

TOWN OF WATSON LAKE

BY-LAW 010-13

A BY-LAW OF THE TOWN OF WATSON LAKE FOR THE GENERAL MAINTENANCE AND IMPROVEMENT OF THE MUNICIPALITY AND THE WELFARE, PROTECTION, HEALTH AND SAFETY OF ITS RESIDENTS.

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WHEREAS pursuant to the provisions of Section 265 of the Municipal Act, Chapter 154 of the Revised Statutes of the Yukon 2002 which provides in part as follows:

A Council may pass By-Laws for municipal purposes respecting the following matters:

(m) Nuisances, unsightly property, noise pollution and waste in or on public or private property.

AND WHEREAS it is deemed to be expedient and in the best interest of the Town of Watson Lake to regulate nuisance and unsightly property and waste in or on public or private property.

NOW THEREFORE, the Council of the Municipality of the Town of Watson Lake in Open Meeting duly assembled hereby ENACTS AS FOLLOWS:

- 1) This By-law may be referred to as the General Maintenance and Nuisance By-Law.
- 2) Definitions in this By-Law, unless the content otherwise requires:
  - a) "Administrator" means the Chief Administrative Officer of the Town of Watson Lake or his/her designate.
  - b) "Council" means the Council of the Town of Watson Lake.
  - c) "Development Officer, means the properly authorized official or officials of the Town of Watson Lake appointed by council to interpret, administer and enforce the provisions of the Watson Lake Zoning By-Law as specified within the Zoning By-Law.
  - d) "Highway" includes any thoroughfare, street, road, trail, avenue, parkway, driveway, lane, alley, bridge, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the use of vehicles.
  - e) "Manager of By-Law Enforcement" means the Manager of the Town's By-Law Enforcement Department.
  - f) "Occupier" means an occupier of land and includes the resident occupier of land or, if there is no resident occupier, the person entitled to the possession thereof, a lease-holder or person having, or enjoying in any way or for any 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.
  - g) "occupying" means the acts of an occupier;
  - h) "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:

- i) "person includes a corporation and the heirs, executors, administrators or other legal representatives of a person;
- j) "public lands" means all lands under the ownership or control of Her Majesty the Queen in Right of Canada, the Commissioner of the Yukon Territory or the Town of Watson Lake;
- k) "rubbish" shall mean waste or rejected matter.
- l) "Special Permit, means a permit issued in accordance with the provisions of this by-law.
- m) "Town" means the Town of Watson Lake:
- n) "Untidy or Unsightly" means, but is not limited to
  - (a) the accumulation or storage of building material whether new or second hand on any property other than premises licensed under the Business Licence Bylaw for that purpose, unless the owner or occupier of the property, or their agent, is in possession of a valid building permit or unless the accumulation is stored in a building, or piled neatly on the property.
  - (b) the storage, collection or accumulation of more than three (3) motor vehicles or portion thereof which are unregistered & not licensed in accordance with the Motor Vehicle Act or any amendments thereto, or, capable of movement under its own powers , unless stored on premises licensed under the Business License Bylaw.
  - (c) the accumulation of filth, dilapidated buildings discarded materials or rubbish of any kind including but not limited to; ashes, dead animals, paper, cardboard, tin cans, bedding, crockery, glass, bags and appliances.
- o) "wreck" means any motor vehicle which is not validly registered & licenced in accordance with the Motor Vehicles Act, or any amendments thereto, or capable of movement under its own power.

### 3. ACCUMULATIONS PROHIBITED

It shall be a contravention of this bylaw and offence for any person owning or occupying land within the Town of Watson Lake to permit, allow, or condone any of the following acts on the land which said person owns or occupies:

- a) The storage, collection or accumulation of any automobile wreck, in whole or parts thereof.
- b) The use of any property within a the Town of Watson Lake for the storage, repair, cleaning, maintenance, collection, or servicing of mechanical equipment or heavy equipment such as but not limited to bulldozers, graders, loaders, cranes, tractors, semi-trailers or a combination thereof where such use shall constitute a nuisance as determined by Council unless otherwise permitted under the Town of Watson Lake Zoning By-Law.

- c) The owner may make a request in writing to Council to have the vehicle in an unfenced area for the sole purpose of restoration or repairs for a period of no more than six (6) months. Council may approve the application subject to meeting and maintaining certain terms and conditions which may include, but is not restricted to a public hearing, agreement in writing of all property owners whose property is located within 100 metres of the boundaries of the property of the applicant.

#### **GENERAL PROVISIONS AND REGULATIONS**

##### **4. INSPECTORS**

- 1) The Town appoints the Chief Administrative Officer and the Manager of Bylaw Enforcement for the administration of this Bylaw.
- 2) To assist the Chief Administrative Officer and the Manager of Bylaw Enforcement in the administration of this bylaw, inspectors may from time to time be appointed.
- 3) Each inspector appointed under section 3(2) shall be issued an identity card.
- 4) The CAO and the Bylaw Enforcement Officer shall be deemed to be an inspector under this bylaw.

