

# **TOWN OF FARO**

## **BYLAW 2008-04**

A bylaw to establish and enforce minimum standards relating to the state of repair and maintenance of property in the Town of Faro.

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WHEREAS section 258 of the *Municipal Act* provides that Council may by bylaw require persons to remove and clear away all snow, ice, dirt and other obstructions from sidewalks adjoining premises owned or occupied by them; and

WHEREAS section 267(2) of the *Municipal Act* 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 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 section 291 of the *Municipal Act* 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 untidy or unsightly, and require them to remove therefrom any accumulation of filth, discarded materials or rubbish of any kind; and

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

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

### **SHORT TITLE**

1. This bylaw may be cited as the "**Maintenance Bylaw**".

### **DEFINITIONS**

2. (1) In this bylaw:

"Bad Repair" means a condition where a structure has:

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

"Chief Administration Officer" means the Chief Administration Officer of the Town of Faro or his designate;

“Composting” means the managed practice of recycling organic material, including food and yard waste, through biological degradation in a container or pile to create useable soil conditioner;

“Composting Container” means a retail or home-made holding unit used to store yard, garden and household waste for the purpose of composting;

“Composting Pile” means a designated area of the property which is not fully contained in a structure and used to store yard, garden and household waste for the purpose of composting and for which the dimensions and appearance of same are deemed to be reasonable to the size of the property and for easy maintenance;

“Council” means the Council of the Town of Faro;

"Development Officer" means the properly authorized official or officials of the Town appointed by Council to interpret, administer, and enforce the provisions of the Town of Faro Zoning Bylaw as specified within the Zoning Bylaw.

“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.

"highway" shall have the same meaning given it in the Motor Vehicles Act of the Yukon Territory;

"Inspector" means an inspector appointed pursuant to section 3 of this bylaw;

"junked vehicle" means a vehicle that:

- (a) is either in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
- (b) is not located in a building and does not form part of the business enterprise lawfully being operated on that property.

"Manager of Operations" means the Manager of the Town's Public Works Department or a person acting in that position.

"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 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;

"occupying" means the acts of an occupier;

"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;

"Peace Officer" means a member of the Royal Canadian Mounted Police.

"person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

"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 Faro;

"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, weeds and garden waste, but does not include tree stumps, roots, turf, earth or such waste matter as may accumulate as a result of building operations.

"Town" means the Town of Faro;

- (2) In this bylaw, wherever the male gender is specified it shall be interpreted as meaning both male and female as applicable.

## **GENERAL PROVISIONS AND REGULATIONS**

### **INSPECTORS**

3. (1) The Town appoints the Chief Administration Officer or his designate and the Manager of Operations or his designate, for the administration of this bylaw.
- (2) To assist the Chief Administration Officer and the Manager of Operations in the administration of this bylaw, inspectors may from time to time be appointed.

### **RIGHT OF ENTRY**

4. (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 of the purpose of an inspection under section 4(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.

### **ACCUMULATIONS PROHIBITED**

5. No person shall cause, permit or allow refuse, paper, wood, water, glass, metal, appliances or junked vehicles or dilapidated buildings to collect, accumulate or be upon lands owned or occupied by him or upon a highway or public lands adjoining lands owned or occupied by him unless such site is designated by the municipality as a sanitary landfill site.
6. No person shall cause, permit or allow refuse, paper, wood, water, glass, metal or junked vehicles or dilapidated buildings or earth, landfill, broken asphalt, concrete or appliances to accumulate in any public or private open place within the Town unless such site is designated by the municipality as a sanitary landfill site.
7. No person shall cause, permit or allow refuse, paper, wood, water, glass, or metal to accumulate in any structure attached to any building within the Town except in containers, bins, drawers, shelves and areas provided for temporary storage.

