will affect the transmission or distribution facilities or works of utility operators;

The Council of the City of Prince Rupert, in an Open meeting assembled, enacts as follows:

1. Attached to this Bylaw as Schedule "A" and forming part of this Bylaw is a reduced copy of the explanatory plan of highway closure (*the "Road Closure Plan"*).
2. The City hereby authorizes the closure to traffic and removal of highway dedication of the 69.6 sqm portion of highway which was dedicated as

highway at the New Westminster Land Title Office by Plan 923, outlined in Bold on the Road Closure Plan (the “Closed Road”).

3. On deposit of the Road Closure Plan and all other documentation for the closure of the road allowance in the New Westminster Land Title Office, the Closed Road is closed to public traffic, it shall cease to be public highway, and its dedication as a highway is cancelled.
4. The Mayor and Corporate Administrator are authorized to execute all deeds of land, plans and other documentation necessary to effect this road closure and disposition.
5. This Bylaw may be cited as **“HIGHWAY CLOSURE BYLAW NO. 3657, 2025”**

READ A FIRST TIME this 27th day of April, 2026.

READ A SECOND TIME this 27th day of April, 2026.

PUBLIC NOTIFICATION this 7th day of May, 2026.

MINISTRY OF TRANSPORTATION APPROVAL this ____ day of _____, 2026 (APPROVAL NO. _____).

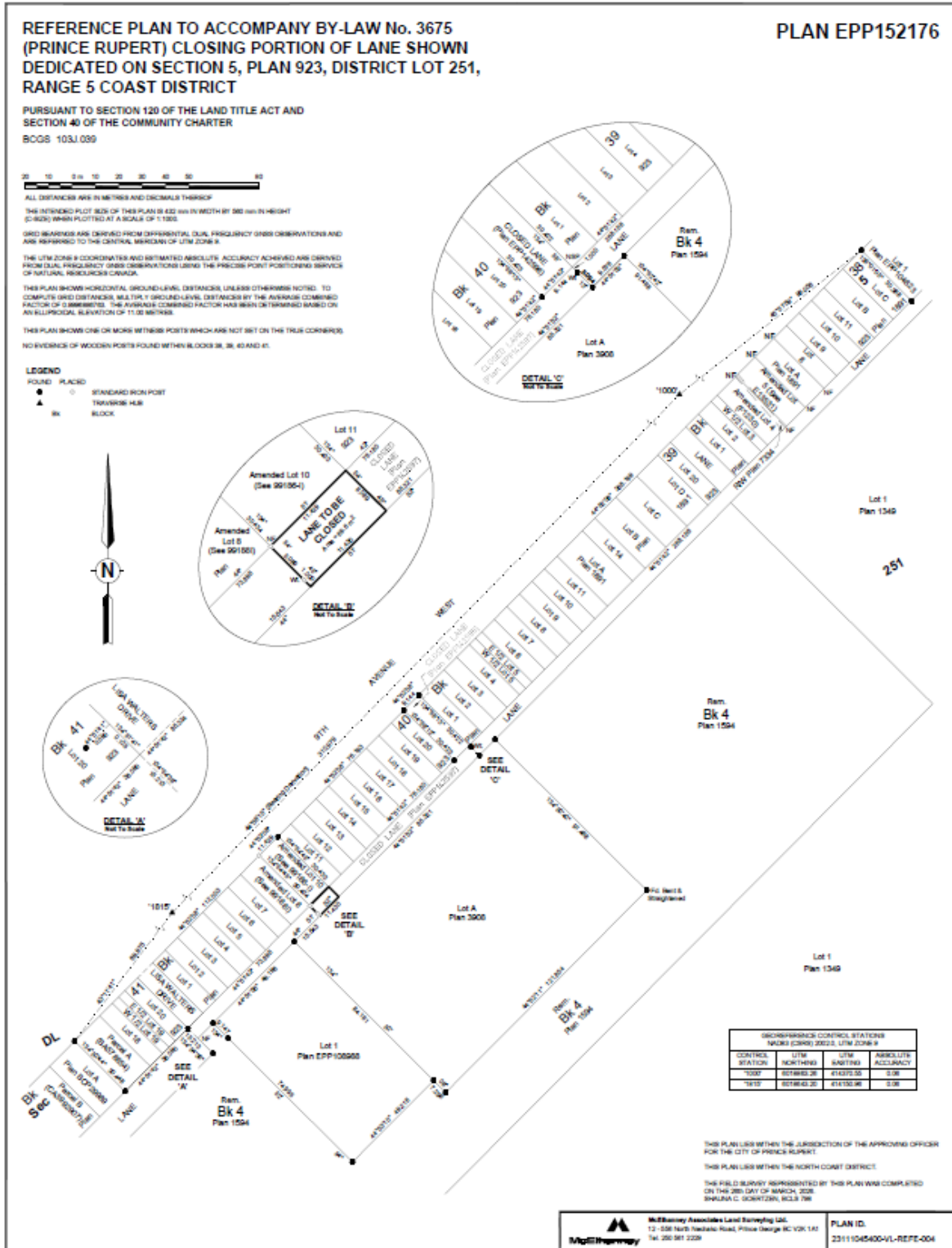
READ A THIRD TIME this 11th day of May, 2026.

FOURTH & FINAL READING this ____ day of _____, 2026.

Mayor

Corporate Officer

SCHEDULE "A" – ROAD CLOSURE PLAN (DRAFT) BYLAW NO. 3657, 2025





CITY OF PRINCE RUPERT

GOOD NEIGHBOUR BYLAW NO. 3558, 2025

A BYLAW TO ENHANCE THE QUALITY OF LIFE FOR THE
CITIZENS OF THE CITY OF PRINCE RUPERT

WHEREAS, the Council for the City of Prince Rupert desires to protect Quality of Life for its citizens, and endeavors to promote civic responsibility, and further, strives to encourage good relationships between neighbours;

AND WHEREAS the *Community Charter* authorizes officers, employees and agents of the municipality to enter at all reasonable times on any property to ascertain compliance with the municipality's bylaws;

AND WHEREAS Council deems it appropriate to require an OWNER of property to safeguard, secure and protect abandoned or unoccupied buildings from property damage, unauthorized entry or occupation for the protection of PERSONS and property;

NOW THEREFORE the Council of the City of Prince Rupert in open meeting assembled, hereby **ENACTS AS FOLLOWS:**

1. INTERPRETATION:

- 1.1. This Bylaw may be cited as "CITY OF PRINCE RUPERT GOOD NEIGHBOUR BYLAW NO. 3558, 2025.
- 1.2. Words or phrases defined in the British Columbia *Interpretation Act*, *Motor Vehicle Act*, *Local Government Act* or *Community Charter*, or any successor legislation, shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.3. In this Bylaw, unless the context otherwise requires, the singular shall include the plural, and the masculine includes all genders.

