

**CITY OF WHITEHORSE**  
**REGULAR Council Meeting #2015-10**

**DATE:** Monday, May 11, 2015

**TIME:** 5:30 p.m.

**Mayor** Dan Curtis  
**Deputy Mayor** Jocelyn Curteanu  
**Reserve Deputy Mayor** Mike Gladish

## **AGENDA**

**CALL TO ORDER** 5:30 p.m.

**AGENDA:** Adoption

**PROCLAMATIONS:**

**MINUTES:** Regular Council Meeting #2015-09 dated April 27, 2015

**DELEGATIONS:**

**PUBLIC HEARING:** Bylaw 2015-13 – Zoning Amendment (Comprehensive Zones)

**COMMITTEE**

**REPORTS:**

**Development Services** – *Councillor Stockdale & Curteanu*

Whitehorse Sustainability Plan

Solid Waste Diversion Credit Policy

**Corporate Services** – *Councillors Gladish & Curteanu*

**City Planning** – *Councillor Curteanu & Stockdale*

Zoning Amendment – Signs & Enforcement

Conditional Use Application – Schwatka Lake (For Information Only)

**City Operations** – *Councillors Irwin & Gladish*

**Community Services** – *Councillors Streicker & Irwin*

**Public Health & Safety** – *Councillors Stockdale & Streicker*

**NEW & UNFINISHED**

**BUSINESS:**

**BYLAWS:** 2015-18 – Amend Waste Management Bylaw 3<sup>rd</sup> Reading  
2015-11 – Zoning Amendment – Signs & Enforcement 1<sup>st</sup> Reading

**ADJOURNMENT:**

MINUTES of **REGULAR** Meeting #2015-09 of the council of the City of Whitehorse called for 5:30 p.m. on Monday, April 27, 2015, in Council Chambers, City Hall.

PRESENT: Deputy Mayor Mike Gladish  
Mayor Dan Curtis – Electronic Participation  
Councillors Jocelyn Curteanu  
Betty Irwin  
Dave Stockdale  
John Streicker

ALSO PRESENT: City Manager Christine Smith  
Director of Community Services Linda Rapp  
Acting Director of Corporate Services Valerie Anderson  
Director of Development Services Mike Gau  
Acting Director of Infrastructure and Operations Dave Albisser

Deputy Mayor Gladish called the meeting to order at 5:30 p.m.

**CALL TO ORDER**

**2015-09-01**

It was duly moved and seconded  
THAT the agenda be adopted as amended with the addition of Philip Fitzgerald as a delegate speaking to the proposed changes to the Waste Management Bylaw.

**AGENDA**

Carried Unanimously

**2015-09-02**

It was duly moved and seconded  
THAT the minutes of the regular council meeting dated April 13, 2015 be adopted as presented.

**MINUTES**

April 13, 2015

Carried Unanimously

Philip Fitzgerald failed to appear as scheduled.

**DELEGATIONS**

**COMMITTEE REPORTS**

**Corporate Services Committee**

**2015-09-03**

It was duly moved and seconded  
THAT the City of Whitehorse support the Yukon domestic water well program and enter into a Program Agreement with the Government of Yukon to offer the program to Whitehorse periphery residents who fall under the City's taxation authority.

DOMESTIC WATER  
WELL PROGRAM

Carried Unanimously

**2015-09-04**

It was duly moved and seconded  
THAT travel and per diem expenses for council members travelling  
to various events be authorized as follows:

1. Travel expenses for Mayor Curtis to attend the Association of Yukon Communities Annual General Meeting in Haines Junction, the Frozen Globe Awards in Iqaluit, and the Federation of Canadian Municipalities Annual Conference in Edmonton;
2. Travel expenses from City Representative funds for Councillor Streicker to attend the AYC Annual Meeting in Haines Junction, the FCM Conference in Edmonton, and the Sister Cities Community Celebration in Juneau;
3. Travel expenses from Councillor Initiated funds for Councillor Gladish to attend the National Anti-Poverty Summit in Ottawa and the FCM Conference in Edmonton;
4. Travel expenses from Councillor Initiated funds for Councillors Curteanu and Stockdale to attend the AYC Annual Meeting in Haines Junction and the FCM Conference in Edmonton; and
5. Per diem expenses from Councillor Initiated funds for councillors attending the AYC Annual Meeting in Haines Junction, the FCM Conference in Edmonton, the National Anti-Poverty Summit in Ottawa and the Sister Cities Community Celebration in Juneau.

COUNCIL TRAVEL  
VARIOUS EVENTS

Carried Unanimously

**2015-09-05**

It was duly moved and seconded  
THAT the following council member appointments be authorized for  
a term to expire October 31, 2015:

1. Councillor Curteanu – Chair, City Planning Committee;
2. Councillor Stockdale – Chair, Development Services Committee;
3. Councillor Curteanu – Vice-chair of the Development Services Committee; and
4. Councillor Streicker – Council representative, Alaskan Boroughs Issues;

COUNCIL MEMBER  
APPOINTMENTS

AND FURTHER THAT Councillor Stockdale be appointed as Deputy Mayor for the period from September 1 to October 31, 2015.

Carried Unanimously

**2015-09-06**

It was duly moved and seconded  
THAT a number of changes to the 2015 meeting schedule be approved as follows:

1. The regular council meetings scheduled for June 8 and June 22 are rescheduled to June 15 and June 29 respectively; and
2. The standing committee meeting scheduled for June 15 is rescheduled to June 22; and
3. The standing committee meeting scheduled for August 3 and the regular council meeting scheduled for August 10 are cancelled; and
4. The standing committee meeting scheduled for August 18 is rescheduled to August 24; and
5. The regular council meeting scheduled for August 24 is rescheduled to August 31.

RESCHEDULE AND  
CANCEL VARIOUS  
2015 MEETINGS

Carried Unanimously

**City Planning Committee**

There was no report from City Planning Committee.

No Report

**City Operations Committee**

**2015-09-07**

It was duly moved and seconded  
THAT the contract for the 2015 McIntyre Drive–Hamilton Boulevard Intersection Improvements project be awarded to Castle Rock Enterprises for a net cost to the City of \$181,397.50

CONTRACT AWARD  
INTERSECTION  
IMPROVEMENTS  
(McIntyre-Hamilton)

Carried Unanimously

**2015-09-08**

It was duly moved and seconded  
THAT Bylaw 2015-18, a bylaw to amend the Waste Management Bylaw with respect to the disposition of compostable waste, be brought forward for due consideration under the bylaw process.

BRING FORWARD  
AMENDMENTS TO  
WASTE MANAGEMENT  
BYLAW

Carried Unanimously

Administration confirmed that the bylaw, if approved, would come into effect on June 1 of this year, but that warnings instead of fees for unsorted loads would be issued for 15 months. Unsorted load fees will be charged as of September 1<sup>st</sup>, 2016.

Discussion

**Community Services Committee**

**2015-09-09**

It was duly moved and seconded  
THAT in-kind support for the 2016 Arctic X Games be approved in  
the amount of \$50,000.00, with funds to offset this donation identified  
in the 2016 budget process.

SUPPORT FOR 2016  
ARCTIC X GAMES

Carried Unanimously

Committee members highlighted recent community events including  
the Rotary Music Festival, Wrestling Championships, the Skills  
Canada Yukon competition, Yukon Badminton and Table Tennis  
Championships, and the City's Volunteer Awards. Marg White was  
congratulated as the recipient of the 2014 Volunteer of the Year  
award.

