

DANGEROUS, HAZARDOUS AND UNSIGHTLY PREMISES BYLAW

EFFECTIVE OCTOBER 14, 1997
AMENDED MAY 12, 2008

AMENDED MARCH 10, 2003

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN
PURSUANT TO SECTIONS 21 AND 64 OF THE *CHARLOTTETOWN AREA
MUNICIPALITIES ACT*, R.S.P.E.I. 1988, CAP. C-4.1:

PART I: TITLE

1. 1.1 This Bylaw may be known and may be cited as the “Charlottetown Dangerous, Hazardous and Unsightly Premises Bylaw”.

PART II: SCOPE

2. 2.1 This Bylaw shall apply to all Property in the City of Charlottetown.

PART III: DEFINITIONS

In this Bylaw:

3. 3.1 **"Agricultural Purposes"** means the use of any land for the purpose of soil conservation, crop production or raising of livestock.
- 3.2 **"Building"** includes any structure or erection used or intended to be used for supporting or sheltering any use or occupancy.
- 3.3 **"City"** means the City of Charlottetown established under Section 3 of the *Charlottetown Area Municipalities Act*.
- 3.4 **"Council"** means the Council of the City.
- 3.5 **"Dangerous or Hazardous Building"** includes
 - (a) a Building 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 which shows clear damage or deterioration of the foundation supporting member or members;
 - (c) a Building 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;
 - (d) a Building which has

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- (i) become dangerous to life, safety, or the health and welfare of the occupants or the general public, or
 - (ii) deteriorated so as to substantially depreciate the value of the property in the vicinity, or
 - (iii) become a detriment to the general appearance of the City.

- 3.6 **"Inspector"** means the Fire Inspector, Fire Chief, Building Inspector, Public Works Manager, or their designate who is to carry out the duties assigned by Chief Administrative Officer pursuant to this Bylaw.

- 3.7 **"Litter"** includes
 - (a) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof; and

 - (b) any article, product, machinery, mobile home or other manufactured goods which are dumped, discarded, abandoned or otherwise disposed of.

- 3.8 **"Owner"** includes
 - (a) a land owner as listed in the Assessment Role compiled by the Provincial Department of Finance under the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I. 1988, and amendments thereto, which printed Assessment Role is issued to the City at the beginning of each year (with printed updates throughout the year), tenant, lessee or other person in possession or occupancy of a Property;

 - (b) an executor, administrator, trustee, agent or other person managing a Property for the registered landowner; and

 - (c) 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 is the person named in the certificate.

- 3.9 **"Property"** includes all or any part of trees, lands, Buildings, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments.

- 3.10 **"Public Works Manager"** means the person designated by Council, from time to time, to be responsible for the Public Works Department of the City.

- 3.11 **"Unightly Property"** includes any Property or part thereof upon which there is Litter, any Dangerous or Hazardous Building, any derelict Vehicle or part thereof.

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- 3.12 **"Vacant Building"** means any Building which is unoccupied.
- 3.13 **"Vehicle"** includes a motor vehicle, trailer, boat, motorized snow vehicle, mechanical equipment, farm implement or any vehicle drawn, propelled or driven by any kind of power including muscular power.

PART IV: ADMINISTRATION

4. 4.1 This Bylaw shall be administered and enforced by Inspectors.

PART V: PROPERTY STANDARDS

5. 5.1 No Owner of any Property shall permit the Property or any Building thereon to be or become
- (a) an Unsightly Property; or
 - (b) otherwise hazardous, dangerous, a fire hazard, unsightly, in need of paint or general upkeep which includes but is not limited to repairing, replacing or painting the building, trim, glazing, sheathing, siding, eaves, or any other materials in order to repair or maintain the appearance or structural quality of the Building.
- 5.2 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.
- 5.3 (a) Grass on any Property, except for that Property or any part thereof being used for Agricultural Purposes, shall be maintained at a height of 150 mm or less.
- (b) 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 Inspector the requirement to maintain the grass on that Property in accordance with subsection (a) may be limited to a distance of not less than twenty meters (20m) from the common boundary.
- 5.4 Any Vehicle that does not display on the windshield affixed to the motor vehicle, a valid unexpired motor vehicle inspection approval sticker issued under the *Highway Traffic Act*, R.S.P.E.I. 1988, Cap. H-5, as amended, 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,
- shall not be parked, stored or left on any property unless duly authorized by a permit issued pursuant to the *Automobile Junk Yards Act*, R.S.P.E.I. 1988, Cap. A-25, as amended.