1.4. The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

DEFINITIONS

"ACCUMULATION" means a buildup, growth or collection, either scattered amassed or piled, existing at the time of inspection.

"BOARD OR BOARDED OR BOARDING" shall mean a building whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the building by PERSONS or animals. The boarding requirements are outlined in Schedule "B".

"BOULEVARD" means that portion of highway between the curb lines or the lateral boundary lines of a roadway and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways.

"BUILDING INSPECTOR" includes The Chief Building Inspector and Building Inspectors, and those designated by the City of Prince Rupert.

"BYLAW ENFORCEMENT OFFICER" means the PERSONS duly appointed by Council as such and shall include any PEACE OFFICER.

"CERTIFIED PROFESSIONAL" means a PERSON who is a member, in good standing, of the Association of Professional Engineers and Geoscientists of the Province of British Columbia.

"CHIEF BUILDING INSPECTOR" means the PERSON appointed from time to time as the Building INSPECTOR for the City of Prince Rupert.

"CITY" means the City of Prince Rupert or the area within the municipal boundaries as the context may require.

"COUNCIL" means the Council of the City of Prince Rupert.

"DERELICT" (dilapidated) shall mean a building or structure deserted by an OWNER or keeper, abandoned.

"DERELICT VEHICLE" means any vehicle or part thereof, propelled otherwise than by muscle power which:

- Is physically wrecked or disabled; and
- Is not capable of operating under its' own power.

"DISCARDED MATERIALS" includes the ACCUMULATION of wood, appliances, furniture, mattresses, motor vehicle parts or tires, construction materials, toys, recreational or sporting equipment carpeting or any other materials or equipment whereby its placement upon the REAL PROPERTY is not consistent with its intended normal use or due to its condition and or state of disrepair is not usable for its normal intended use.

"EXCESSIVE NUISANCE ABATEMENT FEES" the actual costs and expenses incurred by the City in responding to a Nuisance Service Call for the purpose of abating nuisance conduct, activity or condition, including but not limited to:

- The cost of Police and City staff time, including wages and benefits;
- The cost of using Police, Fire and City equipment and vehicles;
- Administrative costs incurred by the City in responding to the Nuisance Service Call; and
- The cost of repairs to damaged City equipment, vehicles or property.

"EXTINGUISHED" shall mean no visible flame, sparks, glowing embers or SMOKE.

"FILTH" means foul or putrid matter.

"FIRE CHIEF" means the PERSON appointed from time to time as the Chief of the Fire Department by the COUNCIL of the City of Prince Rupert or Designate.

"FIREWOOD" includes pieces of logs, split logs, tree limbs or branches, pruning's, lumber, scrap wood, manufactured logs or any other wood based materials.

"GRASS" shall include plants that are commonly known or referred to as grass.

"HAZARD OR HAZARDOUS" shall mean a physical condition created by neglect, a controlled substance property, fire or flood damage and is considered unsafe for habitation or storage without remedial action. Hazardous conditions could arise from:

- Substantial mold growth;
- Water damage which could contribute to mold or structural failure;
- Subsiding of foundations which could lead to water damage and structural failure;
- Incomplete construction (expired permit) which could deteriorate and lead to structural failure or hazards to adjacent properties and or general public;
- Incomplete demolition or standing water in excess of 24" in depth; and
- Electrical, plumbing, mechanical or a combination of which could adversely affect structural integrity.

"HIGHWAY or OTHER PUBLIC PLACE" includes every STREET, road, land, boulevard, sidewalk, LANE, bridge, viaduct and any other way open to public use and any park, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited.

"INSPECTOR" means a BYLAW ENFORCEMENT OFFICER, PEACE OFFICER, FIRE CHIEF or his designate.

"LANE" means a public thoroughfare or way which affords only a secondary means of access to a lot at the side or rear.

"LICENCE INSPECTOR" means a person appointed by the City to administer and enforce bylaws related to business licensing.

"MANAGER" means the Chief Administrative Officer or designate.

"MONITORING" shall mean a periodic site review to ascertain whether the:

- Buildings that are the subject to complaints;
- Buildings that are dilapidated;
- Buildings that are eyesores (nuisance);
- Buildings that are dangerous (hazard);
- BOARDED buildings; and
- Buildings that have been vacant for extended periods of time.

"NOXIOUS WEED" means any WEED designated by regulation to be a NOXIOUS WEED pursuant to the *British Columbia Weed Control Act*, or successive legislation.

"NUISANCE" means anything that annoys or gives trouble, or that which is offensive, irritating or a pest to anyone residing within the CITY; or any building, structure or property that does not meet the standards set forth under Schedule "A" of this Bylaw:

- Exterior not up to Code;
- Windows and/or doors are BOARDED, not ready for occupancy;
- Structure is a neighborhood blight and may include debris or broken windows;
- Structure attracts transients, pests or crime;
- Structure is neglected by OWNER;
- Outdoor light casting directly into a neighbouring window or that "unreasonably interferes" with a neighbour's enjoyment of the land;
- Paint peeling throughout structure; and
- Standing water.

"NUISANCE SERVICE CALL" means a CITY or Police response to and abatement of any NUISANCE or other activity, conduct or condition occurring on or near REAL PROPERTY which substantially and unreasonably interferes with another PERSON'S use and enjoyment of a public place or of REAL PROPERTY occupied by that PERSON, or which causes injury to the health, comfort or convenience of an occupier of REAL PROPERTY and which is caused by or arises from a PERSON'S failure to comply with the requirements of this Bylaw.

"OCCUPANT" includes:

- A PERSON residing on or in the property;
- The PERSON entitled to the possession of property if there is no PERSON residing on or in the property; and
- A leaseholder, and shall include the agent of any such PERSON.

"OFFENSIVE MATTER" means physical objects which are objectionable to the public.

"OWNER" means the PERSON (s) or organization listed as the registered OWNER on a property's legal Certificate of Title.