COMMUNITY EVENTS  
For Information Only

Committee members also promoted upcoming events including the  
Invitational Swim Meet and the Vulnerable Persons Forum that will  
be jointly hosted by the City and the Kwanlin Dün First Nation.

**Public Health and Safety Committee**

The Committee was provided with an update on the activities of the  
Persons with Disabilities Advisory Committee.

COMMITTEE UPDATE  
For Information Only

**Development Services Committee**

**2015-09-10**

It was duly moved and seconded  
THAT the Mayor be authorized to sign on behalf of the City of  
Whitehorse the Land Development Memorandum of Understanding  
between the Government of Yukon and the City of Whitehorse with  
respect to the transfer of land development responsibility to the City  
of Whitehorse.

LAND DEVELOPMENT  
MEMORANDUM OF  
UNDERSTANDING  
(Transfer Development  
Responsibility to the City)

Carried Unanimously

**NEW & UNFINISHED BUSINESS**

Philip Fitzgerald, on behalf of Northern Vision Development, requested  
that the proposed amendments to the Waste Management Bylaw be  
postponed in order to allow more time for businesses to implement the  
collection of organics in an efficient and economical manner. He also  
suggested additional consultation with the business community to  
ensure the success of the program.

PHILIP FITZGERALD  
Waste Management Bylaw  
For Information Only

**BYLAWS**

**2015-09-11**

It was duly moved and seconded  
THAT Bylaw 2015-08, a bylaw to amend the zoning of a parcel of vacant land in Whistle Bend to allow for the development of an outdoor sports complex, be given second reading.

**BYLAW 2015-08**

ZONING AMENDMENT  
Outdoor Sports Complex  
SECOND READING

In response to direction from Council, administration explored alternate zoning options with the proponents. As a result, a revised zoning option agreed to by the Government of Yukon and the Yukon Outdoor Sports Complex Association was proposed.

Council members discussed concerns with respect to public access to the facility, the deteriorating condition of existing fields, and projected operating costs for the proposed facility. Additional concerns were expressed regarding the possibility that Whitehorse taxpayers may be asked to cover future costs to maintain the facility.

Discussion

**2015-09-12**

It was duly moved and seconded  
THAT the sketch attached as Appendix A to Bylaw 2015-08 be amended to reduce the size of the Parks and Recreation parcel to 4 hectares and designate a 2.2 hectare portion of the proposed Parks and Recreation parcel as FP–Future Planning.

Amendment

Carried (4 – 2)

IN FAVOUR: Mayor Curtis, Councillors Curteanu, Stockdale and Streicker  
OPPOSED: Councillors Gladish and Irwin

Recorded Vote

The MAIN MOTION as amended was then voted on and DEFEATED (3 – 3)

Vote on Main Motion

IN FAVOUR: Councillors Curteanu, Stockdale and Streicker  
OPPOSED: Mayor Curtis, Councillors Gladish and Irwin

Recorded Vote

A point of order was raised when Councillor Stockdale spoke against the result of the vote. In response to the Deputy Mayor's call to censure his conduct and exclude him from the proceedings, Councillor Stockdale voluntarily left the meeting.

Point of Order Called  
Councillor Stockdale  
Left Council Chambers

**2015-09-14**

It was duly moved and seconded  
THAT Bylaw 2015-18, a bylaw to amend the Waste Management  
Bylaw with respect to the disposition of compostable waste, be given  
first reading.

Carried Unanimously

**BYLAW 2015-18**

WASTE MANAGEMENT  
BYLAW AMENDMENT  
(Compostable Waste)

FIRST READING

**2015-09-15**

It was duly moved and seconded  
THAT Bylaw 2015-18 be given second reading.

SECOND READING

**2015-09-16**

It was duly moved and seconded  
THAT Bylaw 2015-18 be amended to clarify when charges will come  
into effect by adding a new section 4 as follows:

“4. Notwithstanding section 3 of this bylaw, the fees with respect to  
compostable waste from commercial food service establishments  
shall be implemented in the Fees and Charges Bylaw and  
effective on and from the 1<sup>st</sup> day of September, 2016.”

Carried Unanimously

Amendment

The MAIN MOTION as amended was then voted on and CARRIED  
UNANIMOUSLY

Vote on Main Motion

There being no further business, the meeting adjourned at 7:50 p.m.

**ADJOURNMENT**

---

Mayor

---

City Clerk

ADOPTED by resolution at Meeting #2015-10 on

## MEMORANDUM

FILE #: Z-06-2015

TO: Mayor and Council

FROM: Administration

DATE: May 11, 2015

SUBJECT: Public Hearing at Regular Council Meeting May 11, 2015

Please be advised there will be a Public Hearing at the Regular Council Meeting of May 11, 2015, to hear from interested parties related to the following zoning amendment:

**Bylaw 2015-13, a bylaw to amend the regulations in Comprehensive Development zones and to amend the definition of 'mixed use development'.**

Two amendments to Zoning Bylaw 2012-20 are proposed in Bylaw 2015-13. The first is changes to the regulations in Comprehensive Development zones to allow for more design options for buildings in those zones.

Comprehensive Development zones were introduced to the Zoning Bylaw in 2007. The purpose was to introduce more specific provisions that would lead to more attractive developments, with porches for architectural interest, variations in colour and material for visual interest, and pedestrian-oriented site design. The zones were introduced as a result of public comment on the Copper Ridge development. Administration saw the need for more comprehensive development regulations to ensure that denser developments are functional and attractive.

The second is an amendment of the definition of 'mixed use development' to more accurately reflect how the terms 'mixed use' and 'mix of uses' are used in the Zoning Bylaw.

Bylaw 2015-13 received 1<sup>st</sup> Reading on April 13, 2015. Notices were published in the newspapers on April 17 and 24, 2015. Yukon Government Lands Branch, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council were notified by mail.

Kinden Kosick  
Senior Planner, Planning Services

cc: Director of Development Services  
Manager of Planning and Building Services





## Minutes of the meeting of the Development Services Committee

<b>Date</b>	May 4, 2015
<b>Location</b>	Council Chambers, City Hall
<b>Committee Members Present</b>	Councillor Jocelyn Curteanu – Chair Mayor Dan Curtis Councillor Mike Gladish – Electronic Participation Councillor Betty Irwin Councillor John Streicker
<b>Absent</b>	Councillor Dave Stockdale
<b>Staff Present</b>	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Valerie Anderson, Acting Director of Corporate Services Mike Gau, Director of Development Services Dave Muir, Acting Director of Infrastructure and Operations Shannon Clohosey, Manager of Environmental Sustainability

Your Worship, the Development Services Committee respectfully submits the following report:

### **1. Whitehorse Sustainability Plan**

During the past nine months the 2007 Integrated Community Sustainability Plan and the 2008 Strategic Sustainability Plan have been under review with the intent to merge and update both plans. Gas Tax funding was approved for this project. Following an extensive consultation process, the Whitehorse Sustainability Plan is being brought forward for consideration.

The Sustainability Plan is intended to be a guide for other decisions including budgets, strategic planning, and other plans such as the Economic Development and Transportation Demand Management Plans. The Sustainability Plan is a vision for the whole community and can also be used as a guide for forming partnerships and leveraging action from other governments and organizations. The Plan is a living document, and a process to update it regularly will be brought forward.

