

Town of Three Rivers, PEI
Dangerous, Hazardous and Unsightly Premises Bylaw
Bylaw # 2023-01

PART I - TITLE

1. Title

- 1.1. This Bylaw shall be referred as the "Town of Three Rivers Dangerous, Hazardous and Unsightly Premises Bylaw" and may be cited as the "Unsightly Premises Bylaw" from time to time, and referred to herein as this "Bylaw"

PART II – INTERPRETATION AND APPLICATION

2. Authority

- 2.1. Section 180 of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1., authorizes council to enact bylaws for municipal purposes respecting dangerous or unsightly properties in the Municipality.

3. Scope

- 3.1. Part V of this Bylaw shall only apply to all real property wholly or partially located in the Urban and Rural Settlement Areas as defined in the Municipality's *Development Bylaw*.

- 3.2. All other sections of this Bylaw apply to all real property in the Town of Three Rivers

4. Administration

- 4.1. This Bylaw shall be administered and enforced by the Enforcement Officer.

PART III – DEFINITIONS

5. Definitions

In this Bylaw:

- 5.1. "**Act**" means the *Municipal Government Act*, R.S.P.E.I. 1988, c M-12.1, as amended from time to time.

- 5.2. **"Chief Administrative Officer"** means the administrative head of the Municipality appointed by Council pursuant to 86(2)(c) of the Act.
- 5.3. **"Council"** means the elected Council for the Municipality.
- 5.4. **"Dangerous or Hazardous Building"** includes:
- (a) a building or structure where the walls or other vertical structural members list, lean, or buckle to such an extent that it presents a danger to the occupants or other persons or property;
 - (b) a building or structure which shows clear damage or deterioration of the foundation supporting member or members;
 - (c) a building or structure which has improperly distributed loads upon the floor or roofs or structural supporting members, or in which the same are overloaded, or which has insufficient strength to be reasonably safe for the intended use or occupation; or
 - (d) a building or structure which has become dangerous to life, safety, or the health and welfare of the occupants or the general public.
- 5.5. **"Derelict Motor Vehicle"** means a motor vehicle as defined in the Highway Traffic Act, R.S.P.E.I 1988, Cap.H-5, as amended, that does not display on the windshield affixed to the motor vehicle, a valid unexpired motor vehicle inspection approved sticker issued under the Highway Traffic Act, and is
- (a) inoperative by reason of removed wheels, battery, motor, transmission, or equipment necessary for its operation; or
 - (b) in a state of disrepair or is unsightly by reason of missing doors, glass, or body parts,
- 5.6. **"Enforcement Officer"** means any member of the Royal Canadian Mounted Police, a duly authorized Bylaw Enforcement Officer, or the Chief Administrative Officer;
- 5.7. **"Litter"** includes
- (a) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans, or parts thereof;
 - (b) any article, product, machinery, mobile home or manufactured goods which are dumped, discarded, abandoned, or otherwise disposed of; and
 - (c) all forms of waste, refuse and litter as defined by the Provincial Island Waste Management Corporation.

5.8. **“Municipality”** means the Corporation of the Town of Three Rivers.

5.9. **"Owner"** includes

- (a) a landowner as listed in the Assessment Roll compiled by the Province of PEI under the Real Property Assessment Act, Cap. R-4, R.S.P.E.I. 1988, and amendments thereto, which is available to the Municipality;
- (b) a tenant, lessee or other person in possession or occupancy of a Property; and
- (c) an executor, administrator, trustee, agent, or other person managing a Property for the registered landowner.

In any prosecution of a contravention of this Bylaw, the Owner of a Property may be proved prima facie by a certificate purporting to be signed by the Chief Administrative Officer and it shall not be necessary to prove the authenticity of such signature and where the name in the certificate is the same as that of the person charged with an offence, it is prima facie evidence that he/she is the person named in the certificate.

5.10. **"Property"** includes all or any part, whether vacant or otherwise, of lands, buildings, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments.