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- 5.5 All Property shall be kept clean and free of:
- (a) objects or conditions that may create fire, health, dangerous, or accident hazards;
 - (b) Litter; or
 - (c) heavy undergrowth, with the exception of any land being used for Agricultural Purposes.
- 5.6 Property on which a Vacant Building is located shall be secured to prevent unauthorized access to the Vacant Building by:
- (a)
 - (i) 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; or
 - (ii) in the event continued damage to property occurs after subsection (a)(i) above has been complied with or where unauthorized access is occurring, covering the doors and windows or other openings with a solid wooden material; and
 - (iii) securing the land on which the Vacant Building is located by a fence at least 1.5 meters in height; or
 - (b) 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 Inspector;
- 5.7 (a) Where wooden material is used to secure a Vacant Building it shall be painted to match the trim colour of the Vacant Building and all material used to cover the openings must properly fit inside the outer window or door trim or other opening.
- (b) 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.
- 5.8 Where a Property or Building has been secured pursuant to Section 5.6(a)(ii) or (iii) for more than eighteen (18) months, it may be referred to Council and Council may order it to be repaired or demolished in accordance with PART VI of this Bylaw.

PART VI: STANDARD FOR REPAIR, VACATION OR DEMOLITION

6. 6.1 The following standards shall be applied by the Inspector in ordering repair, vacation, or demolition of Property:
- (a) any Property that is in a condition that makes it dangerous to the health,

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safety or general welfare of its occupants or is a Dangerous or Hazardous Building shall be ordered vacated;

- (b) any Property that can reasonably be brought into compliance with the requirements of this Bylaw shall be ordered repaired;
- (c) any Property that cannot reasonably be repaired or that has been ordered repaired but repairs have not been completed by the deadline set out in the Notice pursuant to Section 7.3(c) herein or any extensions granted pursuant to Section 7.6 shall be ordered demolished; and
- (d) all designated heritage buildings or any Building located in a designated heritage zone pursuant to the applicable Bylaw shall receive a recommendation from the Heritage Review Board and approval by Council through a Bylaw amendment of the Zoning and Development Bylaw prior to demolition of the building or any part thereof.

- 6.2 In addition to any Notice which may be issued pursuant to Part VII, the Inspector 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 by the Inspector pursuant to the Charlottetown Dangerous, Hazardous and Unsightly Premises Bylaw. 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 this Building. It is unlawful to remove this Notice until such Notice is complied with."

PART VII: ENFORCEMENT STANDARDS

7. 7.1 The Inspector may inspect any Property where, in the Inspector's opinion such Property violates any of the provisions of this Bylaw.
- 7.2 Where, in the opinion of the Inspector, any Property does not meet the requirements of this Bylaw, the Inspector shall issue a Notice pursuant to Section 7.3.
- 7.3 The Notice shall be issued to the Owner and shall:
- (a) be in writing;
 - (b) state in which respect(s) the Property does not meet the requirements of this Bylaw and what must be done to the Property to bring it into compliance with the requirements of this Bylaw; and
 - (c) state the date before which the Property shall be brought in to compliance with the requirements of this Bylaw, which date is not to exceed ninety (90) days from the date Notice is deemed to be served pursuant to Section 7.5.

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- 7.4 The Notice shall be served:
- (a) by personal delivery of the Notice to the Owner; or
 - (b) by depositing the Notice in the mail by certified letter to the address of the Owner; or
 - (c) by posting the Notice in a conspicuous place on the Property.
- 7.5 The date of service of the Notice is deemed to be:
- (a) in Section 7.4(a), the date of delivery of the Notice to the Owner;
 - (b) in Section 7.4(b), the date stated on an acknowledgment card received from Canada Post for a certified letter which indicates the date the card is received;
 - (c) in Section 7.4(c), the date the Notice is posted on the property.
- 7.6 The Inspector may extend the time for compliance with any Notice issued pursuant to this Part provided there is evidence of intent to comply with any such Notice and reasonable cause exists to prevent immediate compliance.

PART VIII: NON-COMPLIANCE

8. 8.1 Where the Owner of the Property upon whom a Notice pursuant to Part VII has been served, does not comply with the requirements of such Notice, the Inspector shall immediately notify Council who may authorize an Inspector by Resolution, to enter the Property without written warrant, or other legal process and thereupon carry out any and all work as stated in the Notice in order to bring the Property into compliance with the requirements of this Bylaw. A Resolution passed by City Council shall be in effect for six (6) months from the date of passing and enables the Inspector to re-enter at any time to remedy a recurring condition.
- 8.2 The Inspector, with the assistance of the City Solicitor, shall cause the costs of such vacation, repair or 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 City, the Inspector shall notify the City Solicitor to take legal action to force the Owner to take all necessary actions to comply with this Bylaw.

