

TOWN OF WATSON LAKE
BYLAW 2023-011

A BYLAW TO ESTABLISH AND ENFORCE STANDARDS RELATED TO THE CLEANLINESS,
GENERAL MAINTENANCE, AND IMPROVEMENT OF THE MUNICIPALITY AND THE
WELFARE, PROTECTION, AND SAFETY OF ITS RESIDENTS

WHEREAS pursuant to the provisions of Section 265 of the *Municipal Act* (R. S. Y. 2002) provides that Council may pass bylaws for municipal purposes respecting:

- the safety, health, and welfare of people and the protection of persons and property,
- municipal services and improvements on private and public lands,
- visual nuisances, unsightly property, and pollution,
- waste on public or private property, and,
- subject to the *Highways Act*, the management and control of sidewalks, boulevards, and all property adjacent to highways whether publicly or privately owned;

AND WHEREAS Council deems it appropriate to adopt a new General Maintenance and Nuisance Bylaw;

NOW THEREFORE the Council of the municipality of the Town of Watson Lake, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1.0 SHORT TITLE

1.01 This Bylaw shall be known as the General Maintenance and Nuisance Bylaw.

2.0 DEFINITIONS

“Accumulate” means to gather together or acquire an increasing number or quantity;

“Administrator” means the Chief Administrative Officer for the Town of Watson Lake or their designate;

“Bad Repair” means a condition where structure has:

- a. significant damage;
- b. broken, missing, or fallen parts;
- c. rot or other significant deterioration
- d. visual evidence of a lack of maintenance; or,
- e. any condition which is, or may become, a safety hazard;

“Boulevard” means the land between the property line of a commercial or residential property and the curb, and if there is no curb, to the edge of the travelled portion of the roadway, lane or alley that is immediately contiguous to the property;

“Compost” means a mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning land

“Compost Container” means a structure designed to harnesses the natural process of decomposition by turning organic matter into a useful product for your landscape or garden.

“Council” means the duly elected Council of the Town of Watson Lake;

“Designated Officer” means the Bylaw Officer, Director of Protective Services, or Chief Administrative Officer, or their appointed designate;

“Highway” means an access way, whether publicly or privately owned, for which any part is ordinarily permitted for the passage or parking of vehicles, as defined in the *Yukon Motor Vehicles Act* and amended from time to time and includes a Boulevard;

“Fee” means a fee as set out in the Town of Watson Lake Fees and Charges Bylaw as amended from time to time;

“Fence” means a structure, or any part of that structure, used as an enclosure or screening around all or part of a lot or site, and shall include, but not be limited to, a privately built fence and a developer-built screening fence;

“Graffiti” means unauthorized writing, drawing, or marks on any structure or surface but not including marks made accidentally or any of the following:

- a. a sign, public notice or traffic control device authorized by the Town, Territorial or Federal Government;
- b. murals; or
- c. letters, symbols or marks that have been approved by the Town;

“Noxious” means physically harmful or destructive to living beings;

“Occupier” means an occupier of land and includes the resident occupier of land or, if there is no resident occupier, a leaseholder or person having, or enjoying in any way, or for the purpose whatsoever the use of the land otherwise than as owner, whether or not the land or part thereof is an unsurveyed area and includes a squatter;

“Offensive Growth” means actively aggressive process of something increasing in physical size;

“Open Space” means public and private land that is undeveloped, which often retains its natural vegetation;

“Owner” means an owner of real property and includes a person having any right, title, estate, or interest in real property other than that of an occupier or mortgagee;

“Public Lands” means all lands under the ownership or control of His Majesty the King in Right of Canada, the Commissioner of the Yukon Territory, or the Town of Watson Lake;

“Rubbish” means all domestic and commercial garbage and rubbish, including, without limiting the generality of the foregoing, organic and non-organic wastes, recyclable materials, junked vehicles, construction waste and discarded chattels.

“Special Permit” means an authorization for a use of property that is a special exception;

“Town” means the Town of Watson Lake;

3.0 GENERAL PROVISIONS AND REGULATIONS

- 3.01 The Town appoints the CAO, Director of Protective Services, and Bylaw Officer, also referred to as Designated Officers, to administer this bylaw.
- 3.02 To assist the CAO, Director of Protective Services, and the Bylaw Officer in the administration of this bylaw, Designated Officers may from time to time be appointed.