5.11. **“Unsightly Building or Structure”** includes a building or structure

- (a) that is an unmaintained, decaying, dilapidated or derelict Building or Structure;
- (b) that has deteriorated so as to substantially depreciate the value of the property in the vicinity; or
- (c) that has become a detriment to the general appearance of the Municipality

5.12. **"Unsightly Property"** means any property or part of it which is characterized by visual evidence, obtained from any street, of a lack of general maintenance and upkeep by the accumulation on the premises of:

- (a) litter;
- (b) any dilapidated or unsightly building(s) or structure(s);
- (c) any derelict motor vehicles or part thereof; or

- (d) equipment or machinery which has been rendered inoperative by reason of its disassembly, age, or mechanical condition and includes any household appliances.

5.13. **"Vacant Building"** means any Building which is unoccupied for a period of twelve consecutive months.

PART IV - PROPERTY STANDARDS

6. Property Standards

- 6.1. No owner of any Property shall permit the Property or any part of it to become an Unightly Property.
- 6.2. The following standards shall be applied by the Enforcement Officer and Council in ordering remediation, repair or demolition of Property:
 - (a) any Property that is in a condition that makes it dangerous to the health, safety or general welfare of its occupants or is a Dangerous or Hazardous Building shall be ordered vacated immediately;
 - (b) any Property that can reasonably be brought into compliance with the requirements of this Bylaw shall be ordered remediated or repaired; and
 - (c) any property that cannot reasonably be repaired or that has been ordered remediated or repaired, but repairs or remediation has not been completed by the deadline set out in the Notice pursuant to section 8.2 herein or any extension granted pursuant to section 8.10 shall be ordered demolished.

PART V - DANGEROUS, HAZARDOUS PROPERTIES

7. In the Rural and Urban Settlement Areas only, the following provisions apply

- 7.1. No owner of any Property shall permit the Property or any building thereon to become a Dangerous or Hazardous Building, an Unightly Building or an Unightly Property.
- 7.2. Every building and every part thereof shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight and any normal load to which it may be subject.

- 7.3. Any property that is in a condition that makes it dangerous to health, safety or general welfare of its occupants, occupants of adjoining property and/or the general public, is considered a Dangerous or Hazardous Building and shall be ordered vacated, repaired or demolished
- 7.4. Grass on any part of a Property, except for that Property or any part thereof being used for Agricultural Purposes, shall be maintained at less than 20 cm in height, after June 1 of every year.
- 7.5. Where Property that is undeveloped or in the process of being developed meets or shares a common boundary with any other land, at the discretion of the Enforcement Officer, the requirement to maintain the grass on that property in accordance with section 7.4 may be limited to a distance of not less than twenty (20) meters from the common boundary.
- 7.6. All Property shall be kept clean and free of;
- (a) objects or conditions that may create fire, health, or accident hazards;
 - (b) heavy undergrowth, with the exception of any land being used for Agricultural Purposes;
 - (c) Litter; and
 - (d) Derelict Motor Vehicle(s).
- 7.7. Property on which a Vacant Building is located shall be secured to prevent unauthorized access to the Vacant Building by one or more of the following:
- (a) having the doors and windows or other openings replaced or repaired and locked, provided that all windows shall be secured by use of a clear hard material such as, but not limited to, glass or other clear Polymer material, of at least 5 mm in thickness;
 - (b) in the event continued damage to property occurs after subsection (a) has been complied with or where unauthorized access is occurring, covering the doors and windows or other openings with a solid wooden material; and
 - (c) securing the land on which the Vacant Building is located with a fence at least 1.5 meters in height;

or a combination of all or any of the above if prior written approval of the proposed measures for securing the Vacant Building is obtained from the Enforcement Officer.