PART IX: EMERGENCY CASES

9. 9.1 In cases where it reasonably appears that there is immediate danger to the life or safety of any person, unless a "Dangerous or Hazardous Building" as defined herein is immediately vacated, repaired or demolished, the Inspector or his designate shall

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report such facts to the Public Works Manager or his designate and the Public Works Manager or his designate shall take all steps necessary to effect the immediate repair, vacation or demolition of such building. The costs of such emergency vacations, repair, or demolition of such building shall be collected in the same manner as provided in Section 8.2.

PART X: SEVERABILITY

10. 10.1 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.

PART XI: PENALTIES FOR DISREGARDING NOTICES

11. 11.1 Any Owner who fails to comply with all terms of any “Dangerous and Hazardous Building Notice” issued pursuant to Section 6.2 of this Bylaw shall be guilty of an offence and liable on summary conviction to the following fines:
- (a) First offence – Minimum fine \$300 – Maximum fine \$750
 - (b) Second offence – Minimum fine \$600 – Maximum fine \$1,250
 - (c) Third offence – Minimum fine \$900 – Maximum fine \$1,750
 - (d) Fourth and subsequent offence – Minimum fine \$1,200 – Maximum fine \$2,250
- 11.2 Any Owner who fails to comply with all terms of any Notice issued under this Bylaw other than a “Dangerous and Hazardous Building Notice” issued pursuant to Section 6.2 of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine. For each offence and where an offence under this Bylaw is committed or continued to be committed for more than one week, the person who committed the offence is liable to be convicted for a separate offence for each week the offence is committed or continued.

PART XII: REPEAL

12. 12.1 On the effective date of this Bylaw, the bylaws listed in Appendix “A” to this Bylaw are hereby repealed and shall be of no force and effect.

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APPENDIX “A”

City of Charlottetown:

Dangerous, Hazardous and Unsightly Premises Bylaw

Minimum Maintenance and Occupancy Standards Bylaw

Community of Sherwood:

Bylaw No. 404 - Community of Sherwood Minimum Standards

Bylaw No. 405 - Maintenance Properties Free from Health, Fire or Accident

Community of West Royalty:

Bylaw No. 78 - Unsightly Premises Bylaw

Community of East Royalty:

Bylaw # 11 - Unsightly Premises Bylaw

Town of Parkdale:

Bylaw # 38 - Minimum Standards Bylaw

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
New Bylaw		New Bylaw to provide for a uniformed bylaw to encompass the entire City of Charlottetown by consolidating all former communities Unsightly Bylaws and Minimum Maintenance Bylaws	8-Sep-97	14-Oct-97	14-Oct-97
To amend the penalty structure under Part XI "Penalties for Disregarding Notices"	<p>11.1 Any Owner who fails to comply with all terms of any "Dangerous and Hazardous Building Notice" issued pursuant to Section 6.2 of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine in an amount not exceeding the following cumulative amount for each week the offence is committed or continues to be committed: (a) First week of offence \$500 (b) Second week of offence \$1,000 in addition to the \$500 for the first week; (c) Third and subsequent weeks \$1,500 for each week in addition to the amounts for each of the previous weeks.</p> <p>11.2 Any Owner who fails to comply with all terms of any Notice issued under this Bylaw other than a "Dangerous and Hazardous Building Notice" issued pursuant to Section 6.2 of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine in an amount not exceeding \$500. For each offence and where an offence under this Bylaw is committed or continued to be committed for more than one week, the person who committed the offence is liable to be convicted for a separate offence for each week the offence is committed or continued.</p>	<p>Delete Section 11.1 and replace with the following: 11.1 Any Owner who fails to comply with all terms of any "Dangerous and Hazardous Building Notice" issued pursuant to Section 6.2 of this Bylaw shall be guilty of an offence and liable on summary conviction to the following fines: (a) First offence - Minimum fine \$300 - Maximum fine \$750 (b) Second offence - Minimum fine \$600 - Maximum fine \$1,250 (c) Third offence - Minimum fine \$900 - Maximum fine \$1,750 (d) Fourth and subsequent offence - Minimum fine \$1,200 - Maximum fine \$2,250</p> <p>Amend Section 11.2 by deleting the words "in an amount not exceeding \$500" at the end of the first sentence.</p>	10-Feb-03	10-Feb-03	10-Mar-03
To amend to deal with trees on private property deemed to be dangerous	3.9 "Property" includes all or any part of lands, Buildings, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments.	3.9 "Property" includes all or any part of trees , lands, Buildings, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments.	14-Apr-08	14-Apr-08	12-May-08

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	5.5 All Property shall be kept clean and free of: (a) objects or conditions that may create fire, health or accident hazards; (b) Litter; or (c) heavy undergrowth, with the exception of any land being used for Agricultural Purposes.	5.5 All Property shall be kept clean and free of: (a) objects or conditions that may create fire, health, dangerous , or accident hazards; (b) Litter; or (c) heavy undergrowth, with the exception of any land being used for Agricultural Purposes.			