### **Recommendation**

THAT the 2015 Whitehorse Sustainability Plan be adopted as presented.

Minutes - May 04 Committee.docx

**2. Solid Waste Diversion Credit Policy**

Diversion Credits have been offered by the City since 1995 as means of partially funding recycling organizations that divert solid waste from the landfill. Diversion credits from the City and the Yukon Government are the only dedicated funding sources for non-refundable recycling. Currently, the City pays diversion credits once a year based on materials diverted the previous year. In response to a request from the recycling processors for quarterly payments, a budget amendment was approved by Council in March. Changes to the Diversion Credit Policy are also required to enable quarterly payments for solid waste diversion. The proposed amendments allow the application criteria to be based on tonnes of material recycled in the current quarter, provide a cap for each quarter, and establish that the fourth quarter will be used to reconcile payments for the full year.

Administration confirmed that the City's budgets do not currently allow for full funding of diversion credits. It is expected that a future blue box program with a user pay system will allow better funding for recycling costs.

**Recommendation**

THAT the Solid Waste Diversion Credit Policy dated May 2015 be adopted as presented; and

THAT the deadline for submission of diversion credit applications for the first quarter of 2015 be extended to May 25, 2015.

**3. Quarterly Activity Reports – For Information Only**

Activity reports for February, March and April 2015 were received from the Director of Development Services and the Economic Development and Environmental Sustainability Departments.



## Minutes of the meeting of the Corporate Services Committee

<b>Date</b>	May 4, 2015
<b>Location</b>	Council Chambers, City Hall
<b>Committee Members Present</b>	Councillor Jocelyn Curteanu – Chair Mayor Dan Curtis Councillor Mike Gladish – Electronic Participation Councillor Betty Irwin Councillor John Streicker
<b>Absent</b>	Councillor Dave Stockdale
<b>Staff Present</b>	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Valerie Anderson, Acting Director of Corporate Services Mike Gau, Director of Development Services Dave Muir, Acting Director of Infrastructure and Operations

Your Worship, the Corporate Services Committee respectfully submits the following report:

**1. Quarterly Activity Reports – For Information Only**

Activity reports for February, March and April 2015 were received from the City Manager, the Director of Corporate Services, and the Business and Technology Systems, Financial Services, Human Resources, and Strategic Communications Departments



## Minutes of the meeting of the City Planning Committee

<b>Date</b>	May 4, 2015
<b>Location</b>	Council Chambers, City Hall
<b>Committee Members Present</b>	Councillor Jocelyn Curteanu – Chair Mayor Dan Curtis Councillor Mike Gladish – Electronic Participation Councillor Betty Irwin Councillor John Streicker
<b>Absent</b>	Councillor Dave Stockdale
<b>Staff Present</b>	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Valerie Anderson, Acting Director of Corporate Services Mike Gau, Director of Development Services Dave Muir, Acting Director of Infrastructure and Operations Patrick Ross, Manager of Planning Services

Your Worship, the City Planning Committee respectfully submits the following report:

### 1. Zoning Amendment – Signs and Enforcement

Through regular use and review of the Zoning Bylaw, staff identified the need to overhaul the Signs and Enforcement sections to make the bylaw easier to read and more consistent. Accordingly, amendments are proposed to the Signs section to incorporate provisions for new sign technologies and to provide clarity with respect to signs that require a permit, signs that are not permitted, and zones where specific sign types are allowed. Numerous provisions have been amended for consistency with other similar provisions in the bylaw and for greater clarity of interpretation. Some changes to the definitions section are also proposed to facilitate the revised provisions of the bylaw.

The Enforcement section of the Zoning Bylaw allows the City to take enforcement action when a development does not comply with the bylaw. Over time, issues have arisen with an unclear enforcement process and a complex penalty and offense procedure. A new enforcement section is proposed to provide clarity. It is anticipated that the proposed changes will also result in more compliance with the Zoning Bylaw.

The Committee asked for additional information on how the bylaw will differentiate between political signs and billboards.

Minutes - May 04 Committee.docx

**Recommendation**

THAT Bylaw 2015-11, a bylaw to amend the Zoning Bylaw with respect to signs, enforcement, and related definitions, be brought forward for due consideration under the bylaw process.

**2. Conditional Use Application – Schwatka Lake – For Information Only**

The Yukon Breeze Sailing Society has applied for a conditional use to allow for a boat launch to be developed on the eastern shore of Schwatka Lake. The proposed site is located on vacant Commissioner's Land at the north end of the lake. The Society assessed nine different sites before selecting the site identified for this application. The location was selected based on a variety of factors, including consistent prevailing winds, access is provided by existing road infrastructure, and the proximity to Riverdale and Downtown allows sailing programs to be within convenient reach of residents.

The site is located in an area zoned PE–Environmental Protection, and the intended boat launch and dock qualify as conditional uses that are allowed in the zone, subject to approval by City Council. The conditional use process requires that a public input session be held and allows Council to attach special restrictions and requirements to a project's Development Permit in order to mitigate concerns that may be raised. Yukon Government approval for use of the site is contingent on factors that include City Council's approval of the conditional use. The next step in the process will be a heritage assessment of the site, after which the Society will be able to apply for a Development Permit from the City and a License of Occupation from the Government of Yukon.

In conformance with the Zoning Bylaw, a public input session to allow Council to hear and consider all submissions respecting the proposed conditional use application has been scheduled for the regular Council meeting on May 25, 2015.

**3. Quarterly Activity Report – For Information Only**

An activity report for February, March and April 2015 was received from the Planning and Building Services Department.

**4. Municipal Decision Making – For Information Only**

With respect to the re-zoning application to allow for the development of an outdoor sports complex in Whistle Bend, Mayor Curtis explained that, as a courtesy, he provided an update to the Minister of Community Services following a public meeting on the subject. The Mayor stated that he is very aware of the legal boundaries under which both he and the Minister must operate, and emphasized the decision-making role of Council. He encouraged YG to respect the role of municipal governments and to continue to work in cooperation with the City of Whitehorse.

Minutes - May 04 Committee.docx

**5. Development Update** – For Information Only

In response to a query about development occurring on the east side of the Alaska Highway, administration confirmed that some test pitting work was done to identify potential new quarry locations, but that work has now stopped. Further information will be provided as it becomes available.



## Minutes of the meeting of the City Operations Committee

<b>Date</b>	May 4, 2015
<b>Location</b>	Council Chambers, City Hall
<b>Committee Members Present</b>	Councillor Betty Irwin – Chair Mayor Dan Curtis Councillor Jocelyn Curteanu Councillor Mike Gladish – Electronic Participation Councillor John Streicker
<b>Absent</b>	Councillor Dave Stockdale
<b>Staff Present</b>	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Valerie Anderson, Acting Director of Corporate Services Mike Gau, Director of Development Services Dave Muir, Acting Director of Infrastructure and Operations

Your Worship, the City Operations Committee respectfully submits the following report:

### 1. **Quarterly Activity Reports** – For Information Only

Activity Reports for February, March and April 2015 were received from the Director of Infrastructure and Operations, and the Engineering, Operations, and Water and Waste Services Departments.

#### Issues Arising from the Activity Reports

Administration confirmed that a trial of permanent road markings in school zones has been successful. As a result, additional capital funding has been approved to continue the project in other areas.