4.0 RIGHT OF ENTRY

- 4.01 A Designated Officer may enter into or upon any property within the Town at any reasonable and scheduled time for inspection purposes or in order to enforce or carry out provisions of this bylaw.
- 4.02 Where entrance into or upon any property within the Town is refused, a Justice of the Peace or Judge, upon application by the Town, may by order require the occupier to admit a Designated Officer into or upon the property.
- 4.03 An order made by a Justice of Peace or Judge continues in force until the purpose for which it is made has been fulfilled.
- 4.04 Any person who fails to comply with an order of a Justice of Peace or Judge is guilty of an offence.

5.0 ACCUMULATIONS PROHIBITED

- 5.01 No person shall cause, permit, or allow any of the following on land which said person owns or occupies, unless permitted by the *Zoning Bylaw*:
- a. The storage of three or more vehicles that are:
 - (i) not validly registered and licenced in accordance with the *Motor Vehicles Act*;
 - (ii) incapable of movement under that vehicle’s own power; or
 - (iii) any combination of (i) or (ii).
 - b. The use of the property for the storage, repair, cleaning, maintenance, collection, or servicing of mechanical or heavy equipment including bulldozers, graders, loaders, cranes, tractors, semi-trailers.
 - c. The storage, collection, or accumulation of refuse in any structure except in containers, bins, drawers, shelves, or areas designated for temporary storage of such types of refuse.
- 5.02 Despite section 5.01(b) an owner may make a request in writing to Bylaw to have a vehicle in an unfenced area for the sole purpose of restoration or repairs, for a period no more than six (6) months. Bylaw may approve the application subject to meeting and maintaining certain terms and conditions which may include but is not restricted to a public hearing and agreement in writing of all properties within 100 meters of the boundaries of the property of the applicant.

6.0 RESTRICTIONS

- 6.01 No person shall cause, permit, or allow water, discarded material, rubbish, or any noxious or offensive matter to collect or accumulate around their premises occupied by them.

- 6.02 No person shall leave rubbish in any open space.
- 6.03 No owner or occupier of property in the Town shall cause or permit that property to become or to remain untidy or unsightly. Without restricting the generality of the foregoing, a property is deemed to be untidy or unsightly if:
- a. building material, whether new or second hand, on any property other is stored or allowed to accumulate unless:
 - (i) a business license under the Business Licence Bylaw has been issued for those purposes;
 - (ii) the owner or occupier of the property, or their agent, is in possession of a valid building permit and the building materials are stored or accumulated for the purpose of completing the work contemplated by that permit; or
 - (iii) the accumulation is stored inside a building or piled is neatly on the property;
 - b. filth, discarded materials, or rubbish of any kind are allowed to accumulate;

7.0 SNOW REMOVAL

- 7.01 No person shall place snow removed from private property on public highways, public lands adjacent to a highway, the private property of others, streets, or other roadways, so that it impedes the Town's crews from clearing the streets. This includes pushing snow from private driveways or parking lots onto the street or across the street, to place snow on boulevards at intersections, on sewer or storm manhole covers, water main valves or fire hydrants.
- 7.02 Every owner or occupier shall be responsible for maintaining the height differential between property entrances and maintained road surfaces.

8.0 HIGHWAY DAMAGE

- 8.01 No person shall damage:
- a. a highway;
 - b. any hedge, tree, shrubbery, or grass adjacent to a highway;
 - c. anything signage or lighting adjacent to a highway;
- 8.02 No person shall drive upon grass adjacent to any highway or on any property except when necessary to cross part of the highway for the purpose of delivery or removal of furniture, household goods, or other like chattels, in which case planks of sufficient length and width shall be placed over the roadway in front of the building in or from which the chattels or goods shall be delivered to or removed.

9.0 DEFACING PROPERTY

- 9.01 No person shall damage, deface, or disfigure a public or private building, accessory building, fence, or other structure, owned or maintained within the Town.
- 9.02 No owner or occupier of real property shall cause, permit, or allow the defacing of property, including graffiti, to be on any surface or structure on their property.
- 9.03 Where an owner or occupier of real property has received a notice from the Town concerning defacement or graffiti on such property, such owner or occupier shall make repairs to the property as detailed in the notice. Such notice shall require the repair be

completed within a specific timeframe as determined reasonable by the Designated Officer.

