

# TOWN OF STRATFORD

## DANGEROUS AND UNSIGHTLY PREMISES BYLAW

### BYLAW NUMBER 22

A bylaw regulating dangerous and unsightly premises in the Town of Stratford.

BE IT ENACTED by the Council of the Town of Stratford as follows:

#### 1. Name

This bylaw may be cited as “The Stratford Dangerous and Unsightly Premises Bylaw”.

#### 2. Definitions

In this Bylaw:

- (a) “antique motor vehicle” means a vehicle which is registered as an antique motor vehicle by the Registrar of Motor Vehicles of Prince Edward Island.
- (b) “agricultural property” means land or parts of land that is used for the purpose of soil conservation, crop production or raising of livestock.
- (c) “building” includes any structure or erection used, or intended to be used, for supporting or sheltering any use or occupancy.
- (d) “chief administrative officer” means the person appointed pursuant to the Charlottetown Area Municipalities Act, R.S.P.E.I. 1988 CAP C-4.1 or any successor act or provision.
- (e) “council” means the duly elected Council of the Town of Stratford.

- (f) A “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;
  - (iv) a building which has become dangerous to life, safety, or health and welfare of the occupants or the general public.
  
- (g) A “dangerous property” includes a property on which there is an open pit or excavation but does not include a property which contains a building foundation for which construction has not ceased for 60 days or more.
  
- (h) “derelict motor vehicle” means a motor vehicle, as defined in the Highway Traffic Act R.S.P.E.I. 1988, Cap H-5, or any successor acts or provisions, 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; and
  - (i) is inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation; or
  - (ii) is in a state of disrepair or is unsightly by reason of missing doors, glass or body partsbut does not include an antique motor vehicle.
  
- (i) A “dilapidated building” includes a building that has:
  - (i) deteriorated so as to substantially depreciate the value of the property in the vicinity; or
  - (ii) become a detriment to the general appearance of the Town of Stratford.
  
- (j) “inspector” means a person designated by the chief administrative officer to enforce the provisions of this bylaw
  
- (k) “litter” includes:
  - (i) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof; and

- (ii) any article, product, machinery, mobile home or other manufactured goods which are dumped, discarded, abandoned or otherwise disposed of.
- (l) "owner" includes:
  - (i) a person listed as the property owner in the assessment roll compiled by the Provincial Department of Finance under the Real Property Assessment Act, R.S.P.E.I. 1988, Cap R-4 or any successor act; and
  - (ii) an executor, administrator, trustee, agent or other person managing or having care and control of a property for the registered property owner, but not including a tenant.
- (m) "person" includes a firm, corporation and association.
- (n) "town" means the Town of Stratford.
- (o) "unsightly property" includes any property or part thereof upon which there is:
  - (i) litter; or
  - (ii) any dilapidated building; or
  - (iii) any derelict motor vehicle or part thereof; or
  - (iv) grass which exceeds 200 mm (8 inches) in height except for:
    - (A) agricultural properties;
    - (B) wildlife habitat;
- (p) "vacant building" means any building which is not occupied for a consecutive period of twelve months.

**3. Scope**

This bylaw applies to all real property in the town.

**4. Administration**

This bylaw shall be administered and enforced by the chief administrative officer or by such persons as he or she may designate as inspectors.

**5. Unsightly Property**

- (a) No owner of any property located within the town shall permit the property or any building thereon to be, or to become, an unsightly property.

- (b) Where an inspector believes, on reasonable and probable grounds, that a property is unsightly, the inspector may issue a notice requiring:
  - (i) the grass to be cut;
  - (ii) any litter to be removed;
  - (iii) a building to be repaired, painted or otherwise maintained;
  - (iv) a derelict motor vehicle to be removed; or
  - (v) any other thing necessary to make the property conform to this bylaw.
  
- (c) Where property that is undeveloped or in the process of being developed meets or shares a common boundary with any other land, the inspector may, after receiving a complaint from the adjacent property owner, require the grass on that property or a portion of that property to be maintained at a height of 200 mm (8") or less.

**6. Dangerous Building**

- (a) No owner of any property shall permit any building on a property to be, or to become, a dangerous building.
  
- (b) Where an inspector believes, on reasonable and probable grounds, that a building is a dangerous building, the inspector may issue a notice requiring the building or portion thereof to be repaired to remove the dangerous condition and requiring the building or a portion thereof to be vacated until such repair is carried out.
  
- (c) Where, in the opinion of the inspector, the dangerous condition cannot be repaired, the inspector may issue a notice requiring the building or portion thereof to be vacated and demolished.
  
- (d) In addition to any notice issued for a dangerous building, the inspector shall place the following "Dangerous Building Notice" in a conspicuous place on the dangerous building:

*"This Building has been found to be a Dangerous Building pursuant to the Town of Stratford Dangerous and Unsightly Premises Bylaw and this Notice shall 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."*

**7. Dangerous Property**

- (a) No owner of any property shall permit the property to be, or to become, a dangerous property.
- (b) Where an inspector believes, on reasonable and probable grounds, that a property is a dangerous property, the inspector may issue a notice requiring the property or portion thereof to be repaired to remove the dangerous condition and requiring the property or a portion thereof to be vacated until such repair is carried out.