## Minutes of the meeting of the Community Services Committee

<b>Date</b>	May 4, 2015
<b>Location</b>	Council Chambers, City Hall
<b>Committee Members Present</b>	Councillor John Streicker – Chair Councillor Betty Irwin – Vice-Chair Mayor Dan Curtis Councillor Jocelyn Curteanu Councillor Mike Gladish – Electronic Participation
<b>Absent</b>	Councillor Dave Stockdale
<b>Staff Present</b>	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Valerie Anderson, Acting Director of Corporate Services Mike Gau, Director of Development Services Dave Muir, Acting Director of Infrastructure and Operations

Your Worship, the Community Services Committee respectfully submits the following report:

**1. Proclamation – For Information Only**

Mayor Curtis proclaimed May 2015 to be Multiple Sclerosis Awareness Month in the City of Whitehorse.

**2. Quarterly Activity Reports – For Information Only**

Activity Reports for February, March and April 2015 were received from the Director of Community and Recreation Services, Parks and Community Development, Recreation and Facility Services, and the Transit Services Department.

**Issues Arising from the Activity Reports**

Administration confirmed that a Memorandum of Understanding with Yukon Tourism is being prepared and is expected to come forward for approval in the near future.



Minutes - May 04 Committee.docx

**3. Community Events – For Information Only**

Committee members highlighted the success of recent events, including the Frozen Globe awards held in Iqaluit at which Whitehorse businesses were highly recognized. The 70<sup>th</sup> Anniversary Commemoration of the Land Lease Program, the Yukon Trade Show, the championship basketball tournament and the Youth Entrepreneurial Awards were also highlighted.

Committee members reminded the public of upcoming events including the Yukon-Stikine Heritage Fair, the model Arctic Council, and the 20 Minute Makeover.

The Mayor was presented with a print of the picture used on the cover of the 2015 NorthwTel phone directory.



## Minutes of the meeting of the Public Health and Safety Committee

<b>Date</b>	May 4, 2015
<b>Location</b>	Council Chambers, City Hall
<b>Committee Members Present</b>	Councillor John Streicker – Chair Mayor Dan Curtis Councillor Jocelyn Curteanu Councillor Mike Gladish – Electronic Participation Councillor Betty Irwin
<b>Absent</b>	Councillor Dave Stockdale
<b>Staff Present</b>	Christine Smith, City Manager Linda Rapp, Director of Community and Recreation Services Valerie Anderson, Acting Director of Corporate Services Mike Gau, Director of Development Services Dave Muir, Acting Director of Infrastructure and Operations

Your Worship, the Public Health and Safety Committee respectfully submits the following report:

**1. Quarterly Activity Report – For Information Only**

Activity reports for February, March and April 2015 were received from Bylaw Services and the Fire Department.

**Issues Arising from the Activity Reports**

The Committee asked for additional information with respect to the expected completion of the LNG plant and the K-9 Expo.

There being no further business, the meeting adjourned at 7:20 p.m.

# **CITY OF WHITEHORSE**

## **BYLAW 2015-18**

A bylaw to amend Waste Management Bylaw 2012-30

---

WHEREAS council adopted the Waste Management Bylaw to establish, operate, maintain and control a waste collection and disposal system in the City of Whitehorse, and

WHEREAS section 220 of the *Municipal Act* (R.S.Y. 2002) provides that council may by bylaw amend or vary bylaws; and

WHEREAS it is deemed desirable that the Waste Management Bylaw be amended to reflect the 2013 Solid Waste Action Plan by identifying compostable waste as a controlled waste;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 2 of Waste Management Bylaw 2012-30 is hereby amended by adding a new definition as follows:

“COMMERCIAL FOOD SERVICE ESTABLISHMENT means a business or institutional facility that generates food, food items, meals or meal portions to be sold or served in a form that will permit consumption on the premises or elsewhere. For the purposes of this bylaw this includes but is not limited to:

- Commercial accommodation with food services
- Drive-in businesses with food services
- Eating and drinking establishments
- Educational and health care facilities with food services
- Hotels and motels with food services
- Institutions providing food services
- Mobile catering services
- Retail services, convenience that provide groceries and/or food services
- Retail services, general that provide groceries and/or food services
- Other facilities providing commercial food services”

# A Bylaw to Amend the Waste Management Bylaw Bylaw 2015-18

---

2. Schedule "D" (Controlled Waste) of Waste Management Bylaw 2012-30 is hereby amended by adding a new section 12 as follows and renumbering the remaining sections accordingly:  
"12. Compostable Waste from Commercial Food Service Establishments"
3. This bylaw shall come into full force and effect on and from the 1<sup>st</sup> day of June, 2015.
4. Notwithstanding section 3 of this bylaw, the fees with respect to compostable waste from commercial food service establishments shall be implemented in the Fees and Charges Bylaw and effective on and from the 1<sup>st</sup> day of September, 2016.

<b>FIRST READING:</b>	April 27, 2015
<b>AMENDED</b> by Resolution 2015-09-16	April 27, 2015
<b>SECOND READING:</b>	April 27, 2015
<b>THIRD READING</b> and <b>ADOPTION:</b>	

---

Mayor

---

City Clerk

# CITY OF WHITEHORSE

## BYLAW 2015-11

A bylaw to amend Zoning Bylaw 2012-20

---

WHEREAS section 289 of the *Municipal Act* (R. S. Y. 2002) provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the *Municipal Act* provides for amendment of the zoning bylaw; and

WHEREAS changes have been identified as being necessary to improve the efficiency of the Zoning Bylaw, and it is deemed desirable that certain administrative edits be brought forward to amend Zoning Bylaw 2012-20;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 2.2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing definitions for 'sign, billboard'; and 'sign, changeable copy'; and substituting new definitions as follows:  
  
"SIGN, BILLBOARD means a general advertising sign that advertises goods, products, facilities or services, and directs viewers to a different location from where the sign has been installed."  
  
"SIGN, CHANGEABLE COPY means any sign on which message copy can be changed through use of attached letters and numerals."  
  
2. Section 2.2 of Zoning Bylaw 2012-20 is hereby amended by adding two new definitions as follows:  
  
"JUDGE means one who is appointed to preside and to administer the law in a Court of Justice, and includes a Justice of the Peace."  
  
"SIGN, DIGITAL means a variable message sign that utilizes computer-generated messages involving letters, words, graphics, animation, video or dynamic text. These signs include digital displays, using projected images, incandescent lamps, LEDs, LCDs, plasma or related technology, whereby the message can be altered by electric or electronic means."  
  
3. Zoning Bylaw 2012-20 is hereby amended by deleting the existing Section 8 and substituting a new section 8 as follows:

**"Section 8: Signs**

**8.1 General Sign Regulations**

- 8.1.1 A development permit is required for the erection, display, alteration, replacement, or relocation of signs requiring a permit; signs not requiring a permit must comply with the provisions of this zoning bylaw.