8. 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 Administration Officer or the Manager of Operations may, on the instruction of the Council, 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, wood, glass, metal, water or junked vehicles or dilapidated buildings, and in default of such removal within thirty (30) 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 thereafter 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.
9. It shall be a contravention of this bylaw and an offence for any person owning or occupying land within a residential area as defined by any bylaw of the Town to permit, allow or condone any of the following acts:
  - (1) The accumulation or storage of any building materials, whether new, used or second-hand, on any lands or premises, where the owner or occupier of the lands or premises is not in possession of a valid building permit referring to such lands or premises;
  - (2) The storage, collection or accumulation of any automobile wreck, in whole or part thereof, or any motor vehicle or portion of a motor vehicle which is not validly registered and licensed in accordance with the Motor Vehicle Act, or which is not capable of motivation under its own power and is not then under active repair by the owner thereof;
  - (3) The storage or accumulation of any goods or merchandise which is offered, or intended to be offered for sale;
  - (4) The accumulation of vehicle or appliance parts or accessories;
  - (5) The storage of solid fuels such as wood where the amount of solid fuel so stored is in excess of two (2) winter seasons' supply for consumption on site and is so stored that it may be viewed from an adjacent road right-of-way;
  - (6) The use of any property within the residential area as defined by the Zoning Bylaw for the storage, repair, cleaning, maintenance, collection or servicing of mechanical equipment such as bulldozers, graders, backhauls, payloaders, cranes, tractors, semi-trailers or a combination thereof, or other similar heavy equipment.

## COMPOSTING

10. All composting shall be carried out by the owner or occupier of a property in accordance with the following requirements:
  - (1) Composting shall take place only in a container or pile and only on land on which a dwelling unit is located;
  - (2) The composter or compost pile shall have a maximum size of 3 metres x 1.5 metres x 1 metre high;
  - (3) Composting shall take place to the rear of the building line of the land and shall be located at least one 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 unit, deck, or patio;

- (4) bones, meat, fish, dairy products, fat products, human feces or other animal feces shall not be placed in a container or pile used for composting;
- (5) food waste placed in a composting container or pile shall be kept covered with yard waste, soil or compost;
- (6) composting shall be maintained so as to not attract insects, vermin or animals; and
- (7) no offensive odour shall be permitted to emanate from the compost container or pile;

### OFFENSIVE GROWTH

11. Every owner or occupier or their agents of real property in the Town shall clear their property of bush, trees, or other growth which constitutes a fire or health hazard. Persons affected hereby shall receive a notice which shall require the clearing work to be done within thirty (30) days, and where the clearing work has not been completed within the said thirty (30) days, the persons responsible shall be considered in default and in addition to instituting prosecution for a breach of this bylaw, the Town by its workmen and others may enter and effect such clearing at the expense of the persons so defaulting and the said owner or occupier, or their agents, as the case may be, shall be billed for such charges by the Town and if such charges are unpaid on the thirty-first (31) day of December in the same year, they shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

### SIDEWALK CLEANLINESS

12. Every owner or occupant of any building bordering upon any street within the Town shall keep the sidewalks in front of or abutting such building in a state of cleanliness, free from discarded paper and rubbish, and no owner or occupant shall place the sweepings, ashes or refuse from his premises, or from the sidewalk abutting his premises, on the public streets or alleys within the Town without prior written permission or notification from the Town.

### SIDEWALK SNOW AND ICE REMOVAL

13. Every owner or occupier of real property within the Town shall remove snow or ice from the sidewalks and lane crossings or any portion of them bordering on the real property owned or occupied by themselves, and where snow or ice is allowed to accumulate upon sidewalks or lane crossings after a snowfall,
  - (1) Every owner or occupier of commercial premises bordering on such sidewalks and lane crossings shall remove snow or ice from such sidewalks and lane crossings before the hour of eleven o'clock a.m. on the next day following the snowfall, or immediately upon being requested to do so by an inspector as defined in this bylaw. In the case where a lane crossing borders on two properties, each property owner or occupier shall be responsible for the maintenance of half of the lane crossing.
  - (2) Every owner or occupier of residential property bordering on such sidewalks and lane crossings shall remove snow or ice from such sidewalks and lane crossings for safe pedestrian travel within forty-eight (48) hours following the snowfall, or immediately upon being requested to do so by an inspector as defined in this bylaw. The standard of snow and ice removal from such sidewalks will be consistent with the Town of Faro *Snow and Ice Control Policy*. In the case where a lane crossing borders on

two properties, each property owner or occupier shall be responsible for the maintenance of half of the lane crossing.

