

Village of Teslin

**By-Law 07-153**

BEING A BY-LAW OF THE VILLAGE OF TESLIN IN THE YUKON TERRITORY TO ESTABLISH AND REGULATE MINIMUM STANDARDS RELATING TO THE STATE OF REPAIR AND MAINTENANCE OF PROPERTY IN THE VILLAGE OF TESLIN.

**WHEREAS** Section 267. (2 ) of the Municipal Act 1986 being Chapter 119 of the Revised Statutes of the Yukon and amendments thereto, provides that Council may by bylaw provide for the destruction, alteration or removal of any building, structure, or any weeds, grass, rubbish or other things within the municipality that could constitute a fire hazard or that should be removed for the protection of life and property; and

**WHEREAS** Section 291 of the Municipal Act 1986, being Chapter 119 of the Revised Statutes of the Yukon and amendments thereto, provides that Council may by bylaw prohibit persons from causing or permitting water, rubbish or noxious, offensive or unwholesome matter or substances to collect or accumulate around their premises, and prohibit the owners or occupiers of real property from allowing property to become unsightly, and require them to remove there from any accumulation of filth, discarded materials or rubbish of any kind; and

**WHEREAS** Section 271 of the Municipal act provides that Council may, subject to the Public Health Act and regulations made thereunder, pass bylaws requiring the removal of dirt, filth, dust and rubbish from highways in the municipality by the person or persons depositing it or by the owner or occupier of an adjacent property, and requiring the removal by the owner thereof of anything deemed dangerous to the health and safety of the inhabitants of the municipality; and

**WHEREAS** the Council of the Village of Teslin deems it to be dangerous to the health and safety of the inhabitants of the Village of Teslin to permit or allow the presence of rubbish, paper, wood, glass, metal, water, abandoned automobiles, dilapidated or abandoned buildings, fallen trees, unattended accumulation or unauthorized accumulation of building materials or uncovered excavations on private or public lands within the Village of Teslin.

**NOW THEREFORE** the Council of the Village of Teslin in an open meeting duly assembled enacts as follows:

Section 1 Short Title

- 1.1 This by-law may be known as the “Maintenance By-Law”

Section 2 Definitions

- 2.1 In this By-Law:
  - (a) “Designated Officer” may mean a member of the Royal Canadian Mounted

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Police, a Public Works employee of the Village of Teslin, or an Authorized representative for the Village of Teslin as designated by the CAO. For purposes of enforcement of this bylaw, an employee or representative acting as a designated officer shall be deemed to be employed for the preservation and maintenance of the public peace.

- (b) “Council Member” means any member of council who has been elected appointed to serve as a councilor or mayor and sworn to office.
- (c) “Councillor” means a member of council who has been elected or appointed to serve on council and has been sworn to office.
- (d) “Mayor” means the chief elected official sworn to office following the most recent municipal election, or appointed by council.
- (e) “Chief Administrative Officer” means the Chief Administrative Officer of the Village of Teslin or their designate.
- (f) “Development Officer” means the properly authorized official or officials of the Village appointed by Council to interpret, administer, and enforce the provisions of the Teslin Zoning Bylaw as specified within the Zoning Bylaw.
- (g) “highway” shall have the same meaning as given it in the Motor Vehicles Act of the Yukon Territory.
- (h) “junked vehicle” means an unlicensed vehicle that;
  - (i) is either in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
  - (ii) is not located in a building and does not form part of the business enterprise lawfully being operated on that property
- (i) “occupier” means an occupier of land and includes the resident occupier of land or, if there is not a resident occupier, the person entitled to the possession thereof, a leaseholder or a 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.
- (j) “occupying” means the act of an occupier.
- (k) “owner” means an owner of real property and includes a person having any right, title, estate or interest in any real property other than that of an occupier or mortgagee.
- (l) “RCMP” means the Royal Canadian Mounted Police.
- (m) “person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person.
- (n) “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 Village of Teslin.
- (o) “refuse” means all solid wastes including broken dishes, tins, glass, rags, cast-off clothing, waste paper, cardboard, food containers, grass cuttings, shrubbery, and tree prunings but does not include tree stumps, roots, turf, earth, or such waste matter as may accumulate as a result of building operations.