# Zoning Amendment Bylaw 2015-11

---

- 8.1.2 All signs shall be related to the principal use or uses of the site and serve to identify the name of the business or organization and advertise the products or services offered. Political signs, community event signs, sandwich board signs and billboard signs are exempted from this regulation, provided they meet all other regulations in this bylaw.
- 8.1.3 All signs must be erected in such a manner as to:
- a) ensure traffic and pedestrian safety;
  - b) encourage a consistent street appearance;
  - c) promote a particular area development theme as set out in an area development scheme, design guideline document, or any other plan, bylaw or policy adopted by City Council;
  - d) be reasonably visible and legible and not unduly contribute to a cluttered street appearance; and
  - e) not unreasonably hinder the visibility of adjacent signs.
- 8.1.4 An application for a sign requiring a permit shall be made in writing to the Development Officer along with two copies of drawings to scale which indicate:
- a) the legal description of the site and street address of the proposed sign;
  - b) a site plan and building elevation showing the proposed sign location with the relative distance to property line(s);
  - c) the extent of any encroachment on public property, including the height of the sign above any public street, sidewalk or grade level at the face of the building;
  - d) the dimensions of the sign including copy area, letter, symbol, or logo size, and overall height;
  - e) details of any related landscaping or intended method of screening the support structures; and
  - f) details on any means of illuminating or lighting of the sign.
- 8.1.5 The location, size, and placement of signs and future signs shall be included with the plans for any new building in all commercial, institutional and industrial zones as part of the development permit application.
- 8.1.6 The owner or user of a sign shall maintain it in a proper state of repair by:
- a) cleaning, painting, repairing or replacing sign surfaces and other features of the sign as required to ensure the copy remains legible, readable and visible to the intended viewers; and
  - b) ensuring all structural elements and guy wires are properly attached to the sign and building and maintained to the

# Zoning Amendment Bylaw 2015-11

---

construction safety standards outlined in the National Building Code.

- 8.1.7 A sign located on or at the rear or side of any building shall not be illuminated if such a sign is situated adjacent to any property where the principal use is residential, and such illumination would create a direct glare upon the adjoining properties.
- 8.1.8 No sign shall obscure the line of sight from a street, lane, or sidewalk to oncoming traffic for pedestrians or motorists. Specifically, signs shall not be placed:
- a) within 6 m of an intersection or pedestrian crosswalk;
  - b) within the rights-of-way of Robert Service Way, Two Mile Hill, Mountain View Drive or Lewes Boulevard, except in the Community Signage Areas as shown in Appendix "A";
  - c) on any median;
  - d) within 1.5 m of the edge of the travelled portion of a street, curb, or sidewalk;
  - e) within 250 m of an intersection on the Alaska Highway or within the Sign-free Zones shown in Appendix "B";
  - f) within 10 m from the road shoulder of the Alaska Highway right-of-way;
  - g) on road rights-of-way designated as school or playground zones; or
  - h) in any manner that causes signs to block, interfere with, or be affixed to any authorized traffic sign, traffic signal or traffic control device, power pole, or lamppost.
- 8.1.9 Fascia, canopy/awning, and projecting signs shall maintain a minimum clearance of 2.5 m above grade except for:
- a) fascia signs created by painting, printing or inscribing directly upon a wall of a building or structure and protruding less than 100 mm from the wall to which they are affixed; and
  - b) signs situated entirely on private property within the front or side yard setback surrounded by, or immediately above a landscaped area which discourages pedestrian access;
- 8.1.10 No part of any sign shall project beyond the property line except where expressly permitted.
- 8.1.11 Signs may only overhang or be placed on a street, sidewalk, or other City property where expressly permitted. Signs on public property shall comply with the following provisions:

# Zoning Amendment Bylaw 2015-11

---

- a) signs on or overhanging public property always require a permit, except community event signs in a Community Signage Area and Political Signs;
- b) With every application for a permit for a sign which will overhang or be placed on a street, sidewalk, or other City property, the owner shall:
  - 1) file with the City in a form satisfactory to the City, a public liability and property damage policy in favour of the City in the principal amount of \$2,000,000.00 inclusive of limits in respect of a loss sustained by one or more persons or damage to property;
  - 2) execute the policy under seal by an insurance company registered to do business within the Yukon Territory, indemnifying against liabilities, claims, actions, loss, damages, judgements, costs, and expenses which may accrue or be suffered by installation, manner of suspension or alteration;
  - 3) ensure the maintenance and use of the sign in respect of which the application for their permit has been made; and
  - 4) maintain such insurance in force until the sign has been taken down and removed.

8.1.12 A permit is not required to conduct normal maintenance on permitted signs, including painting and repair, the replacement of plastic sign faces with the same advertiser due to breakage or deterioration, and the changing of copy on a permitted changeable copy sign, but excluding structural alteration.

## **8.2 Signs not regulated under this bylaw**

8.2.1 The following signs are not regulated under section 8 of this bylaw, provided they comply with all other regulations of this bylaw:

- a) advertisements displayed within a building, or outdoors where they are not readily visible from a public roadway;
- b) advertisements displayed within and on buses or bus shelters, public benches or street furniture under contract to, or approved by the City;
- c) small posters attached to a kiosk, bulletin board, or other structure erected by the City for that purpose;
- d) signs required to be maintained or posted by law including traffic and directional signage installed by the City;
- e) danger, hazard, no trespassing, or other similar warning or advisory signs not exceeding 0.25 m<sup>2</sup>;



# Zoning Amendment Bylaw 2015-11

---

- f) freestanding, on-site directional signs not exceeding 2.25 m<sup>2</sup> in area and 2.0 m in height for the control of pedestrian and vehicular movement in parking lots;
- g) neighbourhood signs;
- h) temporary neighbourhood event signs such as for garage sales;
- i) signs painted on roofs, in commercial and industrial zones.

8.2.2 The following are not considered signs and are not regulated under section 8 of this bylaw, provided they comply with all other regulations of this bylaw:

- a) flag poles and flags which do not exceed the permitted height in the zone in which they are erected;
- b) works of art including murals that do not include a commercial message and are not erected above the building roof line or project onto public property;
- c) restaurant menu boxes less than 0.25 m<sup>2</sup> in area; and
- d) memorial plaques, cornerstones, historical and interpretive tablets or markers, provided they do not exceed 1.0 m<sup>2</sup>.

## **8.3 Prohibited Signs**

8.3.1 Signs not expressly permitted in this bylaw are prohibited.

8.3.2 No sign shall be permitted which due to its placement, shape, colour, format or method of illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device nor shall it display lights resembling the flashing, intermittent, animated or scintillating lights used by emergency vehicles.

8.3.3 No sign shall by reason of its location, colour, or intensity, create a hazard to the safe and efficient movement of vehicular and pedestrian traffic including persons with disabilities, nor shall it interfere with any opening required for ventilation or natural light.

8.3.4 No sign shall be attached to, or located on, any parked vehicle or trailer not normally used in the daily activity of the business, nor shall such signs be placed at a location other than the site of the business with the intent of advertising the business's address, goods available, or services provided.

8.3.5 Billboard signs are not permitted anywhere within the City with the exception of those under the jurisdiction of the Government of Yukon on the Alaska Highway and Klondike Highway.

8.3.6 Billboard signs along the Alaska Highway and Klondike Highway within the City shall be subject to sign-free zones as indicated on the map attached to this bylaw as Appendix "B". Council may, upon application, permit a

# Zoning Amendment Bylaw 2015-11

billboard sign in the sign-free zone, subject to approval of the Highway Signs regulations.

8.3.7 Flashing signs, or signs that produce sudden changes in the intensity of light, are prohibited, except where permitted in Section 8.5 – Specific Sign Regulations.