"PEACE OFFICER" has the same meaning as in the *British Columbia Interpretation Act* and includes a BYLAW ENFORCEMENT OFFICER.

"PERSON" includes a natural persons, company, corporation, partnership, firm, association, society, or party and the personal or other legal representatives of a person, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, or assigns to whom the context can apply according to law.

"REAL PROPERTY" means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the real property, and includes, as the context requires, individual premises located on the real property.

"RECREATIONAL VEHICLE" means any vehicle, trailer, or vessel designed or used for travel, transportation, or accommodation on a temporary basis for recreational purposes, including but not limited to motorhomes, travel trailers, fifth-wheel trailers, camper vans, tent trailers, boats, watercraft, and similar recreational equipment, whether mounted on a trailer or not, but does not include passenger vehicles or commercial vehicles.

"RUBBISH", in addition to its common dictionary meaning, shall include decaying or non-decaying solid and semi-solid wastes, including, but not limited to, both combustible and non-combustible wastes, such as paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, construction and demolition waste, DERELICT VEHICLES and other vessels, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, WEEDS, dead trees and branches, stumps, and piles of earth mixed with any of the above.

"SMOKE" means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned, including without limitation smoke, dust, gas, sparks, ash, soot, cinders and fumes.

"SPECIAL SAFETY INSPECTION" means a specific on-site review to ascertain the status of health, structural and life safety conditions of a building and may include the BUILDING INSPECTOR, the FIRE CHIEF of the CITY, a member of the Royal Canadian Mounted Police of the CITY, a Provincial Health INSPECTOR, BC Safety Authority INSPECTOR or the deputy or designate of such a PERSON.

"STORED VEHICLE" means a motor vehicle that is stored or parked upon a REAL PROPERTY and is not licenced and insured for operation on public HIGHWAYS.

"STREET" means any HIGHWAY, roadway, sidewalk, BOULEVARD, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

"UNSIGHTLY", in addition to its common dictionary meaning and regardless of the condition of other properties in the neighbourhood, shall include property having any one or more of the following characteristics:

- (i) The storage, location or ACCUMULATION visible to a PERSON standing on a public HIGHWAY or on nearby property, or in a building or structure situate on a public HIGHWAY or nearby property, of FILTH, RUBBISH, graffiti or any other DISCARDED MATERIALS;
- (ii) The untidy storage, location or placement of building materials on a site where construction is not taking place, except where they cannot be seen from a public HIGHWAY or from nearby property, or from a building or structure situate on a public HIGHWAY or nearby property;
- (iii) Landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance, or is damaged; and
- (iv) Any other similar conditions of disrepair, dilapidation, or deterioration.

"VACANT BUILDING" shall mean a building or structure, which is without lawful resident or OCCUPANT or which is not being put to a lawful commercial, residential, or industrial use for a continuous period of over forty-five (45) days within a consecutive sixty (60) day period or which, may be unoccupied and unsecured; occupied and secured by BOARDING or other similar means; unoccupied and deemed a NUISANCE or hazardous building or structure or no longer hold a valid building permit.

"WEED" means any unplanned or uncultivated plant growth or bush and shall include any landscaping that is damaged, excessively overgrown or characterized by a lack of maintenance, but does not include any tree.

2. SEVERABILITY:

- 2.1. If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

3. GENERAL REGULATIONS:

- 3.1. No PERSON shall obstruct or interfere with a BYLAW ENFORCEMENT OFFICER in the exercise of his duties.
- 3.2. A BYLAW ENFORCEMENT OFFICER shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner for the purposes of inspecting property and declaring whether the property is UNSIGHTLY or otherwise not in determining compliance with the provisions of this Bylaw.

4. ADMINISTRATION:

- 4.1. The Chief Administrative Officer or designate is hereby authorized to administer and carry out the provisions of this Bylaw.
- 4.2. Words defining responsibilities and authority shall be construed to be an internal administrative direction and not as creating a duty.

5. STREET NUISANCES: Restrictions on General NUISANCES

- 5.1 No PERSON shall apply graffiti on walls, fences or elsewhere on or adjacent to any park or public place.
- 5.2 No PERSON shall possess drug paraphernalia used for the purposes of storing, transporting or using illegal drugs in any park or public place.
- 5.3 No PERSON shall relieve oneself on a HIGHWAY, sidewalk, BOULEVARD or in any public place except those places so designated for such purposes.
- 5.4 No PERSON shall create a NUISANCE or disturbance upon any portion of a HIGHWAY or OTHER PUBLIC PLACE by participating in a fight or other similar physical confrontation between consenting or non-consenting PERSONS.

6. NOISE REGULATION:

Exemptions

- 6.1. Notwithstanding anything contained herein, no PERSON shall be guilty of an infraction of this Bylaw while:
 - 6.1.1. Operating any vehicle or equipment of the Municipality, Fire Department, the RCMP or any other public body engaged in carrying out a public service or carrying out work in or on a HIGHWAY, park or the Municipal Public Works Yard.
 - 6.1.2. Performing works of an emergency nature for the preservation or protection of life, health or property, provided that, the onus shall be on the PERSON performing the work to show cause that the work was of an emergency nature.
 - 6.1.3. Lawfully carrying on a trade or industry at a commercial, industrial or light industrial zoned area, provided that the sound or noise therefrom does not exceed the sound or noise common to such trade or industry where carried out in accordance with generally accepted industry standards using equipment and facilities in good operating order.
 - 6.1.4. Operating residential household equipment including, but not limited to heating and cooling units, exhaust fans, hot tub pumps, provided that the sound or noise therefrom does not exceed the sound or noise common to such

household equipment when in good operating order and being used in accordance with generally accepted industry standards.

6.1.5. Approved Special Event Permit or Noise Exemption Permit issued by the City

6.1.6. The use of a lawnmower between the hours of 0700 hrs. and 2200 hrs. on any day.

Special Exemptions Construction Exemptions:

6.2 Where the CITY's CHIEF BUILDING INSPECTOR considers that it is impossible or impractical for a PERSON to comply with Section 6.7 (e) and (f) the CHIEF BUILDING INSPECTOR may, grant an exemption to carry out work that is found to be necessary, at designated hours on designated days and on such other terms and conditions as the CHIEF BUILDING INSPECTOR considers reasonable in the circumstances.