10.0 HOUSE NUMBERING

- 10.01 All owners and occupiers of real property on which a dwelling unit or building has been erected shall display the number assigned to the property at a location plainly visible from the highway upon which the house or building is situated. In the case of country residential properties, assigned numbers shall be placed on reflective backgrounds or be of reflective materials and shall be located within three metres of the highway or boulevard upon which the dwelling is situated.

11.0 MAINTENANCE OF PROPERTY

- 11.01 No person shall cause, permit, or allow property owned or occupied by them to exist in a state of bad repair or to constitute a danger.
- 11.02 If the exterior doors, windows, or other openings to abandoned buildings or structures is broken, improperly fitted, or otherwise in disrepair, the property owner or occupier shall board the building or structure in a secure and safe manner so as to prevent entrance.
- 11.03 The boarding required under Section 11.02 shall be installed from the exterior and properly fitted within the frames of the opening in a watertight manner by nails or screws.

12.0 COMPOSTING

- 12.01 Notwithstanding anything else in this bylaw, composting is permitted provided that it is conducted in accordance with the following requirements:
- a. All composting shall be carried out on private property by the owner or occupier of the property;
 - b. Composting shall take place only in a container or pile and only on land which a dwelling is located;
 - c. Compost containers or piles shall be located at least one (1) metre from any property line and at least 3 metres from any dwelling unit, deck, or patio area associated with an adjacent property, measured from the nearest part of the composting container or pile to the nearest part of the adjacent dwelling, deck, or patio;
 - d. Composting shall be maintained as to minimize the attraction of animals.

13.0 SPECIAL PERMITS

- 13.02 An owner of property may apply to a Designated Officer for a special permit exempting them from prohibition or requirement in this bylaw on such terms and for such time period as deemed reasonable by the Designated Officer.
- 13.03 Every applicant for a Special Permit pays a permit fee as specified in the *Fees and Charges Bylaw*, upon the form as indicated on Schedule "A" here unto.

14.0 ORDER TO REMEDY A CONTRAVENTION

- 14.01 The Designated Officer may issue an order to any person who has contravened this bylaw or to an owner or occupier where a contravention of this bylaw is found, and such person shall comply with the order within the time limits specified in the order.

14.02 Every person who fails to comply with an order commits an offence.

14.03 An order shall contain at least the following information:

- a. the name and address of the person on whom the order is served;
the day on which the contravention was alleged to have been committed or discovered;
- b. the address of the property where the contravention was found or took place;
- c. reasonable particulars of the contravention;
- d. a requirement that the person served shall remedy the contravention, and how compliance shall be affected;
- e. a prescribed time frame during which the contravention must be remedied;
- f. the consequences of non-compliance, including the advice that if the person does not comply with the order within the prescribed timeframe, the Town will take action or measures to remedy the contravention at the expense of the person;
- g. the right of the person to appeal the order to council within 14 days of being served with the order.

14.04 If any person fails to comply with an order within the timeframe prescribed in the order, the Town may, by its employees and others, enter the property and effect compliance at the expense of the person. In addition to any other penalties that may be imposed pursuant to this bylaw, the Town may thereafter bill such person for these charges.

15.0 REVIEW OF ORDER BY COUNCIL

15.01 A person who receives an order may, by providing written notice to the CAO within 14 days of being served with the order, request that council review the order.

15.02 Any notice or order may be served by:

- a. delivering the notice or order to the person; or,
- b. mailing the notice or order by registered or certified mail to the person's last known post office address, in which case it shall be deemed to be received five business days after being mailed.

16.0 ENFORCEMENT AND PENALTIES

16.01 Every person who contravenes any provisions of this Bylaw, or neglects or refrains from rectifying an identified issue or order for any provision of this bylaw, shall be guilty of an offence punishable on summary conviction and liable to a fine not exceeding:

- a. \$5,000.00; or,
- b. a voluntary fine under the *Summary Convictions Act*, issued in respect of an offence specified in Schedule "A" and attached hereto and forming part of this bylaw.

16.02 Any outstanding fines, fees, or costs, including without limiting the generality of the foregoing, those costs incurred by the Town after a person fails to comply with an order, which are unpaid by an owner or occupier, may be charged against the person's property, and may be recovered

in the same manner as a tax may be collected or enforced under the *Municipal Act*.

16.03 Issuance of a notice is not a prerequisite to issuing an order.

16.04 Issuance of a notice or order is not a prerequisite to proceeding with a prosecution pursuant to this bylaw.

17.0 GENERAL INTERPRETATIONS

17.01 The invalidity of any section, sentence, or provision of this bylaw shall not affect the validity of any other part of this bylaw that can be given effect without such invalid part.

