



Village of Teslin

By-Law # 08-162

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**A By-Law to amend the Village of Teslin Zoning Bylaw.**

**WHEREAS Sections 53 and 59 of the Municipal Act Chapter 154, Revised Statutes of the Yukon, 2002,**

**NOW THEREFORE the Council of the Village of Teslin, in open meeting assembled, hereby ENACTS AS FOLLOWS:**

**SHORT TITLE:**

1. This By-Law may be cited as the “Zoning Amendment Bylaw 2008”

**AMENDMENTS**

2. Section 6.14 h) of zoning bylaw # 99-105 is hereby amended by changing the front and rear setbacks to 3.0m.
3. Zoning change to Block 2 Lot 4D (“Forestry House”) from Village Residential to Commercial.
4. Revision to Section 8 as attached amending, simplifying and clarifying existing language.

**ENACTMENT**

5. This By-Law shall come into full force and effect on final passing thereof.

**Read a first time this 28th day of January, 2008.**

**Read a second time this 11<sup>th</sup> day of February, 2008.**

**Read a third time and finally passed this 10th day March, 2008**

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**Mayor Robin Smarch**

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**Wes Wirth, CAO**

## ***Section 8.0 Enforcement***

### **8.1 GENERAL**

- 8.1.1 The Council may, by resolution, authorize an enforcement officer of the Village to order any person carrying out any work or doing anything contrary to the provisions of this Bylaw, to forthwith cease carrying out such work or doing such things.
- 8.1.2 All enforcement activities of a Development Officer as permitted by the *Act* and this bylaw may be commenced simultaneously.
- 8.1.3 Where the Development Officer receives a complaint that an offence has been committed, they shall investigate and prepare a report to Council as expeditiously as possible.

### **8.2 OFFENCES**

- 8.2.1 Any person who contravenes this bylaw, or causes or permits a contravention of this Bylaw commits an offence
- 8.2.2 Any person who
- (i) uses or occupies any building or land
  - (ii) undertakes a development; or
  - (iii) makes an addition or alteration to a building or structure, for which a development permit is required but has not been issued; or engages in the above activities in a manner that is in contravention of a condition of a development permit issued under this bylaw, commits an offence.

### **8.3 NOTICES**

- 8.3.1 If the Development Officer finds that a contravention of this bylaw or a condition of a development permit has occurred, the Development officer shall, using the prescribed *Notice of Violation* form, notify the following persons as applicable of the contravention:
- (i) the person who owns the land, building or other structure, or development in respect of which the contravention occurred;
  - (ii) the person in possession of the land, building or other structure, or development in respect of which the contravention occurred; and
  - (iii) any person identified as being responsible for the contravention.
- Such notice may be delivered in person, by ordinary mail, by fax, or by posting the notice in a conspicuous location on the land, building or other structure in respect of which the contravention occurred.
- 8.3.2 The *Notice of Violation* shall state: the nature of the contravention, the action required to remedy the contravention, the date by which such remedial action must be completed, and the persons listed in section 8.3.1 who must undertake the action to remedy the contravention.

## 8.4 ORDERS

8.4.1 Council may, on finding that a contravention of this bylaw has occurred: direct the Development Officer to take such actions as are necessary to stop or remedy the contravention, including but not limited to suspending or revoking a development permit, issuing orders pursuant to section 8.4.2 or section 8.4.3, or applying to the Court for an injunction to restrain such contravention.

8.4.2 The Development Officer may issue to the persons identified in Section 8.3.1 an order to comply with the provisions of this bylaw within a specified time.

8.4.3 The Development Officer may issue an order person carrying out a development or any person doing any thing in contravention of the *Act*, the *Official Community Plan* or this bylaw to, within a specified time, either or both:

- (i) Immediately stop the contravention; or
- (ii) to take such measures, including remediation of the contravention, as are specified in the

Order to ensure the development or use of the land or building is brought into conformity with the *Act*, *Official Community Plan*, or this bylaw.

8.4.4 An order made under section 8.4.3 shall be personally served or delivered by double registered mail to the person described in section 8.3.1. In the event that the Development Officer is unable to effect service or delivery of the order by these methods, the order shall be posted in a conspicuous location on the land, building or other structure in respect of which the contravention occurred.

8.4.5 Where a person fails or refuses to comply with an order made under section 8.4.2 or section 8.4.3 within the time stipulated in the order, the Development Officer may take such action as is necessary to enforce the order.

8.4.6 The costs and related expenses incurred by the Village in carrying out an order under this bylaw shall be placed on the tax roll as an additional tax against the land that is the subject of the order, and that amount shall be collected in the same manner as taxes on the land.

8.4.7 Council or the Development Officer may order the demolition and/or removal of any materials or structures constructed or placed in contravention of the provisions of this bylaw.

8.4.8 Council or the Development Officer may order an owner of land, a person in possession of land, a building or other structure, or a person carrying out a development on land, to remove the following from the land:

- (i) any fire or explosive hazards;
- (ii) any storage of goods, salvage, junk, waste or other materials which
  - (a) may be or may become hazardous or injurious to the health or safety of the

community;

- (b) adversely affects the amenities of the neighborhood; or

- (c) interfere with the normal enjoyment of any abutting land, building or structure on the

basis that such storage constitutes a contravention of the intent of the *Act*, the *Official Community Plan* or the provisions of this bylaw.

8.4.9 COUNCIL OR THE Development Officer may order an owner of land to repair, alter or demolish any unsafe, hazardous or dilapidated building or structure on the land and to remove all debris and waste products from the land.

8.4.10 A person who receives an order made by the Development Officer under section 8.4.2, 8.4.3, 8.4.7, 8.4.8 or 8.4.9 may request a review of that order by the Council in accordance with the *Act*.

## 8.5 PENALTIES

8.5.1 Any person who commits an offence under section 8.2 is, upon summary conviction, liable to a fine as specified in the *Summary Convictions Act* and amendments thereto.

8.5.2 Where an offence is committed or continued on more than one day, it shall be deemed to be a separate offence for each day on which the offense is committed or continued.

8.5.3 In addition to the penalties prescribed above, a person convicted of a contravention of this bylaw, may be ordered to remove any development, building or structure carried out or constructed by that person and restore or remediate the land on which such development or construction occurred to a tidy condition free from any debris and waste products, at that person's own expense.