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**Section 3 Administration**

- 3.1 The Village of Teslin appoints the Chief Administrative officer, the bylaw officer or their designate as the designated officer for the administration of this by-law.
- 3.2 To assist the Designated Officer, inspectors may be appointed.
- 3.3 RCMP shall be deemed to be an inspector under this by-law.

**Section 4 General Provisions and Regulations**

**4.1 Accumulation of Rubbish**

- 4.1.1 No Person shall cause or permit to allow rubbish, paper, wood, glass, metal or water or abandoned vehicles or dilapidated buildings to collect, accumulate or be upon lands owned or occupied, or upon a highway or public lands owned or occupied by the person.
- 4.1.2 No person shall cause permit or allow rubbish, paper, wood, glass, metal or water or abandoned vehicles or dilapidated buildings to be deposited or to accumulate in any public or private open place within the Village of Teslin.

**4.2 Residential Area Restrictions**

- 4.2.1 It shall contravene this by-law and be an offense for any person owning or occupying land within a residential area as defined by any By-law of the Village of Teslin to permit, allow or condone any of the following acts on the land which the person owns or occupies;
- 4.2.2 The storage, collection or accumulation of any automobile wreck in whole or parts thereof, exceeding two vehicles.
- 4.2.3 The use of any property within the residential areas as defined by the zoning by-law for the storage, repair, cleaning, maintenance, collection or servicing of mechanical heavy equipment including bulldozers, graders, tracked equipment, loaders and cranes or any other similar heavy equipment, where such use shall constitute a nuisance as determined by council.
- 4.2.4 The use of any property within the country residential areas as defined by the zoning by-law for the storage, repair, cleaning, maintenance, collection or servicing of mechanical heavy equipment including bulldozers, graders, tracked equipment, loaders and cranes or other similar heavy equipment, without the owner holding a local business license permitting such use.
- 4.2.5 The use of any property within the commercial areas as defined by the zoning by-law for the storage, repair, cleaning, maintenance, collection or servicing of mechanical heavy equipment including bulldozers, graders, tracked equipment, loaders and cranes or other similar heavy equipment, without the owner holding a local business license permitting such use.

**4.3 Highway Damage or Excavation**

- 4.3.1 No person shall break, tear, remove, damage or make any excavation on or under any highway, square, alley, lane, bridge or sidewalk along any highway, by any means for any purpose whatsoever, without the written permission of the bylaw Officer or chief Administrative Officer. Every person who may be granted such permission shall be liable and

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responsible to replace, renew or repair as soon as possible thereafter or immediately upon the order of the said Designated Officer or Chief administrative Officer to the satisfaction of the Designated Officer such sidewalk, highway, alley, lane, square or bridge which was in any way encumbered, broken, torn or damaged by such person.

- 4.3.2 Subsection 4.3.1 shall not apply to municipal works undertaken by the Village of Teslin or by agents contracted to complete such works, or municipal projects approved by Council.
- 4.3.3 Every person who may have been granted permission under sub-section 4.3.1 herein, shall erect and maintain a good and sufficient barricade, fence, or railing around every excavation made in such a manner as to prevent accidents and shall place and keep upon such barrier, fence or railing, suitable and sufficient lights during the night.
- 4.3.4 Every person granted permission under subsection 4.3.1 herein shall also be required to indemnify and save harmless the Village of Teslin against all damages or injuries which may occur to any property or persons, and any such actions in law which result in a consequence of such work.

**4.4 Access Approval**

- 4.4.1 Every means of access to and from a highway for any parcel of land abutting thereon shall require the approval of the Development Officers and the location and extent of such access shall be within the Development Officers authority.
- 4.4.2 The Development Officer shall approve any means of access based on the current culvert policy in place for the Village of Teslin.