- 7.8. Where wooden material is used to secure a Vacant Building in accordance with subsection 7.8(b), it shall be painted to match the trim color of the Vacant Building and all material used to cover the openings must properly fit inside the outer window, door trim or other openings.
- 7.9. All material used to secure a Property shall be properly maintained, which includes the replacement of any materials, painting, or other work necessary for good maintenance of the Property in relation to the surrounding neighborhood.
- 7.10. Where a Vacant Building has been secured pursuant to section 7.7 for more than twelve (12) months, it may be referred to Council and Council may order it to be repaired or demolished in accordance with Part VII of this Bylaw.
- 7.11. In addition to any notice which may be issued pursuant to Part VI, the Enforcement Officer shall place the following "Dangerous or Hazardous Building Notice" on any Dangerous or Hazardous Building:

"This Building has been found to be a Dangerous or Hazardous Building, as defined by the Town of Three Rivers Dangerous, Hazardous and Unsightly Premises Bylaw, by the Chief Administrative Officer. Pursuant to the Bylaw, this Notice is to remain on this Building until it is vacated, repaired, or demolished in accordance with the Notice which has been given to the Owner of the Building. It is unlawful to remove this Notice until such Notice is complied with."

PART VI - ENFORCEMENT STANDARDS

8.
 - 8.1. The Enforcement Officer or his/her designate, may inspect any Property, without permission from the Owner, at any reasonable time, where in their opinion such Property violates any of the provisions of this Bylaw.
 - 8.2. Where, in the opinion of the Enforcement Officer or his/her designate, if any Property does not meet the requirements of this Bylaw, the Enforcement Officer shall issue a Notice pursuant to section 8.3.
 - 8.3. The Notice shall be issued to:

- (a) the Owner;
- (b) the occupier of the Property; and/or
- (c) any person who caused or contributed to the unsightly condition of the Property, where the Enforcement Officer is satisfied that a person other than the Owner caused or contributed to the unsightly condition of the property, and the Owner agrees to permit that other person to come onto the property for the purposes of complying with the Notice.

8.4. The Notice shall:

- (a) be in writing;
- (b) clearly state in which respect(s) the Property does not meet the requirements of this Bylaw, including the applicable section of this Bylaw, and what must take place to bring the Property into compliance with the requirements of this Bylaw; and
- (c) state the date before which the Property must be brought into compliance with the requirements of this Bylaw,

8.5. If the Property is located partially or wholly within an Urban or Rural Settlement Area, as defined, the date with which they must comply with this Bylaw shall not exceed sixty (60) days from the date the Notice is deemed served pursuant to section 8.7. For all other Property located within the Municipality, the date of compliance shall be no more than ninety (90) days from the date the Notice was served.

8.6. The Notice shall be served:

- (a) by personal delivery of the Notice to the person to be notified;
- (b) by depositing the Notice in the mail by registered letter to the last known address of the person to be notified; or
- (c) by posting the Notice in a conspicuous place on Property.

8.7. The date of service of the Notice is deemed to be:

- (a) the date of delivery of the Notice to the person to be notified for service under section 8.6(a);
 - (b) the date stated on a delivery confirmation form from Canada Post for service under section 8.6(b); and
 - (c) the date the Notice is posted on the Property for service under section 8.6(c).
- 8.8. In any prosecution for an offence under this Bylaw, when proof of the service of the Notice is made, the burden of proving that he/she is not the person named or referred to in the Notice shall be upon the person charged.
- 8.9. No action, prosecution or other proceedings shall be brought or shall be instituted against the Municipality, its employees, or agents, for any unauthorized act done in pursuance or execution or intended execution of any duty, or duly authorized authority done under the Bylaw in respect of any alleged neglect, or default, in the execution of any such duty or authority.
- 8.10. The Enforcement Officer may extend the time of the compliance with any Notice issued pursuant to this Part provided there is sufficient evidence of intent to comply with any such Notice and reasonable cause exists preventing immediate compliance.

PART VII - NON-COMPLIANCE

9.