## 8.4 Permitted Signs

8.4.1 The following table designates the types of signs that are permitted in each zone category. All permitted signs are limited by the specific sign regulations in section 8.5.

Sign Type	Residential	Commercial & Industrial	Public-Institutional	Other Zones
Building Identification Signs	A	A	A	A
Real Estate & Contractor Signs (Temporary Only)	A	A	A	A
Political Signs (Temporary Only)	A	A	A	A
Window Signs	N	A	A	A
Community Event Signs (Temporary Only)	N	A	A	A
Sandwich Board On Private Property	N	A	A	A
Sandwich Board On Public Property	N	P	P	P
Banners And Inflatable Signs (Temporary Only)	N	A	A	A
Portable Signs	N	P	P	P
Fascia Sign For Home-Based Business	A	A	N/A	N/A
Fascia Signs	N	P	P	P
Canopy/Awning Signs	N	P	P	P
Under Canopy/Awning Signs	N	A	A	A
Projecting Signs	N	P	P	P
Freestanding Signs	N	P	P	P
Mural Containing a Commercial Message	N	P	P	P
Digital Signs	N	P	P	N
Billboards	N	N	N	N
A = Allowed without a permit P = Permit required		N = Not permitted N/A = Not applicable		

# Zoning Amendment Bylaw 2015-11

---

## **8.5 Specific Sign Regulations**

### **Building Identification Signs**

- 8.5.1 Building or property identification signs including building occupant directories, door-bars and kick-plates describing the name of the building or tenant(s) are allowed without a permit, provided that:
- a) each notice or name plate in a commercial or industrial zone does not exceed 0.25 m<sup>2</sup> and no more than one such sign shall be erected at each building entrance; and
  - b) property address identification signs in all zones may be affixed to the building and shall not exceed an area of 0.25 m<sup>2</sup>. Where such signage would not be visible from the adjacent road, a freestanding sign of the same size may be erected at the entrance to the property to which it refers.

### **Real Estate and Contractor Signs**

- 8.5.2 Real estate and contractor signs are allowed in all zones without a permit, provided that:
- a) the signs do not exceed 1.0 m<sup>2</sup> in a residential zone or 3.0 m<sup>2</sup> in a non-residential zone;
  - b) the signs are not illuminated;
  - c) there is not more than one sign per frontage or flanking street; and
  - d) the display of such signs shall be limited to the duration of the activity to which it refers.

### **Political Signs**

- 8.5.3 All political signs shall comply with the following provisions:
- a) the signs shall not exceed 1.0 m<sup>2</sup> in a residential zone or 3.0 m<sup>2</sup> in a non-residential zone;
  - b) the signs shall not be illuminated; and
  - c) the signs shall not be erected prior to the closing of the nomination period for a municipal or First Nation election, or the issuance of writs for a Territorial or Federal election, and they shall be removed within seven days after the election.
- 8.5.4 Political signs on private property are allowed without a permit in all zones, provided that the property owner or tenant has given permission to erect a political sign on the property.
- 8.5.5 Political signs on public road rights-of-way are allowed without a permit, provided that:

# Zoning Amendment Bylaw 2015-11

---

- a) each candidate, political party, and representative of a cause that will be erecting signs on public property during a campaign period shall register with the Bylaw Services Department;
- b) the signs are placed in compliance with sections 8.1.3 and 8.1.8;
- c) Notwithstanding section 8.1.8 b), Political signs may be placed on the right-of-way of Robert Service Way, Lewes Boulevard, and Mountain View Drive, but shall not be placed in the Community Signage Areas indicated in Appendix 'A'; and
- d) Political Signs shall not be placed in the right-of-way of Two Mile Hill, except in any area designated by the Development Officer prior to the commencement of a campaign period.

## ***Community Event Signs***

8.5.6 Community event signs, advertising specific events run by a local non-profit organization, are allowed without a permit on private property in all non-residential zones, and without a permit on public property only in the areas defined in the maps attached to this bylaw as Appendix "A", provided that:

- a) the sign shall not exceed 3.0 m<sup>2</sup>;
- b) there is no interference with traffic visibility or movement;
- c) the signs are erected for not more than 21 days, and are removed immediately following the event to which they refer;
- d) the signs are not attached to any tree, power pole or light standard, or planted in the ground, unless specifically authorised by the City Engineer; and
- e) the sign shall be free standing and it shall be constructed so that it has a base that can be weighted to prevent the sign from being blown or knocked over.

## ***Window Signs***

8.5.7 Window signs are allowed without a permit in all non-residential zones, with the following provisions:

- a) decal or painted window signs shall have a combined area of less than 30% of the window area;
- b) one neon sign, in a window of the premises to which it refers, is permitted, advertising either a particular product brand, service, or business state, and shall have an area of less than 30% of the window area;

## ***Fascia Signs***

8.5.8 Fascia signs require a permit, and shall be allowed in all non-residential zones with the following provisions:

# Zoning Amendment Bylaw 2015-11

---

- a) the sign shall not project more than 1.0 m above the roof-line or parapet wall to which it is attached;
- b) the sign shall not exceed 25% of the surface area of the wall comprising the business frontage; and
- c) the sign shall not project more than 450 mm from the wall face to which it is attached.

8.5.9 The operator of a major or minor home based business may, without a permit, attach one non-illuminated fascia sign to the principal residence advertising the business, to a maximum size of 0.37 m<sup>2</sup>. In the case of RC1 and RC2 zones, the sign may be placed at the entrance to the driveway.

## ***Canopy and Awning Signs***

8.5.10 Canopy and awning signs require a permit, and shall be allowed in all non-residential zones, with the following provisions:

- a) the canopy or awning to which it is attached, or on which it is painted, shall comply with section 5.2 of this bylaw. A canopy or awning sign may overhang public property to the same extent that the canopy or awning to which it is attached is permitted to overhang public property;
- b) no portion of the sign shall project below the bottom edge or more than 1.0 m above the top edge of the canopy, except that a canopy sign for a theatre or cinema marquee may extend 2.0 m above the edge of the canopy; and
- c) the sign does not exceed 25% of the surface area of the wall comprising the business frontage.

## ***Under Canopy or Awning Signs***

8.5.11 Under-canopy/awning signs are allowed without a permit in all non-residential zones, with the following provisions:

- a) the canopy or awning to which it is attached shall comply with section 5.2 of this bylaw;
- b) the sign shall not extend horizontally beyond the limits of the canopy or awning;
- c) the sign shall have a minimum clearance of 2.5 m;
- d) the sign shall be generally perpendicular to the building face;
- e) the maximum vertical dimension of the sign is 0.3 m; and
- f) the maximum area of the sign is 0.5 m<sup>2</sup>.

## ***Projecting Signs***

8.5.12 Projecting signs require a permit, and shall be allowed in all non-residential zones, with the following provisions:

# Zoning Amendment Bylaw 2015-11

---

- a) the maximum area of the sign is 3.0 m<sup>2</sup>;
- b) no part of the sign shall:
  - 1) extend more than 2.0 m above the parapet of the building wall;
  - 2) extend more than 2.0 m from the face of the building; and
  - 3) be less than 2.5 m above ground or sidewalk grade.
- c) Not more than one projecting sign shall be erected per business frontage;
- d) Projecting signs may overhang public property. Where projecting signs overhang a public sidewalk, the maximum permitted extension shall be no more than 50% of the width of the sidewalk.