- (3) Except as provided for in subsection (4) herein, no person shall remove snow, ice, dirt, debris or other materials from any sidewalk, lane crossing, or driveway by causing such material to be placed upon any other portion of the highway, other public places adjacent to such property or onto private property other than their own
- (4) A person may remove snow or ice from a sidewalk, lane crossing, or driveway by causing it to be placed on a roadway adjacent to such sidewalk or driveway after obtaining specific permission in each case from the Manager of Public Works.

#### ROOF SNOW REMOVAL

14. Every owner or occupier of any commercial real property shall remove snow, ice or rubbish from the roof adjacent to or abutting on any portion of any highway, sidewalk or footpath, as soon as such accumulation becomes a hazard, or when requested to do so by an inspector as defined in this bylaw. With regard to any structure such as a canopy or awning adjacent to or abutting on or overhanging any portion of any highway, sidewalk or footpath, materials such as snow, ice and rubbish shall be removed immediately after such accumulation occurs, or when requested to do so by an inspector as defined in this bylaw.

#### MANDATORY CLEANLINESS AND SNOW AND ICE REMOVAL

15. Should any person owning or occupying real property within the Town refuse or neglect to comply with the provisions of sections 11, 12 or 13 herein, the inspector may inform such person in default that the work shall be done at their expense and may cause the work to be done by the Town work crew or others and the Town shall thereafter bill the owner or occupier or their agents as the case may be for the charges for snow removal, and if these charges are unpaid on the thirty-first (31) day of December on the same year, these shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

#### HIGHWAY NAMES

16. (1) Town Council shall be responsible for the assigning of names and/or numbers to highways within the Town and for the placing of signs therefore.
- (2) Every person who erects, removes, defaces or damages any such sign as aforesaid in any way whatsoever, shall be liable for an infraction of this bylaw.

#### HOUSE NUMBERING

17. Town Council shall be responsible for the assigning of numbers to houses and buildings, and it shall be compulsory for the owner or occupier of every house or building within the Town to place such assigned numbers in a conspicuous place forthwith and in such a manner that they shall be clearly visible from the highway upon which the house or building is situated. In the case of country residential lots, assigned numbers shall be placed on reflective backgrounds or be of reflective materials at least 15cm high, and shall be located within three (3) metres of the highway upon which the house is situated.

### PRIVATE HIGHWAYS

18. Every owner of a private highway within the Town shall maintain it in a clean, fit and safe state and shall affix suitable signs indicating that such highway is a private thoroughfare.

### BOULEVARD MAINTENANCE

19. The owner of the land fronting upon any boulevard shall maintain the said boulevard in accordance with Town standards as established by the Public Works Department of the Town.

### BOULEVARD DAMAGE

20. (1) It shall be unlawful and contrary to the provisions of this bylaw for any person within the Town to damage:
- (a) any boulevard or hedge adjacent to any highway; or
  - (b) anything erected or maintained adjacent to a highway for the purpose of lighting the highway; and every person causing such damage shall be liable for the costs of repairing such damage in addition to any penalty assessed under this bylaw.
- (2) No person shall drive upon and no vehicle shall be allowed on or across the grass of any boulevard within the Town except when it is necessary to cross part of the boulevard 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 boulevard in front of the building in or from which such chattels or goods shall be delivered or removed, so that damage or injury shall not ensue to that part of the said boulevard, and the person responsible for such transporting of goods and chattels shall be liable should the boulevard not be in as good condition.

### EARTH REMOVAL

21. (1) No person shall take up or dig or carry away any of the earth, sand or gravel in or from any highway, sidewalk, alley, lane, or square within the Town or from any real property owned by the Town within the Town, without the written permission of the Manager of Operations.
- (2) No person shall remove any soil from any vacant lands within the Town, except where a building permit has been granted for the said land, without first having obtained a valid permit from the Development Officer of the Town and having paid therefore such price as is demanded by the owner of such vacant lands.

### DEFACING PROPERTY

22. Every person who in any way removes, injures, damages, defaces or disfigures any public or private building, wall, fence, hedge, railing, sign, monument, statue, light standard or telephone pole, in whole or in part owned or maintained within the Town, by cutting, breaking, painting, or daubing with paint or other substances, or bill posting thereon, shall have contravened the provisions of this bylaw, and shall be liable for the costs of repairing such damage in addition to any penalties assessed under the provisions of this bylaw.