Community Notification

6.2.1 Where an exemption to the noise bylaw is granted the applicant will notify businesses and residents within 45 meters of the parcel property lines. The applicant will also send a copy of the community notification to relevant CITY departments and the R.C.M.P. The notification will be in writing and forwarded at least 24 hours and no more than 7 days prior to the exempted noise. The notification shall include:

The applicant's information:

- i) The company and or construction company name, address, and telephone number;
- ii) The project name and address of the construction site; iii) The 24 hour monitored contact name and contact number.

The details of the exempted work:

- i) Potential disruptions and other relevant activity including lights construction cranes, trucks, etc.;
- ii) The reasons why the noise exempted work is necessary. iii) Information about the exemption granted as well as any limitations or conditions imposed by the CITY regarding the exemption as well as a description of any steps taken or planned to minimize the noise NUISANCE.
- iv) Telephone numbers for the "City of Prince Rupert and the RCMP."

General Prohibitions:

6.3 No PERSON shall make or cause, or permit to be made or caused, any noise in or on a HIGHWAY or OTHER PUBLIC PLACE in the CITY which disturbs or tends to

disturb the quiet, peace, rest, enjoyment, comfort or convenience of any PERSON or PERSONS in the neighbourhood or vicinity of that place.

- 6.4 No PERSON being the OWNER, occupier or tenant of REAL PROPERTY shall allow or permit such REAL PROPERTY to be used so that noise or sound which occurs thereon or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any PERSON or PERSON on the same property or in the neighbourhood or vicinity of that property.

Specific Prohibitions:

6.5 Without limiting the generality of Sections 6.5 and 6.6 herein:

- {a) No PERSON shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or on any HIGHWAY or OTHER PUBLIC PLACE in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any PERSON or PERSONS in the neighbourhood or vicinity of those premises or place.
- (b) No PERSON being the OWNER, occupier or tenant of REAL PROPERTY shall allow or permit his REAL PROPERTY to be used by a PERSON or PERSONS for playing or operating any radio or stereophonic equipment or other instrument or other apparatus for the production or amplification of sound in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any PERSON or PERSONS in the neighbourhood or vicinity of said REAL PROPERTY.
- (c) Subject to Sub-Section 6.2 (c), no PERSON shall cause, suffer or permit any animal other than a dog, to make noise or sounds unduly disturbs the peace, quiet, rest, enjoyment, comfort or convenience of any other person in neighbourhood or vicinity. For certainty, the keeping, housing and regulation of animals and livestock within the City is governed by other applicable City bylaws.
- (d) No PERSON may operate, or cause, suffer or permit the operation of, any motorized lawn-grooming or garden equipment in the CITY between the hours of 2200 hours and 0700 hours.
- (e) Subject to Section 6.3, no PERSON in the CITY shall, on any day before 0700 hours or after 2200 hours, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or excavate or fill in land in any manner which causes noise or sounds in or on a HIGHWAY or elsewhere in the CITY which disturbs or tends to disturb, the quiet, peace, rest. enjoyment, comfort or convenience of any PERSON or PERSONS in the neighbourhood or vicinity.
- (f) Subject to Section 6.3, no OWNER of REAL PROPERTY shall, on any day before 0700 hours or after 2200 hours, cause, permit or allow a PERSON to

construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or excavate or fill in land in any manner which causes noise or sounds in or on any REAL PROPERTY, a HIGHWAY or elsewhere in the CITY which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any PERSON or PERSONS in the neighbourhood or vicinity.

7. PROPERTY MAINTENANCE:

Exemptions

7.1 Part 7 of this Bylaw does not apply to the orderly outdoor storage of goods and chattels when permitted by the City of Prince Rupert Zoning Bylaw No. 3462, 2021 and amendments thereto and as amended from time to time.

Regulations

7.2 Except as permitted under Section except as permitted under Section 7.1 of this Bylaw, no OWNER or occupier of REAL PROPERTY shall cause, suffer or permit:

- (a) **RUBBISH, Garbage and Discarded Material:** All OWNERS shall not permit the ACCUMULATION of RUBBISH, Garbage or Discarded Material upon REAL PROPERTY and shall remove the same therefrom.
- (b) **ACCUMULATION of Offensive Matter:** All OWNERS shall not permit Offensive Matter upon REAL PROPERTY in plain sight and shall remove the same therefrom.
- (c) **ACCUMULATION of Water:** No OWNER shall permit water to collect or accumulate or otherwise hold water upon a REAL PROPERTY that has become sufficiently stagnant as to permit the breeding of mosquitoes which may result in the spread of West Nile virus or other harmful disease-bearing insects.
- (d) **ACCUMULATION of the Vegetation:** No OWNER shall permit the ACCUMULATION of dead landscaping, vegetation, NOXIOUS WEEDS or other growths to occur or to remain on the REAL PROPERTY.
- (e) **ACCUMULATION of FIREWOOD:** Unless otherwise regulated by the Fire Protection and Control Bylaw, all OWNERS shall not permit the ACCUMULATION of FIREWOOD upon REAL PROPERTY, and shall remove the FIREWOOD therefrom unless stored in open stacked rows and not exceeding the equivalent of 1 cord of firewood or 1.2 meters (4 feet) in width, 1.2 meters (4 feet) long and 1.52.4 meters (58 feet) high.
- (f) **ACCUMULATION of Motor Vehicle Parts or Other Mechanical Parts:** Except where the storage of motor vehicles parts is a permitted use pursuant to the City of Prince Rupert, OWNERS shall not permit the ACCUMULATION of motor vehicle parts or other mechanical parts upon REAL PROPERTY and shall remove

the same except where the storage of motor vehicles is a permitted use pursuant to the City of Prince Rupert Bylaws.

