



CORPORATION OF THE CITY OF SUMMERSIDE

BYLAW NAME: DANGEROUS, HAZARDOUS AND UNSIGHTLY PREMISES

BYLAW #: # CS-11

BE IT ENACTED by the Council of the City of Summerside as follows:

1. Title

- 1.1. This bylaw shall be known and cited as the "The Dangerous, Hazardous and Unsightly Premises Bylaw."

2. Authority

- 2.1. Section 180 of the *Municipal Government Act*, RSPEI 1988, c M-12.1 authorizes council, by bylaw, to impose a Dangerous, Hazardous and Unsightly Premises Bylaw in the City of Summerside.

3. Application

- 3.1. This bylaw applies to all persons, properties, and premises in the City of Summerside.

4. Definitions

4.1. In this bylaw:

- (a) "Act" means the *Municipal Government Act*, RSPEI 1988, c M-12.1;
- (b) "City" means the City of Summerside;
- (c) "Council" means the Mayor and other members of the Council of the municipality;
- (d) "dangerous or hazardous 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;
- (iv) a building which has:
 - A. become dangerous to life, safety, or the health and welfare of the occupants or the general public, or
 - B. deteriorated so as to substantially depreciate the value of the property in the vicinity, or
 - C. become a detriment to the general appearance of the City;
- (e) "inspector" means the Director of Fire Services, Director of Police Services, Building Inspector, Director of Municipal Services, or their designates, who is to carry out the duties assigned by Chief Administrative Officer;
- (f) "litter" includes:
 - (i) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof; and
 - (ii) any article, product, machinery or other manufactured goods which are dumped, discarded, abandoned, or otherwise disposed of;
- (g) "owner" means the registered owner, occupant of, or person in charge of the lands and premises;
- (h) "person" includes any individual, association, corporation, contractor, commission, public utility, firm, partnership or organization of any kind, and includes both principal and agent in an agency situation;
- (i) "premises" means any grounds, yards or vacant lots;
- (j) "property" includes all or any part of lands, buildings, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments;
- (k) "unsightly property" includes any property or part thereof upon which there is litter or any dangerous or hazardous building;
- (l) "vacant building" means any building which is unoccupied.

5. Administration

5.1. This Bylaw shall be administered and enforced by inspectors.

6. Property Standards

- 6.1. 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 or unsightly.
- 6.2. 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.
- 6.3. Grass on any property, except for that property or any part thereof being used for agricultural purposes, natural parklands, trails or ditches, shall be maintained at a height of 20 centimetres or less.
- 6.4. 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.
- 6.5. Property on which a vacant building is located shall be secured to prevent unauthorized access to the vacant building by:
- (a) having the doors and windows or other openings replaced or repaired and locked; or
 - (b) by covering the doors and window or other openings with a solid wooden material; and
 - (c) securing the land on which the vacant building is located by a fence at least 1.5 meters in height; or
 - (d) a combination of all or any of the above if prior written approval is obtained from the Inspector.
- 6.6. All material used to secure a property shall be properly maintained.

- 6.7. Where a property or building has been secured pursuant to section 6.5(b) or (c) for more than six (6) months, it may be referred to Council and Council may order it to be repaired or demolished in accordance with section 7 of this bylaw.

7. Standard for Repair, Vacation or Demolition

- 7.1. The following are the standards to be applied by the Inspector in ordering repairs, the vacation of, or demolition of the 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 may be ordered vacated;
- (b) any property that can reasonably be brought into compliance with the requirements of this bylaw may 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 8.3(c) herein or any extensions granted pursuant to section 8.6 may be ordered demolished.

- 7.2. In addition to any Notice which may be issued pursuant to section 8, 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 City of Summerside's 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."

8. Enforcement Standards

- 8.1. The Inspector or his Designate may inspect any property where, in the Inspector's opinion such property violates any of the provisions of this bylaw.

- 8.2. Where, in the opinion of the Inspector or his Designate, any property does not meet the requirements of this bylaw, the Inspector or his Designate shall issue a Notice pursuant to section 7.3.
- 8.3. 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 which the property shall be brought into compliance with the requirements of this bylaw, which date is not to exceed thirty (30) days from the date the Notice is deemed to be served pursuant to section 8.5.
- 8.4. 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.
- 8.5. The date of service of the Notice is deemed to be:
- (a) in section 8.4(a), the date of delivery of the Notice to the owner;
 - (b) in section 8.4(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 8.4(c), the date the Notice is posted on the property.
- 8.6. 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.

9. Non-Compliance

- 9.1. Where the owner of the property upon whom a Notice pursuant to section 8 has been served, does not comply with the requirements of such Notice, the Inspector shall immediately notify Council who may, by resolution, authorize an Inspector to enter the property without written warrant or other legal process, and thereupon carry out any and all works as stated in the Notice in order to bring the property into compliance with the requirements of this bylaw.

- 9.2. A resolution passed by Council under section 9.1 shall be in effect for forty-eight (48) months from the date of passing and enables the Inspector to re-enter the property at any time to remedy a recurring condition.
- 9.3. The Inspector or his Designate shall cause the costs of such vacation, repair or demolition or other work done to be charged to the owner, and failing receipt of payment within thirty (30) days therefrom from the owner, such costs shall be charged against the property as a municipal lien or to be recorded in a law suit against the owner.

10. Severability

- 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.

11. Offences for Disregarding Notices

- 11.1. Any owner who fails to comply with all terms of any "Dangerous and Hazardous Building Notice" issued pursuant to section 7.2 of this bylaw shall be guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not exceeding \$500.
- 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 7.2 of this bylaw shall be guilty of any offence and liable on summary conviction to a fine in an amount not exceeding \$1,000 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.

12. Evidence

- 12.1. A copy of any writing, paper or document filed in the Court or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provision of the *Real Property Assessment Act*, RSPEI 1988, c R-4 shall be received in evidence in Court without proof of signature and is *prima facie* evidence of the facts contained therein as to the name of the owner of the real property and the corresponding civic address.
- 12.2. An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.

13. Repeal of bylaw

13.1. Bylaw Number SS-18 Dangerous, Hazardous and Unsightly Premises Bylaw is hereby repealed.

14. Effective Date

14.1. This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw # CS-11, shall be effective on the date of approval and adoption by Council.

First Reading

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw #CS-11, was read a first time at the Council meeting held on the 7th day of August, 2018.

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw #CS-11, was approved by a majority of Council members present at the Council meeting held on the 7th day of August, 2018.

Second Reading

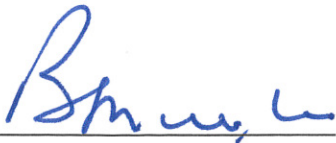
This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw #CS-11, was read a second time at the Council meeting held on the 20th day of August, 2018.

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw #CS-11, was approved by a majority of Council members present at the Council meeting held on the 20th day of August, 2018.

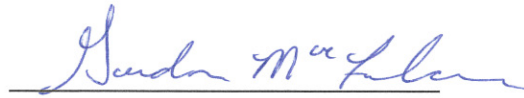
Approval and Adoption by Council

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw #CS-11, was adopted by a majority of Council members present at the Council meeting held on the 20th day of August, 2018.

Signatures



Bill Martin Mayor



Gordon MacFarlane, Chief Administrative Officer (acting)

This Dangerous, Hazardous and Unsightly Premises Bylaw adopted by the Council of the City of Summerside on the 20th day of August, 2018 is certified to be a true copy.

Gordon MacFarlane

Gordon MacFarlane, Chief Administrative Officer (acting)

August 22, 2018

Date