- 9.1. Where the Owner of the Property upon whom a Notice pursuant to Part VI has been served, does not comply with the requirements of such Notice within the time set out in the Notice, the Enforcement Officer shall notify Council through the Chief Administrative Officer, who may authorize the Enforcement Officer, by a resolution of Council, to enter the Property without warrant or other legal process and thereupon carry out any and all work, which may include but is not limited to, vacation, repair, clean up, demolition, as stated in the Notice in order to bring the Property into compliance with the requirements of this Bylaw. A Council resolution shall be in effect for twelve (12) months from the date of passing and enables the Enforcement Officer to re-enter at any time to remedy a recurring condition.
- 9.2. The Chief Administrative Officer, with the assistance of the Municipality's Solicitor, shall cause the costs of such vacation, repair, demolition, or other work done to be charged against the Property as a Municipal Lien or to be recorded in a suit of law against the Owner; provided that, in any cases where such procedure is

desirable and any delay thereby caused will not be dangerous to the health, safety or general welfare of the people of the Municipality, the Chief Administrative Officer shall notify the Municipality's Solicitor to take legal action to force the Owner to take all necessary actions to comply with this Bylaw.

PART VIII - EMERGENCY CASES

10.

- 10.1. In cases where it reasonably appears that there is immediate danger to the life of any person, unless a Dangerous or Hazardous Building is immediately vacated, repaired or demolished, the Chief Administrative Officer shall take all steps necessary to effect the immediate vacancy, repair or demolition. The costs of such emergency vacations, repairs or demolitions shall be collected in the same manner as provided in section 9.2 of this Bylaw.

PART IX – PENALTIES

11.

- 11.1. Any person who fails to comply with all terms of any Notice issued pursuant to this Bylaw, within the time prescribed on the Notice, shall be guilty of an offence and liable on summary conviction to the following fines:
 - (a) for first offence, to a fine of THREE HUNDRED DOLLARS (\$300.00) and in default of payment to imprisonment for a term of not more than five (5) days
 - (b) for a second offence, to a fine of FIVE HUNDRED DOLLARS (\$500.00) and in default of payment to imprisonment for a term of not more than twenty (20) days.
 - (c) for a third offence, to a fine of ONE THOUSAND DOLLARS (\$1,000.00) and in default of payment to imprisonment for a term of not more than thirty (30) days.
 - (d) for a fourth or subsequent offence to a fine of a maximum amount of FIFTEEN HUNDRED DOLLARS (\$1,500.00) or for a term of imprisonment not exceeding six (6) months.
- 11.2. For each offence, and where an offence under this Bylaw is committed or continued to be committed for more than one (1) week, the person who committed the offence is liable to be convicted for a separate offence.

PART X – MISCELLANEOUS

12. Repeal of Existing Bylaws

- 12.1. All former bylaws of the Town of Georgetown, Town of Montague, and other predecessor communities of the Municipality, pertaining to Dangerous, Hazardous and Unsightly Premises, are hereby repealed.

13. Interpretation

- 13.1. In this bylaw words importing the singular shall include the plural and words importing the masculine gender shall include the female gender and vice versa.

14. Severability

- 14.1. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent from all other provisions of this Bylaw, such that if any provision of this Bylaw is declared invalid, all other provisions of this Bylaw shall remain valid and enforceable

15. Effective Date

- 15.1. This bylaw is effective on the date of approval and adoption below.

FIRST READING:

This Dangerous, Hazardous and Unsightly Premises Bylaw, 2023-01, was read a first time by a majority of the Councillors present at the Council Meeting held on the 13th day of February, 2023.

SECOND READING:

This Dangerous, Hazardous and Unsightly Premises Bylaw, 2023-01, was read a second time by a majority of the Councillors present at the Council Meeting held on the 13th day of March, 2023.

This Dangerous, Hazardous and Unsightly Premises Bylaw, 2023-01, was approved by a majority of the Councillors present at the Council Meeting held on the 13th day of March, 2023.

APPROVAL and ADOPTION by COUNCIL:

This Dangerous, Hazardous and Unsightly Premises Bylaw, 2023-01, was adopted by a majority of the Councillors present at the Council Meeting held on the 13th day of March, 2023.

Debbie Johnston

Debbie Johnston, Mayor

Jill Walsh

Jill Walsh, Chief Administrative Officer

This Dangerous, Hazardous and Unsightly Premises Bylaw adopted by the Council of the Town of Three Rivers on the 13th day of March, 2023 is certified to be a true copy.

Jill Walsh

Jill Walsh, Chief Administrative Officer

March 13, 2023

Date