- (g) **Motor Vehicles:** Except where the storage or parking of motor vehicles is a permitted use pursuant to the City of Prince Rupert's Bylaws, all OWNERS shall not permit the ACCUMULATION of motor vehicles that are not registered, licensed and insured to operate on a public HIGHWAY and shall remove the same therefrom, save and except where the storage or parking of motor vehicles is a permitted use pursuant to the City of Prince Rupert Bylaws or one (1) STORED VEHICLE.
- (h) **Recreational Vehicles:**
 - a No person shall park or store a recreational vehicle, including a boat or other vessel, on a highway, boulevard, lane, or any City property, except as may be permitted under another City bylaw.
 - b Recreational vehicles may only be parked or stored on private property.
 - c In residential zones, no more than two (2) recreational vehicles may be parked per dwelling unit on an owner's property.
 - d Additional recreational vehicles may be parked or stored only where such vehicles are entirely enclosed within a building, or unless otherwise permitted by the City under a valid permit and in all cases must comply with all applicable City bylaws.
- (i) **CITY Infrastructure:** No OWNERS shall permit trees or bushes or their root systems located on their property to become injurious to or interfere with CITY roadways, sidewalks, electrical utilities or other utilities or works and shall remove the offending trees and or bushes or the offending portions of trees and or bushes therefrom.
- (j) **Graffiti:** All OWNERS shall not permit graffiti to remain on REAL PROPERTY for which they are the OWNER thereof and shall remove the graffiti therefrom.
- (k) **ACCUMULATION of Building Materials:** All OWNERS shall not permit the ACCUMULATION of building materials upon REAL PROPERTY and shall remove the same therefrom except that building materials that are permitted upon REAL PROPERTY where the OWNER is in possession of a valid and existing building permit issued by the CITY or is otherwise in the process of construction or improvements upon the REAL PROPERTY.

CITY BOULEVARD & LANES

- 7.3 No OWNER or occupier of REAL PROPERTY adjacent to a BOULEVARD or LANE, or any other PERSON, shall deposit or permit the deposit of any garden or vegetation waste materials containing WEEDS on or upon a BOULEVARD or LANE adjacent to the REAL PROPERTY.

Snow and RUBBISH Removal

- 7.4 Every OWNER or occupier of any building or premises within the CITY shall remove from the roofs, gutters, projections, or cornices or buildings situated upon such buildings or premises, all ACCUMULATIONS of ice, icicles, snow, RUBBISH or dirt that could slip, slide, fall or be blown upon or across any sidewalk or STREET.
- 7.5 Every OWNER or occupier of any building or premises, including any vacant lot, within the CITY, shall clear the sidewalk of snow and ice adjacent to the property before the hour of twelve o'clock (12:00 pm) on the day following the snow event.
- 7.6 Every OWNER or occupier of any building or premises, including any vacant lot, within the CITY, shall not deposit snow, ice or RUBBISH onto a CITY HIGHWAY or portion thereof.

VACANT BUILDINGS

Regulations

- 7.7 Every OWNER or occupier of a REAL PROPERTY that contains a VACANT BUILDING shall:
- (a) Maintain \$2M in liability insurance and obtain a VACANT BUILDING Registration (VBR) permit within thirty (30) days of an order by a BYLAW ENFORCEMENT OFFICER.
 - (b) Maintain the building in compliance with the standards set out in Schedule "A".
 - (c) BOARD the building in compliance with the standards set out in Schedule "B".

Exemptions

- 7.8 No PERSON shall allow a building or structure for human, industrial, or commercial use, or occupancy to stand vacant for more than sixty (60) days unless one of the following applies:
- (a) The building is the subject of an active building permit for repair or rehabilitation, or a valid permit for demolition, and the OWNER is progressing diligently to complete the repair or rehabilitation.
 - (b) The building meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease, or rent. The building is to be supplied with minimum utilities to maintain the proper functioning of the facilities as well as to prevent damage to mechanical and plumbing facilities from freezing. Commercial buildings that are classified to have a fire alarm and or fire suppression systems must maintain electrical and heating systems to maintain these life safety components.

- (c) The BUILDING INSPECTOR determines in accordance with Schedule “A” and this Bylaw that the building does not contribute a NUISANCE or hazardous condition requiring building permits for remedial work or demolition.

Determinations under this section shall be made in accordance with the standards set out in Schedule “A”.

Permits and Inspections

7.9 Where a BYLAW ENFORCEMENT OFFICER reasonably believes the building or structures on property are considered a VACANT BUILDING, the BYLAW ENFORCEMENT OFFICER shall notify the OWNER of the VACANT BUILDING in writing to:

- (a) Apply for VACANT BUILDING Registration Permit; or
- (b) Apply for a Building Permit to renovate a building or structure to a state of safe occupancy as per Section 7.8(b) or this Bylaw; or
- (c) Demolish the structure(s) within ninety (90) days in compliance with City of Prince Rupert Building Bylaw 3314, 2012 as amended from time to time; and
- (d) The BUILDING INSPECTOR may require in addition to the above, a Certified Professional licensed or registered to practice in British Columbia to perform a field evaluation of an existing structure and any required remedial work to make the structure safe for occupation or further inspections.

Inspections of Exterior of VACANT BUILDING without Notice

7.10 A BYLAW ENFORCEMENT OFFICER may enter onto land without notice to and without the consent of the OWNER in order to monitor a building that is BOARDED or appears to be vacant in order to determine:

- (a) Whether the building is vacant;
- (b) Whether a VACANT BUILDING is to be BOARDED; and
- (c) Whether the building complies with this bylaw.

VACANT BUILDING Registration Permit

7.11 In order to obtain a VACANT BUILDING Registration (VBR) permit, an OWNER must:

- (a) Apply to the CHIEF BUILDING INSPECTOR for a SPECIAL SAFETY INSPECTION within thirty (30) days of receiving an order and pay the fee hereby

imposed for such SPECIAL SAFETY INSPECTION as specified in Schedule "C" of this Bylaw.

- (b) Provide an address for service of notices and orders during the period that the permit is valid and thereafter, provide prompt notice of any change in the address given for service.
- (c) Pay any application or permit fee as established within Schedule "C" of this Bylaw.
- (d) Provide the BUILDING INSPECTOR with a copy of the Certificate of Insurance required in paragraph 7.7(a) above.
- (e) Ensure that all combustible materials within a VACANT BUILDING are removed to reduce any potential fire load.

Commercial, Multi-family, Industrial Permit

7.12 Upon payment of permit fees, the OWNER of a commercial, multi-family or industrial building(s) may obtain a permit for a period of 24 months from the date it is issued. The permit is automatically transferred to the next OWNER of the property.

Residential - (Small-scale Residential)

7.13 Upon payment of the permit fees, the OWNER of a vacant residential building is entitled to obtain a single permit for the building(s), valid for a period of one (1) year from the date it is issued. The permit is automatically transferred to the next OWNER of the building.