## ***Freestanding Signs***

- 8.5.13 Freestanding signs require a permit, and shall be allowed in all commercial and industrial zones. Freestanding signs shall be erected so that:
- a) no part of the advertising copy area of the sign is more than 9.0 m above grade;
  - b) the advertising copy area of the sign does not exceed 10.0 m<sup>2</sup> in area;
  - c) no part of the sign shall project beyond the property line; and
  - d) there shall be not more than 1 freestanding sign for each site.

## ***Murals Containing a Commercial Message***

- 8.5.14 Murals containing a commercial message require a permit, and shall be allowed in all non-residential zones, with the following provision:
- a) Text, logos, or other forms of commercial message shall not exceed 25% of the surface area of the wall to which the mural is affixed.

## ***Sandwich Board Signs***

- 8.5.15 All sandwich board signs shall comply with the following provisions:
- a) the sign shall not be wider than 0.76 m or more than 1.2 m in height;
  - b) the sign shall not be illuminated;
  - c) the sign shall not be attached to the ground or to the adjacent building; and
  - d) the sign shall be constructed with a base that can be weighted to prevent the sign from being blown or knocked over.

# Zoning Amendment Bylaw 2015-11

---

- e) A maximum of two sandwich board signs per business are permitted.
- 8.5.16 Sandwich board signs on private property are allowed without a permit in all non-residential zones.
- 8.5.17 Sandwich board signs on public property require a permit. They may be placed immediately adjacent to a business premise in all non-residential zones provided that:
- a) the sign does not impede pedestrian movement. Signs shall not be located within the travelled portion of the sidewalk and a minimum width of 2.0 m, or the entire width of the sidewalk if less than 2.0 m, shall remain unobstructed;
  - b) only one sandwich board sign per business is placed immediately adjacent to the business premises on public or private property;
  - c) a permit is obtained annually and proof of liability insurance is submitted per section 8.1.11; and
  - d) a validation marker issued by the City shall be displayed in the manner described by the permit.
- 8.5.18 A sandwich board sign may be permitted to be placed on public property not immediately adjacent to a building premises in all commercial and industrial zones provided that:
- a) the sign is located within 150 m of the business to which it refers;
  - b) the sign meets the provisions of 8.5.16 a), c), and d); and
  - c) only two sandwich board signs in total will be permitted to be placed on street corners along Second and Fourth Avenues, and along Industrial, Quartz and Copper Roads. Permits will be issued on a first come, first served basis.

## ***Banners and Inflatable Signs***

- 8.5.19 Banners and inflatable signs are allowed without a permit in commercial and industrial zones only on a temporary basis as signage for a specific community or business event, for a maximum of 21 consecutive days and not more than a total of 45 days in a calendar year.

## ***Portable Signs***

- 8.5.20 Portable signs including changeable copy signs, and except for community event signs, sandwich boards, banners, and inflatable signs, require a permit and shall be allowed all non-residential zones, provided that:
- a) the sign is located on the property to which the advertising pertains, and no part of the sign shall project beyond the property line;
  - b) the sign is not illuminated;



# Zoning Amendment Bylaw 2015-11

---

- c) each sign shall not exceed 3.0 m<sup>2</sup> in area or 3.0 m in height; and
- d) the sign cannot be placed so that it reduces the number of parking spaces or loading spaces required by the Zoning Bylaw.

## **Digital Signs**

8.5.21 Digital Signs require a permit, and are allowed in Commercial, Industrial, and Public-Institutional zones, with the following provisions:

- a) the maximum area of the sign is 3.5 m<sup>2</sup>;
- b) the sign must be at least 15 m from a residential property line or existing residential use. The sign may be placed closer than 15 m, provided it is not visible from that residential use or property line;
- c) Digital Signs may be installed as part of, or the whole of, a freestanding sign, fascia sign, canopy sign, or projecting sign, and shall follow all of the provisions for that sign type;
- d) Content of a Digital Sign shall:
  - 1) only display products, services and information directly related to the site on which the sign is located;
  - 2) not display video or moving images, except for transitions lasting not more than 1 second and with at least 60 seconds between transitions;
  - 3) not display graphics or text that resemble or may be mistaken for traffic control signage;
  - 4) not produce flashing images or sudden variations in light intensity;
  - 5) not include sound; and
  - 6) be equipped with a dimming function, and the operator of the sign shall comply with any instructions from a Development Officer regarding the brightness of the sign.

8.5.22 When a Digital Sign displays text only, using a single colour of illumination, transitions may be longer than 1 second and the message is permitted to scroll across the screen. This provision does not apply to signs on properties fronting onto a school zone, or signs within 30 m of an intersection or pedestrian crosswalk.

## **8.6 Abandoned and Unlawful Signs**

8.6.1 The City shall order the removal of a sign that is found by a Bylaw Services Constable or Development Officer to be in contravention to the provisions of this bylaw, or where:

- a) The City is denied access to the sign;



# Zoning Amendment Bylaw 2015-11

---

- b) A permit holder refuses to provide documentation relating to the design, location, or structure to which the permit relates;
- c) A permit was issued on mistaken or false information;
- d) A permit was not issued for a sign where it was required;
- e) A sign is found to identify a use incorrectly;
- f) The sign is abandoned or is an overall state of disrepair, or has been modified, destroyed, or relocated.

8.6.2 Where the City orders the removal of a sign, it shall give notice in writing to the property owner or permit holder no less than thirty days prior to the ordered removal date.

8.6.3 Upon receipt of written notice, the owner of the sign may bring the sign into compliance with this bylaw by altering, refurbishing, or removing the sign and bearing all related costs.

Where a person fails or refuses to bring the offending sign into compliance, the City may, in accordance with section 346 of the Yukon Municipal Act, enter upon the land or building and take such action as is necessary to carry out the order.

8.6.4 The City may immediately seize any sign located on public property that is in non-compliance with this bylaw.

8.6.5 Signs removed by the City shall be stored by the City for a period of not less than 30 days, during which time the owner or owner's agent may be entitled to redeem, upon payment of the following amounts:

- a) the sum of \$100.00 for the cost of removing the sign or canopy, or where the cost of removal exceeds \$100.00, the actual cost of removal and a \$75 administrative charge;
- b) a storage charge of \$5.00 per day; and
- c) a signed acknowledgement and release.

8.6.6 Where a sign has been removed and stored by the City and the sign and stored for a period of 30 days and the sign or canopy has not been redeemed, the sign may be destroyed or disposed of by the City.

8.6.7 Where a sign has been destroyed or disposed of by the City in accordance with 8.6.6 above, the City may charge a fee for the cost of the removal, storage, and destruction or disposal of the sign or canopy. These charges may be added to the owner's tax bill if not paid within 30 days of the notification of the charges."

# Zoning Amendment Bylaw 2015-11

---

4. Zoning Bylaw 2012-20 is hereby amended by deleting the existing section 14 and substituting a new section 14 as follows:

**“Section 14: Enforcement**

**14.1 General**

14.1.1 A Development Officer or a Bylaw Services Constable may enforce the provisions of this bylaw. For those developments where only a building permit is required, council may appoint the Building Inspector to act as a Development Officer for this purpose.

14.1.2 All enforcement activities of a Development Officer as provided pursuant to the *Municipal Act*, this section, or any other section of this bylaw, may be commenced simultaneously.