##### **5. RIGHT OF ENTRY**

- 1) Each inspector appointed pursuant to this bylaw may enter into or upon any property within the Town at any reasonable time for inspection purposes or in order to enforce or carry out provisions of this bylaw.
- 2) Where entrance into or upon any property within the Town is refused, a Judge, upon application made on behalf of the Council, may by order require the occupier of the property to admit an officer or servant of the Council into or upon the property for the purpose of an inspection under section 5(1).
- 3) An order made by a Judge under this section continues in force until the purpose for which it was made has been fulfilled.
- 4) Any person who wilfully disobeys or contravenes an order of a Judge made under this section is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars (\$500.00) or to imprisonment for a term not exceeding thirty (30) days or to both fine and imprisonment.

##### **6. RESTRICTIONS**

- 1) No person shall cause, permit or allow water, discarded materials, rubbish or noxious, offensive or unwholesome matter to collect or accumulate around their premises or the premises occupied by them.
- 2) No person shall deposit or throw bottles, glass or broken glass or other rubbish in any open place.
- 3) No owner or occupier of real property in the Town shall cause or permit that property to become or to remain untidy or unsightly.

- 4) In the event of any breach of any section of this bylaw, in addition to the institution of a prosecution for such breach, the Chief Administrative Officer and/or the Manager of Bylaw Enforcement may notify and require the owners or occupiers of the lands upon which such breach has occurred or the lands adjoining the public lands on which such breach has occurred to remove from their property or from the adjacent public property any rubbish, paper, glass, metal, water, unregistered or junked vehicles or dilapidated buildings, building materials appliances and in default of such removal within fourteen (14) days of the date of the notice, the Town by its workmen and others may enter and effect such removal at the expense of the person so defaulting and the Town shall bill the owner or occupier, or both as the case may be, for the cost of so doing and if the charges are unpaid on the last day of the current fiscal period of the Town, they shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

#### 7. SPECIAL PERMITS

Subject to Section (3) of this By-Law, it shall be a contravention of this By-Law and offence for any person owning or occupying land within a residential area as defined by any bylaw of the Town of Watson Lake to permit, allow, or condone any of the following acts on the land which said person owns or occupies.

- a) The storage, collection or accumulation of any automobile wreck, in whole or in parts thereof without a Special Permit.
- b) The use of any property for the storage, repair, cleaning, maintenance, collection or servicing of mechanical equipment, or heavy equipment such as, but not limited to: bulldozers, graders, loaders, cranes, tractors, semi-tractors, or a combination thereof where such use shall constitute a nuisance as determined by Council without a Special Permit unless otherwise permitted under the Town of Watson Lake Zoning By-Law.
- c) The Special Permit shall be upon the form as indicated on Schedule "A" attached hereto.
- d) Every person wishing to keep a motor vehicle which is not validly registered & licenced in accordance with the Motor Vehicles Act, or any amendments thereto, or capable of movement under its own power in a unfenced area, for the sole purpose of restoration or repairs for a period of no more than six (6) months within any residential area in the Town of Watson Lake, shall first apply to the Town for a Special Permit and pay a permit fee of \$50.00.

#### 8. PENALTIES

Any person who violates the provisions of this bylaw commits an offence punishable on summary conviction and is liable to a fine not exceeding:

- a) Five thousand dollars (\$5,000) or to imprisonment for six (6) months or to both, where proceedings are commenced pursuant to the summary conviction provisions of the Criminal Code of Canada.

- b) five hundred dollars (\$500.00) or to imprisonment for six (6) months or to both, where proceedings are commenced pursuant to the Summary Convictions Act of the Yukon.

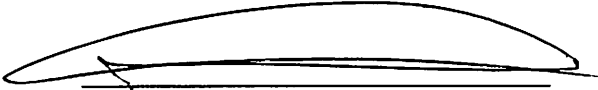
This By-Law shall come into full force and effect upon Third reading.

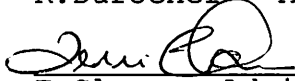
By-Law 02-11 is hereby repealed.

Read a First time this 10 of August , 2010.

Read a Second time this 7<sup>th</sup> of September, 2010.

Read and Third time and Finally passed this of 5<sup>th</sup> October , 2010.

  
R. Durocher - Mayor

  
T. Close - Admin Assistant

Maintenance and Improvement of the Municipality Bylaw #010-13  
"Schedule A"

**SPECIAL PERMIT**

The Town of Watson Lake hereby authorizes \_\_\_\_\_,  
to keep the following vehicle(s) upon the property known as Block  
\_\_\_\_\_, Lot \_\_\_\_\_  
(further description of property, if required)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Type of Vehicle: \_\_\_\_\_  
Vehicle Identification Number# \_\_\_\_\_

Special Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Issuance of this permit does not exempt the vehicles identified hereupon to be exempt from any other provision of this Bylaw.

Permit fee: \$50.00/vehicle

Signature of Applicant \_\_\_\_\_ Date: \_\_\_\_\_

Signature of By-Law Enforcement Officer \_\_\_\_\_

Date Issued: \_\_\_\_\_ Expiry Date: \_\_\_\_\_