Display of Permits

7.14 OWNERS shall display the permit in a prominent location as determined by the BUILDING INSPECTOR.

MONITORING Inspections

7.15 Every OWNER with a permit shall allow for entry of a BYLAW ENFORCEMENT OFFICER no less than on a monthly basis into a VACANT BUILDING for the purposes of ensuring:

- (a) The building is maintained as per Schedule "A" of this bylaw; or
- (b) The building is secured against unauthorized entry as per Schedule "B" of this bylaw; and to ensure

- (i) That all combustible materials within a VACANT BUILDING are removed to reduce any potential fire load;
- (ii) There is no illegal occupancy; and
- (iii) There is no existence of rodents or any other potential health or safety risks to the community.

No Additional Permits without COUNCIL Approval

7.16 Once a permit has been issued, no additional permit may be issued in respect to the building until and unless COUNCIL has approved an additional permit to be issued under Section 7.18.

Partial Refund of Permit Fee

7.17 The current OWNER of a permit is entitled to a partial refund of the permit fee referred to in Sub-Sections 7.11(c) if the building is brought into compliance with Section 7.8 of this Bylaw. Any outstanding fees, utility charges or penalties imposed on the OWNER pursuant to this or another Bylaw are to be deducted from any refund paid within six (6) months of permit issuance.

COUNCIL May Order Additional Permit to be Issued

7.18 Upon application by an OWNER whose VACANT BUILDING has been issued a permit under Section 7.12 and 7.13, and payment of any additional fees or penalties, COUNCIL may direct the CHIEF BUILDING INSPECTOR to issue an additional permit in respect of the building(s).

Criteria for Additional Permit

7.19 In determining whether to approve an additional permit, COUNCIL must consider:

- (a) That the building(s) do not create a HAZARD or NUISANCE on adjacent buildings and the surrounding neighbourhood;
- (b) The viability and credibility of the OWNER'S plans to bring the building into compliance and maintain it thereafter in compliance with this Bylaw and other bylaws;
- (c) The likelihood that building will be re-occupied or demolished in the future; and
- (d) The OWNER'S record of compliance or non-compliance with this Bylaw and other bylaws of the CITY and the subject property and elsewhere.

Conditions of Additional Permit

7.20 In approving the issuance of an additional permit, COUNCIL may require that any conditions it considers reasonable are imposed on the additional permit. The permit is valid for twelve (12) months and may be cancelled by the CHIEF BUILDING INSPECTOR who concludes that the conditions imposed on it have not been met or have been breached.

Additional Permit Fees

7.21 An additional permit issued under Section 7.17 is conditional upon payment as described in the applicable bylaw.

7.22 Any additional inspections performed by staff beyond MONITORING inspections of the permit as described in the applicable bylaw.

Demolition of VACANT BUILDING s by CITY

7.23 If the Owner is unable to comply with the requirements of this Bylaw and Council determines that the Vacant Building is a nuisance or hazard, then the CITY may order the OWNER to remove the VACANT BUILDING (s) on thirty (30) days' notice by the CITY. If the OWNER does not remove the VACANT BUILDING (s) within thirty (30) days, the CITY or its contractors, employees or agents may enter onto the property and perform the required work to remove the VACANT BUILDING (s) and the cost of such removal may be added to the property taxes for the property. The OWNER may seek reconsideration by COUNCIL of the Order requiring the removal of the VACANT BUILDING (s) within fourteen (14) days of receiving the order by delivering written notice to the CITY.

Recovery of CITY Costs through Sale of Property

7.24 Under the *Community Charter*, if remedial action requirements have not been satisfied by the date specified for compliance, the CITY may sell the matter or thing in relation to which the requirement was imposed or any part or material of it.

Compliance Orders

7.25 If, in the opinion of the BYLAW ENFORCEMENT OFFICER, the OWNER of REAL PROPERTY or other responsible PERSON fails to comply with a requirement of this Bylaw, the BYLAW ENFORCEMENT OFFICER may issue an order requiring that the OWNER or other responsible PERSON bring the REAL PROPERTY into compliance with the provisions of this Bylaw within a time period specified in the notice, which shall not exceed fourteen (14) days unless otherwise specified.

Service of an Order

7.26 Service of an Order referred to in Section 7.25 will be sufficient if a copy of the order is:

- (a) Served personally or mailed by prepaid registered mail to the OWNER of the REAL PROPERTY as shown on the current year's REAL PROPERTY assessment roll; and
- (b) Either posted on the REAL PROPERTY or delivered or mailed by regular mail to the occupier of the REAL PROPERTY.

7.27 Notice issued under Section 7.25 herein must state:

- (a) The civic address of the subject REAL PROPERTY;
- (b) The legal description of the subject REAL PROPERTY;
- (c) The particulars of the UNSIGHTLY nature of the REAL PROPERTY or other non-compliance with this Bylaw to be remedied;
- (d) That the UNSIGHTLY nature of the property or other non-compliance with this Bylaw must be remedied within fourteen (14) days of the date of delivery of the notice, or, in the case of snow, ice or RUBBISH on a sidewalk or footpath, within 24 hours from the time the snow, ice or RUBBISH is deposited thereon;
- (e) That if the OWNER or OCCUPANT fails to comply with the notice, the CITY may, without further notice, proceed to carry out the work required, and the cost of such work will be added to the taxes of the REAL PROPERTY, and the OWNER or OCCUPANT or both may be subjected to prosecution for an offence under this Bylaw.

7.28 Notice issued under Section 7.25 herein may give specific instructions to remedy the UNSIGHTLY nature of the REAL PROPERTY or other non-compliance with this Bylaw including, but not limited to, any one or more of the following directions:

- (a) Remove UNSIGHTLY ACCUMULATIONS of materials or RUBBISH from the REAL PROPERTY;
- (b) Remove snow, ice or RUBBISH from sidewalks and footpaths;
- (c) Clean, stack or cover any material;
- (d) Clear the REAL PROPERTY of brush, trees, NOXIOUS WEEDS or other growths;

- (e) Cut GRASS or WEEDS present on the REAL PROPERTY;
- (f) Prune trees or shrubs:
- (g) Remove RUBBISH, or cut GRASS, WEEDS or other growth from adjacent BOULEVARDS or LANEWAYS;
- (h) Obtain a VACANT BUILDING Registration Permit;
- (i) Maintain a building as outlined in Schedule "A";
- o) Secure a building as outlined in Schedule "B"; and
- (k) Otherwise remediate, maintain or repair the REAL PROPERTY or buildings as specified in the notice, so as to bring it into compliance with this Bylaw.

7.29 If the OWNER of REAL PROPERTY or other responsible PERSON fails to comply with the BYLAW ENFORCEMENT OFFICER'S compliance order within the time period specified in such notice, the CITY, by its workers or others, may at all reasonable times and in a reasonable manner, enter the REAL PROPERTY and bring about such compliance at the cost of the defaulting OWNER or other responsible PERSON. Such costs shall consist of all costs and expenses incurred by the CITY to achieve compliance with this Bylaw including, without limitation, administrative costs, costs to attend property by CITY employees or its contractors and the costs of removal, clean up and disposal.

7.30 If an OWNER of REAL PROPERTY or other responsible PERSON defaults in paying the cost referred to in Section 7.27 to the CITY within thirty (30) days after receipt of a demand for payment from the CITY, the CITY may either recover from the OWNER or other responsible PERSON, in any court of competent jurisdiction, the cost as a debt due to the CITY, or direct that the amount of the cost be added to the REAL PROPERTY tax roll as a charge imposed in respect of work or service provided to the REAL PROPERTY of the OWNER, and be collected in the same manner as property taxes.

7.31 Service of a demand for payment referred to in Section 7.28 will be sufficient if a copy of the demand is served personally or mailed by regular mail to the OWNER of the REAL PROPERTY as shown on the current year's REAL PROPERTY assessment roll.

8. NUISANCE SMOKE:

- 8.1 This Bylaw applies to campfires, wood burning appliances and outdoor fireplaces as defined and regulated by the CITY bylaws.
- 8.2 No PERSON may set out, start or kindle a fire that emits opaque or dense SMOKE, or noxious odours.

8.3 An INSPECTOR may order the extinguishing of any fire producing SMOKE in violation of this Bylaw.

8.4 Every fire ordered EXTINGUISHED under this bylaw must be EXTINGUISHED immediately. Any fire that continues to burn after an Order to Extinguish has been issued may be EXTINGUISHED by the City of Prince Rupert Fire Department under the orders of the FIRE CHIEF. All costs for the response may be recovered under the provisions of the *Community Charter*.

9. ENFORCEMENT AND PENALTY:

Enforcement

9.1 The provisions of this Bylaw may be enforced by any BYLAW ENFORCEMENT OFFICER.

Penalty

9.2 Every PERSON who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$100.00, and not exceeding \$10,000, and a jail term as outlined by the courts.

9.3 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

10. REPEAT NUISANCE SERVICE CALLS:

10.1 Where a member of the RCMP, a BYLAW ENFORCEMENT OFFICER, or other CITY Official is required to respond to a REAL PROPERTY for:

(a) More than one NUISANCE SERVICE CALL within a twenty-four (24) hour period;
or

(b) More than three (3) NUISANCE SERVICE CALLS within a twelve (12) month period; the OWNER of the REAL PROPERTY shall be liable to pay the actual costs incurred by the City, as defined as Excessive NUISANCE Abatement Fees, for each additional NUISANCE SERVICE CALL responded to at the same REAL PROPERTY within the twelve (12) month period following the date of the notice referred to in Section 10.3.

10.2 Despite Section 10.1, where legal title to a REAL PROPERTY is transferred, NUISANCE SERVICE CALLS made before the date that the new OWNER obtains legal title to the REAL PROPERTY shall not apply to a determination under Section

10.1 of whether EXCESSIVE NUISANCE ABATEMENT FEES are payable. The new OWNER shall, in any event, be liable for all unpaid Excessive NUISANCE fees imposed against the REAL PROPERTY in respect of past NUISANCE SERVICE CALLS.

10.3 Before imposing an Excessive NUISANCE Abatement Fee, written notice shall first be provided to the OWNER of the REAL PROPERTY:

- (a) Describing in reasonable detail the nature of the NUISANCE conduct, activity or condition that occurred, or was maintained or permitted in, on or near the REAL PROPERTY; and
- (b) Advising the OWNER that EXCESSIVE NUISANCE ABATEMENT FEES will be imposed for each additional NUISANCE SERVICE CALL to the same REAL PROPERTY and that the imposition of such fees is in addition to the CITY'S right to seek other legal remedies or actions for abatement of the NUISANCE.

10.4 Service of the Notice Referred to in Section 10.3 will be sufficient if the notice:

- (a) In the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the OWNER shown on the current year's REAL PROPERTY assessment roll for the REAL PROPERTY for which the notice is issued;
- (b) In the case of service on a corporation, is served personally on a director, officer or MANAGER of the corporation or by leaving it at or mailing it by prepaid registered mail to the registered office of the corporation.

10.5 EXCESSIVE NUISANCE ABATEMENT FEES shall be paid by the OWNER on receipt of an invoice from the CITY. If the amount of each invoice is not paid in full before the 31st day of December in the year received, on written notice to the OWNER, the amount shall be added to and form part of the taxes on the REAL PROPERTY, as taxes in arrears.

10.6 An OWNER may, within thirty (30) days of receipt of an invoice demanding payment of EXCESSIVE NUISANCE ABATEMENT FEES, require that COUNCIL reconsider the requirement to pay, or the amount of, the EXCESSIVE NUISANCE ABATEMENT

FEES, at which time the OWNER of the REAL PROPERTY shall have an opportunity to be heard by COUNCIL.

Read a First time this ____ day of _____, 2025.

Read a Second time this ____ day of _____, 2025.

Read a Third time this ____ day of _____, 2026.

Read a Fourth & Final time this ____ day of _____, 2026.

MAYOR

CORPORATE OFFICER

SCHEDULE "A"

The OWNER of a VACANT BUILDING must comply with the following maintenance standards of this Schedule.

Exterior walls

1(1) The exterior of every building must be constructed, repaired and maintained in a manner that;

- (a) Ensures the integrity of the building envelope to protect the building from the weather and from infestations of insects, rodents and other pests; and
- (b) Prevents a substantial depreciation in property values in the immediate neighbourhood.

1(2) Without restricting the general obligation set out in subsection (1):

- (a) All exterior surfaces must consist of materials that provide adequate protection from the weather;
- (b) All exterior walls and their components, including coping and flashing, must be maintained in good repair;
- (c) All exterior walls must be free of holes, breaks, loose or rotting boards or timbers and any other condition which might permit the entry of insects, rodents or other pests to the interior of the wall or the interior of the building;
- (d) Exterior wood surfaces must be adequately protected against deterioration by the periodic application of paint, stain or other protective coating;
- (e) No more than 25% percent of any painted area of any exterior wall may be blistered, cracked, flaked, scaled, or chalked away;
- (f) The mortar of any masonry or stone exterior wall may not be loose or dislodged.
- (g) The exterior of every building must be free of graffiti; and
- (h) Loose material must be removed from exterior walls, doors and window openings.