**14.2 Offences**

14.2.1 Any person who contravenes, causes, or permits a contravention of this bylaw commits an offence.

14.2.2 Any person who owns, occupies, or uses land, constructs a building or structure or makes an addition or alteration thereto for which a development permit is required but has not been issued; or is in contravention of a condition of a development permit issued under this bylaw, commits an offence.

**14.3 Right of Entry**

14.3.1 After reasonable notice to the owner or occupant, a Development Officer or any other authorized City representative may enter onto any land or into any building or structure at any reasonable time in order to conduct an inspection to ascertain compliance with this bylaw.

14.3.2 No person shall interfere with or obstruct the entry of a Development Officer or any authorized City representative onto any land or into any building or structure to which entry is made or attempted pursuant to the provisions of this bylaw.

14.3.3 Where entrance into or upon any property within the City is refused, a Judge, upon application made on behalf of council, may by order require the occupier of the property to admit a Development Officer or any authorized City representative into or upon the property for the purpose of an inspection under section 14.3.1.

14.3.4 An order made by a Judge under this section continues in force until the purpose for which it was made has been fulfilled.

**14.4 Notices**

14.4.1 Once a Development Officer has found a violation of this bylaw, a Development Officer or Bylaw Services Constable may notify the owner of the property, the person in possession of the land or development, and/or the person responsible for the violation, by:

# Zoning Amendment Bylaw 2015-11

---

- a) delivering either in person, by ordinary mail or fax a *Notice of Violation*; and
- b) posting the notice in a conspicuous location on the site.

14.4.2 Such *Notice of Violation* shall state:

- a) the nature of the violation of this bylaw;
- b) the scope of the corrective measures required to comply with this bylaw; and
- c) the time limit within which such corrective measures must be performed.

14.4.3 A Development Officer is not required to issue a *Notice of Violation* before commencing any other enforcement action under the *Municipal Act* or this bylaw.

## **14.5 Refusal, Suspension or Revocation of Permit**

14.5.1 A Development Officer may refuse to issue, suspend, or revoke a development permit where:

- a) the applicant fails to comply with the conditions of the issuance of the permit; or
- b) any person undertakes or causes or allows any development on a site contrary to the terms or conditions of a permit; or
- c) any person fails to complete the corrective measures described in a *Notice of Violation* issued pursuant to section 14.4.

## **14.6 Offence Tickets**

14.6.1 Where a person has contravened a provision of this bylaw, or if the corrective measures described in a *Notice of Violation* issued pursuant to section 14.4 are not completed within the specified time, or if development continues after a permit has been revoked, the person to whom the *Notice of Violation* was issued may be issued an offence ticket by a Development Officer or Bylaw Services Constable in the amount specified in section 14.10.2.

14.6.2 The offence ticket shall specify the alleged offence committed, the person to whom the offence ticket is issued, and require payment of the penalty by the specified date.

14.6.3 The offence ticket shall be served personally or by registered mail on the person identified in section 14.4.1.

14.6.4 A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

14.6.5 Any person who contravenes the same provision of this bylaw within twelve months after the date of the first contravention is liable to the

# Zoning Amendment Bylaw 2015-11

---

specified penalties for such second or subsequent offence in the amount set out in section 14.11.

## **14.7 Report to Council**

14.7.1 Where a Development Officer is satisfied that there is a continued contravention of this bylaw, a Development Officer may elect to report such a contravention to council in a timely manner if it appears the contravention will not be corrected in a timely manner.

14.7.2 Council may, on finding that any development or use of land or buildings is in contravention of this bylaw:

- a) direct the Development Officer to act on the matter in accordance with section 14.8;
- b) suspend or revoke a development permit with respect to the contravention; and
- c) apply to the court for an injunction to restrain the contravention.

## **14.8 Orders**

14.8.1 A Development Officer or Bylaw Services Constable may issue to the owner of the property, the person in possession of the land or buildings, or the person responsible for the contravention, a written order to comply with the provisions of this bylaw.

14.8.2 The order may:

- a) direct a person to stop doing something or to change the way in which the person is doing it;
- b) direct a person to take any action or measure necessary to remedy the contravention of the *Act* or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw and, if necessary, to prevent a reoccurrence of the contravention;
- c) state a date and time by which the person must comply with the directions;
- d) state that if the person does not comply with the directions within the specified time, the municipality will take the action or measure at the expense of the person; and
- e) state that a person who receives a written order may request that Council review the order within 14 days after the date the order is received. After reviewing the order, Council may confirm, vary, substitute, or cancel the order.

14.8.3 This order shall be delivered by registered mail or be personally served on the person described in section 14.4.1.

# Zoning Amendment Bylaw 2015-11

---

## **14.9      *Municipality Remediating Contravention***

- 14.9.1      Where a person fails or refuses to comply with the order issued under section 14.8, a Development Officer may take such action as is necessary to enforce the order.
- 14.9.2      The costs and expenses incurred by the City in carrying out an order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.

## **14.10     *Penalties***

- 14.10.1     Any person who commits an offence under section 14.2 is, upon summary conviction, liable to a fine as specified in the *Summary Convictions Act*.
- 14.10.2     Any person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- a)      a voluntary fine issued pursuant to Section 20 of the *Summary Convictions Act* and in respect of an offence specified in section 14.11; or
  - b)      a fine not exceeding ten thousand dollars (\$10,000.00) or to imprisonment for six months or both where proceedings are commenced pursuant to the summary convictions provisions of the *Criminal Code of Canada*; or
  - c)      a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for six months or both where proceedings are commenced pursuant to section 9(1) of the *Summary Convictions Act of the Yukon*.
- 14.10.3     Where a person fails or refuses to comply with an Order pursuant to sections 14.2 and 14.8, that person is liable on summary conviction to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
- 14.10.4     In addition to the penalties provided for under section 14.10.2, a person convicted of an offence pursuant to section 14.2 in respect to the use of land or buildings or development carried out in contravention of this bylaw, may be ordered to remove such development and reclaim the site at that person's own expense.
- 14.10.5     Should any person owning or occupying real property within the City refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the Development Officer may inform such person in default that, if these charges are unpaid on the thirty-first 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.

# Zoning Amendment Bylaw 2015-11

---

## 14.11 *Schedule of Fines*

14.11.1 A voluntary fine under section 20 of the *Summary Convictions Act* RSY 2002, Chapter 210, issued in respect of an offence, shall be increased for second and subsequent offences as specified herein:

<u>Description of Offence</u>	<u>Penalty</u>
Fail to obtain development permit	\$250.00
Fail to obtain development permit (2 <sup>nd</sup> or subsequent offence)	\$500.00
Fail to comply with permit conditions	\$250.00
Fail to comply with permit conditions (2 <sup>nd</sup> or subsequent offence)	\$500.00
Fail to comply with <i>Notice of Violation</i>	\$250.00
Fail to comply with <i>Notice of Violation</i> (2 <sup>nd</sup> or subsequent offence)	\$500.00
Fail to grant right of entry	\$250.00
Fail to grant right of entry (2 <sup>nd</sup> or subsequent offence)	\$500.00

5. This bylaw shall come into full force and effect upon the final passage thereof.

**FIRST READING:**

**PUBLIC NOTICE:**

**PUBLIC HEARING:**

**SECOND READING:**

**THIRD READING and ADOPTION:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk