

RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH  
AND NORTH RUSTICO

**DANGEROUS AND UNSIGHTLY PREMISES BYLAW**

**BYLAW No. 2019-5**

A Bylaw relating to dangerous and unsightly properties within the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico.

This Bylaw is made under the authority of the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED BY THE COUNCIL OF THE RESORT MUNICIPALITY OF STANLEY BRIDGE, HOPE RIVER, BAYVIEW, CAVENDISH AND NORTH RUSTICO as follows:

**1. Title**

This Bylaw may be cited and referred to as the "Resort Municipality Dangerous and Unsightly Premises Bylaw".

**2. Scope**

This Bylaw shall apply to all Property in the Resort Municipality.

**3. Definitions**

In this Bylaw:

- (a) "Act" means the *Municipal Government Act*, R.S.P.E.I. 1988, Cap. M-12.1, as amended from time to time.
- (b) "Agricultural Purposes" means the use of any land by a Bona Fide Farmer for the purpose of soil conservation, crop production or raising of livestock;
- (c) "Assessment Roll" means the assessment roll compiled by the Provincial Department of Finance under the *Real Property Assessment Act*, Cap. R-4, R.S.P.E.I. 1998, as amended from time to time, or any successor act;
- (d) "Building" includes any structure used or intended for the shelter, housing or enclosure of any person, animal or chattel;
- (e) "Bona Fide Farmer" means a *bona fide* farmer as defined in the *Real Property Assessment Act*, R.S.P.E.I. 1988 Cap. R-4, as amended from time to time, or any successor act;
- (f) "Chief Administrative Officer" means the person appointed to that position by Council pursuant to the Act;
- (g) "Council" means the Council of the Resort Municipality;
- (h) "Dangerous Building" includes:

- (i) 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;
  - (ii) a Building which shows clear damage or deterioration of the foundation supporting member or members;
  - (iii) 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.
- (i) "Derelict Motor Vehicle" means a motor vehicle as defined in the *Highway Traffic Act*, R.S.P.E.I. 1988, Cap. H-5 that:
- (i) 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*, and
  - (ii) is either:
    - (A) inoperative by reason of removed wheels, battery, motor, transmission or other parts 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;
- but does not include an antique motor vehicle, as defined in the *Unsightly Property Act*, R.S.P.E.I., 1988, Cap. U-5;
- (j) "Dilapidated Building" includes a Building which is structurally sound but by virtue of broken windows, torn roofing or other defects is in a condition of substantial disrepair;
  - (k) "Enforcement Officer" means any enforcement officer appointed by the Chief Administrative Officer.
  - (l) "Litter" means rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof and any article, product, machinery, mobile home or other manufactured goods which are dumped, discarded, abandoned or otherwise disposed of;
  - (m) "Order" means an order issued pursuant to this Bylaw and/or the Act;
  - (n) "Owner" means a person or corporation listed as the property owner in the Assessment Roll and includes a part owner, joint tenant, tenant-in-common, executor, administrator, trustee, agent or other person managing a Property for the registered property owner, but does not include a lessee;
  - (o) "Property" means a parcel of land and includes all or any part of trees, Buildings, structures, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments;

- (p) "Resort Municipality" means the Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico;
- (q) "Summary Proceedings Bylaw" means the Resort Municipality's Summary Proceedings Bylaw, Bylaw No. 2019-6, as amended from time to time.
- (r) "Unsightly Property" means any Property or part thereof upon which there is visual evidence of a lack of general maintenance and upkeep due to the presence of:
  - (i) Litter;
  - (ii) Derelict Motor Vehicle(s); and/or
  - (iii) Dilapidated Buildings(s).
- (s) "Vacant Building" means any Building which is unoccupied for a consecutive period of 12 months.

#### **4. Administration**

- 4.1 The Chief Administrative Officer may appoint one or more Enforcement Officers to administer this Bylaw.
- 4.2 Enforcement Officers shall report to the Chief Administrative Officer.

#### **5. Property Standards**

- 5.1 No Owner of any Property shall permit the Property to be or become an Unsightly Property.
- 5.2 No Owner of any Property shall permit any Building on a Property to be, or to become a Dangerous Building.
- 5.3 No Owner of any Property shall permit grass within 8 meters (26.25 feet) of a public road or within 8 meters (26.25 feet) of a building occupied by one or more persons to exceed a height of 200 mm (8 inches) unless the Property is being used for Agricultural Purposes.
- 5.4 No Derelict Motor Vehicle shall be parked, stored or left on any Property.
- 5.5 All Property shall be kept clean and free of:
  - (a) objects or conditions that may create fire, health, dangerous, or accident hazards; and
  - (b) Litter.
- 5.6 All doors, windows and other openings on Vacant Buildings shall be secured and locked to prevent unauthorized entry.
- 5.7 In the event Property damage or unauthorized entry occurs after the measures in section 5.6 above have been implemented, the Enforcement Officer may issue an Order to the

Owner requiring the doors and windows or other openings to be covered with a solid wooden material or to secure the land upon which the Vacant Building is located with a fence of at least 1.5 meters (4.92 feet) in height.

- 5.8 Where wooden material is used to secure a Vacant Building it shall be painted to match the trim colour or exterior wall colour of the Vacant Building and all material used to cover the openings must properly fit inside the outer window, door trim or other opening.

## **6. Enforcement Standards**

- 6.1 Subject to the requirement for Council's determination and authorization under sections 6.5 and 6.7 below, where the Enforcement Officer determines that a Property fails to comply with any of the provisions of this Bylaw, the Enforcement Officer may issue an Order in accordance with section 238 of the Act and/or a ticket in accordance with the Summary Proceedings Bylaw.
- 6.2 Orders issued by the Enforcement Officer shall be delivered to the Owner in accordance with subsection 238(2) of the Act.
- 6.3 The Council may extend the time for compliance with any Order issued by the Enforcement Officer provided there is evidence of intent to comply with any such Order and reasonable cause exists to prevent immediate compliance.
- 6.4 Where, in the Enforcement Officer's opinion, a Building or structure on any Property should be removed or demolished, the Enforcement Officer may issue a report to Council stating how the Property is in violation of this Bylaw and what, if any, Orders or tickets have been issued to the Owner in relation to that violation.
- 6.5 Where, after reviewing the Enforcement Officer's report referenced in section 6.4 above, Council determines that the Building or structure is in violation of this Bylaw and should be removed or demolished, Council shall pass a resolution authorizing the Enforcement Officer to order the removal or demolition of the Building or structure in accordance with paragraph 238(1)(c) of the Act.
- 6.6 Where, in the Enforcement Officer's opinion, there is a Dangerous Building on a Property, the Enforcement Officer may issue a report to Council stating how the Property is in violation of this Bylaw and what, if any, Orders or tickets have been issued to the Owner in relation to that violation.
- 6.7 Where, after reviewing the Enforcement Officer's report referenced in section 6.6 above, Council determines that the Building is a Dangerous Building, Council shall pass a resolution declaring the Building to be a Dangerous Building, authorizing the Enforcement Officer to issue an Order for any occupants to vacate the Dangerous Building, and authorizing the Enforcement Officer to place the following "Dangerous Building Notice" on that Building:

*This Building has been found to be a Dangerous Building pursuant to the Resort Municipality's Dangerous 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 Order which has been given to the Owner of this Building. It is unlawful to remove this Notice until such Order is complied with.*

6.8 No person shall remove any Notice placed in accordance with section 6.7, above, unless authorized by Council.

## **7. Orders for Vacation or Demolition**

7.1 The following standards shall be applied by Council in ordering the vacation or demolition of Buildings or structures:

(a) any Building or structure that is in a condition that makes it dangerous to the health, safety or general welfare of its occupants, or has a Dangerous Building, shall be ordered vacated; and

(b) 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 an Order or before the expiration of any extension period granted pursuant to section 6.3 above, shall be ordered demolished.

## **8. Review**

8.1 In accordance with section 239 of the Act, where an Owner upon whom an Order has been served is not satisfied with the terms or conditions of the Order, the Owner may notify the Council in writing within fourteen (14) days after the Order is served that the Owner disagrees with the Order and requires a review by Council and, on the Owner's written notification, the Owner shall state the basis for the Owner's disagreement with the Order.

8.2 After Council reviews both the Order and the basis for the Owner's disagreement with the Order, the Council may, in accordance with subsection 239(3) of the Act:

(a) confirm the Order;

(b) vary the terms of the Order;

(c) substitute its own Order for the Order reviewed; or

(d) rescind the Order.

## **9. Offences and Liability**

9.1 Any Owner who fails to comply with this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than \$200.00 and not more than \$10,000.00 and, on default of payment, is liable to imprisonment for a term not exceeding 60 days.

9.2 Each day of non-compliance with an Order shall constitute a separate offence.

9.3 The levying and payment of penalties shall not relieve a person from the necessity of paying any charges or costs for which he or she is liable under this Bylaw.

9.4 The Council, the Resort Municipality, the Resort Municipality's employees and the Resort Municipality's Enforcement Officers shall not be personally liable for anything done, or omitted to be done, under this Bylaw and, without limiting the generality of the foregoing, shall not be liable for the cost of goods, materials or labour incurred in exercising the powers in this Bylaw.

**10. Enforcement**

- 10.1 Failure to comply with any provision of this Bylaw shall constitute an offence and shall be subject to the penalties set out herein.
- 10.2 The prosecution of offences under this Bylaw shall be in accordance with the Summary Proceedings Bylaw.
- 10.3 This Bylaw may also be enforced and any breach thereof may be restrained by application by the Council to the Supreme Court of the Province of Prince Edward Island in accordance with section 225 of the Act.

**11. General**

- 11.1 If any provision of this Bylaw is held void, then such provision shall be deemed severable and the invalidity thereof shall not affect or invalidate the remaining provisions of this Bylaw.
- 11.2 In this Bylaw, imperial measures are added for convenience and are not intended to be relied upon as exact equivalents of the metric measurements specified. In the event of any inconsistency, the metric measurement prevails.

**12. Repeal of Existing Bylaw**

- 12.1 The Resort Municipality's Dangerous and Unsightly Premises Bylaw, Bylaw No. 2017-M2, is hereby repealed.

**First Reading:**

This Bylaw was read a first time at the Council meeting held on the 17th day of June, 2019.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 17th day of June, 2019.

**Second Reading:**

This Bylaw was read a second time at the Council meeting held on the 15th day of July, 2019.

This Bylaw was approved by a majority of Councillors present at the Council meeting held on the 15th day of July, 2019.

**Adoption and Approval by Council:**

This Bylaw was adopted by a resolution of Council at the Council meeting held on the 15th day of July, 2019.

The Council Dangerous and Unsightly Premises Bylaw is declared to be passed on the 15th day of July, 2019.

WITNESS the corporate seal of the Resort Municipality.



**Mayor**



**Chief Administrative Officer**

BE IT RESOLVED THAT: Bylaw No. 2019--5, being a bylaw related to the dangerous and unsightly premises, is hereby enacted as a bylaw of the Resort Municipality and the Mayor and Chief Administrative Officer be and they are hereby authorized to sign the Bylaw and apply the Resort Municipality's seal thereto.

Dated the 15th day of July, 2019.



**Mayor**



**Chief Administrative Officer**