**4.5 Public Parks and Property**

- 4.5.1 No vehicle, snow machine or all terrain vehicles shall be allowed on or to cross public grassed areas within the Village of Teslin, except in the case of a bonafide emergency.
- 4.5.2 No vehicle, snow machine or all terrain vehicles shall be allowed to cross or traverse the Village Boardwalk, except where designated.

**4.6 Defacing Buildings**

- 4.6.1 Any person who in any way removes, injures, damages, defaces or disfigures any public or private building, wall, fence, hedge, railing, sign, monument statue, post in whole or in part, owned or maintained within the Village of Teslin by cutting, breaking, painting, daubing with paint or other substances, shall have contravened the provisions of this by-law, and shall be liable for the costs of repairing such damage in addition to any penalties assessed under the provisions of this by-law.

**4.7 Incessant Noises**

- 4.7.1 Anyone who makes or cause or allows noises or sounds in or on a highway or property in the Village of Teslin, which disturb the quiet,

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peace, rest, and enjoyment or convenience of the neighborhood or of persons in the vicinity, shall upon warning from the designated officer cease making or causing or allowing such noises or sounds forthwith, or shall be deemed to have contravened this by-law.

- 4.7.2 Complaints made under this section of the by-law shall not require written submission of complaints. Officers may determine what is considered a disturbance.
- 4.7.3 No person shall use a megaphone or other noise making device in, at or on the streets or any public places of the Village of Teslin without first having obtained approval from Council. Emergencies and recognized public events and venues are excepted.
- 4.7.4 Shivaries, New Years Eve, and other celebration emissions of noises or disturbances by public events shall be considered normal celebration and exempted from the penalties of this by-law. Federal Statutes prohibit the discharge of firearms at such events.

**Section 5 Enforcement**

- 5.1 The provisions of this by-law can be applied upon written and signed complaints provided to the Chief Administrative Officer at the Village office during normal working hours.
- 5.2 The Chief Administrative Officer also has the duty and right to apply this bylaw without complaint in order to maintain the integrity and beautify the community.
- 5.3 The Chief Administrative shall give 30 days public notice to Teslin Tlingit Council with regard to the potential removal of dilapidated buildings on traditional lands and 30 days public notice to all citizens with regard to the potential removal of dilapidated buildings anywhere in the municipality.
- 5.4 In the event of any breach of any section of this by-law in addition to or instead of the institution for prosecution for such breach the Chief Administrative Officer will notify and require the owners or occupiers of the lands upon which such breach has occurred or the lands abutting the public lands on which such breach has occurred to remove from their property or from the abutting public property any rubbish, paper, wood, glass, metal, water or abandoned vehicles or dilapidated buildings and in default of such removal within ninety (90) days of the notice, the Village by its workers or agents, may enter and effect such removal at the expense of the person so defaulting; and the Village shall invoice the owner or occupier, or both as the case may be, for the costs of remedy. If any invoices remain unpaid at the end of the fiscal period the balance shall be added to and form part of the taxes levied in respect of that real property.
- 5.5 Residents have the right to appeal a decision of the Chief Administrative Officer or Designated Officer by written notification to Council within thirty (30) days.
- 5.6 Enforcement of the provisions of this by-law may be by RCMP members.
- 5.7 Abandoned vehicles on or along highways shall be disposed of in compliance with the Municipal Act, section 295

**Section 6 Penalties**

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6.1 Any person who violates the provisions of this by-law commits an offense punishable on summary conviction and is liable to a fine not exceeding;

- (A) two thousand dollars (\$2000.00) 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; or
- (B) where any offence against this bylaw is of a continuing nature, it shall be lawful for the convicting Magistrate, in his discretion, to impose a fine against the offender, for each day such offence is continued by the offender.

This by-law shall come into force and effect upon the final passing thereof.

Read a first time this \_\_\_\_\_ day of February 2007

Read a second time this \_\_\_\_ day of \_\_\_\_\_ 2007

Approved by the Executive Council Member this \_\_\_\_\_ day of \_\_\_\_\_ 2007

Read a third time and finally passed this \_\_\_\_ day of \_\_\_\_\_ 2007

\_\_\_\_\_  
Mayor Clara Jules

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Wes Wirth, CAO