### INCESSANT NOISES

23. (1) Everyone who makes or causes noises or sounds in or on a highway or elsewhere in the Town which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of

persons in the vicinity, shall upon warning from any Peace Officer cease making or causing such noises forthwith, or shall be deemed to have contravened the provisions of the bylaw.

- (2) Construction equipment shall not be operated between the hours of eleven o'clock at night and seven o'clock in the morning (11:00 p.m. to 7:00 a.m.) except with the permission of the Chief Administration Officer or the Manager of Operations.

#### NOISE MAKING DEVICES

24. No person shall shout or use a megaphone or other noise-making devices in, or at, or on the streets or other public places of the Town without having first obtained permission from the Chief Administration Officer or the Manager of Operations.

#### MAINTENANCE OF BUILDINGS, STRUCTURES, FENCES AND SIMILAR STRUCTURES

25. Notwithstanding the provisions of the Zoning Bylaw, no person shall cause, permit, or allow real property owned or occupied by them to become dangerous, useless, inoperative or ineffective.
26. No person shall cause, permit or allow a fence situated on real property owned or occupied by them, to exist in a state of bad repair.
27. Where the exterior doors, windows, or other openings to vacant or abandoned buildings or structures are broken, improperly fitted, or otherwise in disrepair, the property owner shall board the building or structure as a security/safety/repair measure so as to prevent the entrance of unauthorized persons or elements or the infestation of pests.
28. The boarding required under Section 27 shall comply with the following requirements:
  - (1) All boards used in the boarding shall be installed from the exterior and properly fitted within the frames of the opening in a watertight manner by nails or screws at least 50 mm in length and spaced not more than 150 mm on center;
  - (2) All openings that are to be boarded shall be securely boarded with a solid piece of plywood that is at least 12 mm thick or metal plate that is at least 3 mm thick.
29. Where the owner or occupier of real property has received a notice from the Public Works Department that any part of the property is deemed to be in bad repair, such owner or occupier shall make such repairs to the property as detailed in the notice. Such notice shall require the repair to be done within thirty days, and where the repairs have not been completed within the said thirty days, the persons responsible shall be considered in default.
  - (1) Where persons responsible are considered to be in default pursuant to section 29 of this bylaw, in addition to instituting prosecution for a breach of this bylaw, the Town, by its workmen and others, may enter and effect such repairs at the expense of the persons so defaulting, and the said owner or occupier shall be billed such charges by the Town. If such charges are unpaid on the thirty-first day of December in the same year, they shall be added to and form part of the taxes payable in respect of that property as taxes in arrears.



## PERSONS LIABLE

30. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw, or who neglects to do so refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act which violates any of the provisions of the bylaw shall be deemed to be guilty of an infraction thereon and liable to the penalty hereinafter provided.

## PENALTIES

31. (1) 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) ten thousand dollars (\$10,000.00) where proceedings are commenced pursuant to the summary conviction provisions of the *Criminal Code of Canada*; or
  - (b) five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Convictions Act* of the Yukon.
  - (c) a voluntary fine under section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Schedule "A" attached hereto and forming part of this bylaw.
- (2) Property owners found in violation of sections 12(2) or 12(3) of this bylaw in a second or subsequent offence in any calendar year shall be subject to a mandatory court appearance.

## BYLAW REPEAL

32. Bylaw 86-14 and any amendments thereto are hereby repealed.

## COMING INTO FORCE

33. This bylaw shall come into full force and effect upon the final passing thereof.

**READ** a first and second time this 22<sup>nd</sup> day of April 2008.

**READ** a third time and finally **PASSED** this 6<sup>th</sup> day of May 2008.

*Original Signed By*

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Michelle Vainio, Mayor

*Original Signed By*

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Hermann Minderlein, CAO

**SCHEDULE "A"**  
**SCHEDULE OF VOLUNTARY FINES**

| <b><u>Section</u></b> | <b><u>Description</u></b>                                    | <b><u>Fine</u></b> |
|-----------------------|--|--------------------|
| 13(2)                 | Fail to remove snow, ice as directed                         | \$100.00           |
| 13(3)                 | Place snow, ice, debris or other material on public property | \$100.00           |