18.0 REPEAL OF PREVIOUS LEGISLATION

18.01 Bylaw 010-13, including any amendments hereto is hereby repealed.

19.0 COMING INTO FORCE

19.01 This bylaw shall come into full force upon the final passing thereof.

Read a First time this 19th day of September 2023

Read a Second time this 20th day of August 2024

Read a Third time and Finally Passed this 18th day of September, 2024

Christopher Irvin – Mayor

Tiffany Lund – Municipal Clerk

Schedule "A"
Schedule of Voluntary Fines

Section	Description	Fine
5.01(a)	Storage of unregistered or immovable motor vehicles	\$250.00
5.01(a)	Storage of unregistered or immovable motor vehicles (2 nd offence)	\$500.00
5.01(a)	Storage of unregistered or immovable motor vehicles (3 rd offence)	\$1000.00
5.01(b)	Store, repair, clean, maintain, or collect, mechanical or heavy equipment	\$250.00
5.01(b)	Store, repair, clean, maintain, or collect, mechanical or heavy equipment (2 nd offence)	\$500.00
5.01(b)	Store, repair, clean, maintain, or collect mechanical or heavy equipment (3 rd offence)	\$1000.00
5.01(c)	Allow the storage, collection or accumulation of refuse	\$250.00
5.01(c)	Allow the storage, collection or accumulation of refuse (2 nd offence)	\$500.00
5.01(c)	Allow the storage, collection or accumulation of refuse (3 rd offence)	\$1000.00
6.01	Allow the accumulation of water, rubbish or noxious materials on premises	\$250.00
6.01	Allow the accumulation of water, rubbish or noxious materials on premises (2 nd offence)	\$500.00
6.01	Allow the accumulation of water, rubbish or noxious materials on premises (3 rd offence)	\$1000.00
6.02	Allow or leave rubbish in open space	\$250.00
6.02	Allow or leave rubbish in open space (2 nd offence)	\$500.00
6.02	Allow or leave rubbish in open space (3 rd offence)	\$1000.00
6.03(a)	Allow the accumulation or storage of building materials	\$250.00
6.03 (a)	Allow the accumulation or storage of building materials (2 nd offence)	\$500.00
6.03(a)	Allow the accumulation or storage of building materials (3 rd offence)	\$1000.00
6.03(b)	Allow filth, discarded materials, or rubbish to accumulate	\$250.00
6.03(b)	Allow filth, discarded materials, or rubbish to accumulate (2 nd offence)	\$500.00
6.03(b)	Allow filth, discarded materials, or rubbish to accumulate (3 rd offence)	\$1000.00
7.01	Fail to remove snow from property as directed	\$250.00
7.01	Fail to remove snow from property as directed (2 nd offence)	\$500.00
7.01	Fail to remove snow from property as directed (3 rd offence)	\$1000.00
8.01	Cause damage to a highway, vegetation, signage etc.	\$250.00

Schedule "A" (continued)
Schedule of Voluntary Fines

Section	Description	Fine
8.01	Cause damage to a highway, vegetation, signage etc. (2 nd offence)	\$500.00
8.01	Cause damage to a highway, vegetation, signage etc. (3 rd offence)	\$1000.00
8.02	Drive upon grass adjacent to highway or property	\$200.00
9.01	Damage or deface property or structure	\$250.00
9.01	Damage or deface property or structure (2 nd offence)	\$500.00
9.01	Damage or deface property or structure (3 rd offence)	\$1000.00
9.02	Allow or place graffiti	\$250.00
9.02	Allow or place graffiti (2 nd offence)	\$500.00
9.02	Allow or place graffiti (3 rd offence)	\$1000.00
9.03	Owner or occupier fails to remove graffiti	\$250.00
9.03	Owner or occupier fails to remove graffiti (2 nd offence)	\$500.00
9.03	Owner or occupier fails to remove graffiti (3 rd offence)	\$1000.00
10.01	Fail to display house number as directed	\$200.00
11.01	Cause or allow property to exist in bad repair	\$250.00
11.01	Cause or allow property to exist in bad repair (2 nd offence)	\$500.00
11.01	Cause or allow property to exist in bad repair (3 rd offence)	\$1000.00
11.02-11.03	Improper securement of abandoned building or structure	\$500.00
12.01	Fail to compost as directed	\$200.00