Roofs

2(1) Roofs must be constructed and maintained so as to prevent:

- (a) Rainwater or melting snow falling on the roof from entering the building;

- (b) Rainwater or melting snow falling on the roof from negatively affecting neighbouring buildings or properties; and
- (c) Objects and materials from falling from the roof.

2(2) Without restricting the general obligation set out in subsection (1):

- (a) Roofs, including fascia boards, soffits, cornices, flashing, eaves troughing and downspouts must be maintained in a watertight condition.
- (b) Roof drainage must be controlled in order to eliminate or minimize runoff to neighbouring properties that:
 - (i) Accumulates or causes ground erosion;
 - (ii) Causes dampness in the walls, ceilings or floors of any portion of any neighbouring building; and
 - (iii) Accumulates on sidewalks or stairs in a manner so as to create a hazardous condition.
- (c) Loose or unsecured objects and materials, including ACCUMULATIONS of snow or ice or both that are likely to fall on passersby or are likely to result in the collapse of the roof, must be removed from the roof of a building or an accessory building.

Fire protection systems

3(1) Unless a fire protection system has been decommissioned by permission of the FIRE CHIEF, it must be maintained in an operational condition.

3(2) Unless a fire alarm system has been decommissioned by permission of the FIRE CHIEF, it must be connected to an approved fire signal receiving centre in compliance with all appropriate regulations, adopted and published by the Underwriters' Laboratories of Canada, so as to notify the Fire Department of a fire alarm activation in the building.

SCHEDULE "B"

The OWNER of a VACANT BUILDING must comply with either **Part I** or **Part II** of this Schedule.

PART I

In order to comply with Part I of this Schedule, the OWNER of a VACANT BUILDING in a residential or commercial area must ensure that:

- (a) All exterior doors to the dwelling are operational, fit tightly within their frames when closed and are locked so as to prevent entry;
- (b) All windows are either permanently sealed or locked so as to prevent entry;
- (c) All windows, doors, basement and attic hatchways and their frames are so constructed and maintained to completely exclude rain and substantially exclude wind from entering the building; and
- (d) All windows are in good repair, and properly glazed.

PART II

In order to comply with Part II of this Schedule, the OWNER of a VACANT BUILDING in a residential area must ensure that the following requirements are met:

- (a) All doors, windows and other openings, other than the principal entrance, at the basement and main (first) floor levels must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
- (b) The principal entrance must be covered in compliance with this Part with a solid piece of plywood, at least 11 millimeters thick, adequately secured with screws at least 50 millimeters in length, spaced not more than 150 millimeters on centre.
- (c) Windows, doors and other openings at the second floor level must be covered in compliance with this Part with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
- (d) Windows, doors and other openings at the third floor level or higher must be either:
 - i. Secured in accordance with Part I of this Schedule; or
 - ii. Covered in compliance with this Part with a solid piece of plywood, at least 8 millimeters thick and secured with coated spikes at least 75 millimeters in length, spaced not more than 150 millimeters on centre.
- (e) Windows, doors and other openings at the third floor level or higher may be secured from inside the building; plywood applied to all other openings must

be secured from the exterior.

- (f) Plywood applied to openings must be installed and maintained in a way that is weather-tight and must be protected from the elements with at least two coats of white paint. A hole must be cut in the plywood just large enough for the door hardware to protrude.
- (g) All floors above the first floor must be rendered inaccessible to entry by raising fire escapes and ladders to a height of at least four meters or guarding them in some other manner acceptable to an Enforcement Officer.
- (h) All areaways must be adequately secured either by:
 - i. Filling them with concrete or unshrinkable fill; or
 - ii. Covering opening to them with a metal plate of at least 8 millimeters thick and securing it so as to prevent it from shifting.
- (i) Electricity, natural gas and water must not be cut off if they are necessary to maintain fire protection systems or fire alarms.
- (j) Where it is not necessary to maintain fire protection systems or fire alarms, electricity, natural gas and water must not be cut off except in a manner satisfactory to an Enforcement Officer.

SCHEDULE "C"

VACANT BUILDING Registration Fees

VACANT BUILDING Registration Application Fee	\$540.00
Fee for SPECIAL SAFETY INSPECTION prior to registration permit	\$500.00
Fee for subsequent inspections not related to VACANT BUILDING Registration Permit	\$130.00 per inspection
Fee for VACANT BUILDING Registration Permit (12 months. Max.) For each building or structure located on a single or two family zoned properties	\$1,500.00
Fee for VACANT BUILDING Registration Permit (24 months. Max.) for each building or structure located on all other zoned properties	\$3,500.00
Fee for additional VACANT BUILDING Registration (12 months. Max)	\$1,500.00
Attendance by City of Prince Rupert Fire Services	Actual costs incurred by the CITY for related labour, materials, & equipment.
Fee reduction for VACANT BUILDING Registration Permit Notwithstanding any outstanding fees, utility charges, or penalties imposed on the OWNER.	75% of VACANT BUILDING Permit Fee may be refunded if it is remediated or demolished withing first six months of registration.

SCHEDULE "D"
RECREATIONAL VEHICLE PERMIT APPLICATION

Permit Fee: Recreational Vehicle Permit: \$10.00 per Recreational Vehicle

Applicant Information

Property Owner: _____

Mailing Address: _____

Telephone Number: _____

Email Address: _____

Property Information

Civic Address: _____

Legal Description (if known): _____

Recreational Vehicle Information

Motorhome Travel Trailer Fifth-Wheel Trailer Camper Van Tent Trailer

Boat / Watercraft Other: _____

Make: _____

Model: _____

Year: _____

Licence Plate / Registration Number: _____

Storage Location on Property: _____

Declaration

I hereby declare that the information contained in this application is true and correct and that the recreational vehicle identified herein will be stored in accordance with the provisions of the City of Prince Rupert Good Neighbour Bylaw No. 3558, 2025, and all other applicable City bylaws.

Applicant Signature: _____

Date: _____

City Use Only

Permit Number: _____

Date Issued: _____

Fee Paid: \$10.00

Approved By: _____

Permit Expiry Date: _____