**8. Vacant Buildings**

- (a) A vacant building and the property on which it is located shall:
  - (i) be maintained, painted and repaired so as not to appear unsightly or have a detrimental effect on the value of adjacent properties; and
  - (ii) be secured to prevent unauthorized access to the vacant building by having the doors and windows or other openings replaced or repaired and locked.
- (b) Where, in the opinion of the inspector, windows and doors cannot effectively prevent unauthorized entry, the inspector may issue a notice requiring:
  - (i) windows and doors to be covered with solid materials that fit securely and are finished to match the building so as not to appear unsightly.
  - (ii) land on which the vacant building is located to be secured by a fence at least 1.5 metres (5') in height.
- (c) Where, in the opinion of the inspector, the vacant building and the property on which it is located are not maintained in accordance with this bylaw, the inspector may issue a notice requiring the building or property to be maintained, painted or repaired.
- (d) Where a building is vacant for more than 24 consecutive months and, in the opinion of the inspector, the vacant building poses a danger or substantially depreciates the value of the property in the vicinity or is a detriment to the general appearance of the town, the inspector may issue a notice requiring the building to be demolished.

**9. Inspection and Enforcement**

- (a) Where, in the opinion of the inspector, any property or building does not meet the requirements of this bylaw, the inspector may issue a notice.

- (b) The notice shall be issued to the property owner and shall:
  - (i) be in writing;
  - (ii) state in which respect(s) the property or building does not meet the requirements of this bylaw and what must be done to the property or building to bring it into compliance with the requirements of this bylaw; and
  - (iii) state the date before which the property or building shall be brought into compliance with the requirements of this bylaw, which date is not to exceed thirty (30) days from the date notice is deemed to be served.
  
- (c) The notice shall be served:
  - (i) by personal delivery of the notice to the owner;
  - (ii) by depositing the notice in the mail by registered letter to the address of the owner as listed on the assessment roll; or
  - (iii) by posting the notice in a conspicuous place on the property.
  
- (d) The date of service of the notice is deemed to be:
  - (i) in clause 8(d)(i), the date of delivery of the notice to the owner;
  - (ii) in clause 8(d)(ii), the date stated on an acknowledgement card received from Canada Post for a registered letter which indicates the date the card has been received;
  - (iii) in clause 8(d)(iii), the date the notice is posted on the property.
  
- (e) The inspector may extend the time, in increments of thirty (30) days, for compliance with any notice issued pursuant to this bylaw provided there is evidence of intent to comply with any such notice and reasonable cause exists to prevent immediate compliance.
  
- (f) Failure to comply with a notice issued pursuant to this bylaw constitutes a violation of this bylaw and shall be subject to the penalties prescribed herein.

**10. Non Compliance with a Notice**

- (a) Where the owner of a property upon whom a notice has been served pursuant to this bylaw does not comply with the requirements of such notice within the time prescribed, council may, by resolution, authorize any person to enter on the owner's property to carry out the terms of the notice.

- (b) The cost incurred by the Town to carry out the terms of a notice shall be charged to the property owner and shall, until payment is made, constitute a lien on the property which shall have priority over every claim, privilege, or encumbrance of any person except the Crown.

**11. Immediate Danger**

- (a) Where, in the opinion of council, there exist reasonable and probable grounds that immediate danger to the life or safety of any person exists by reason of a dangerous or dilapidated building, the chief administrative officer, supported by a resolution of Council, may authorize any person to enter the on the premises where the building is located in order to:
  - (i) repair or demolish the building; or
  - (ii) evict any person inhabiting the building.
- (b) The cost incurred by the town to repair or demolish a building where immediate danger to the life or safety of any person exists shall be charged to the owner of the property and shall, until payment is made, constitute a lien on the property which shall have priority over every claim, privilege, or encumbrance of any person except the Crown.

**12. Enforcement**

This Bylaw may 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 subsection 139(3) of the Charlottetown Area Municipalities Act or any successor act or provision.

**13. Offences**

- (a) Any owner who fails to comply with all terms of any notice issued pursuant to this bylaw shall be guilty of an offence and liable, on summary conviction, to the penalties set forth in Schedule A annexed to and forming part of this bylaw.
- (b) Each day of violation of any provision of this bylaw shall constitute a separate offence.
- (c) 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.

**14. Repeal of Existing Bylaw**

Bylaw Number 5, Unsightly Property Bylaw, which was adopted on April 3, 1995, is hereby repealed.

**15. Effective Date**

The effective date of this bylaw is April 15, 2001

This 1<sup>st</sup> reading of this bylaw was approved by Council at a meeting held on March 14, 2001.

This 2<sup>nd</sup> reading of this bylaw was approved by Council at a meeting held on April 11, 2001.

This bylaw was formally adopted by Council at a meeting held on April 11, 2001

This bylaw is hereby declared to be passed and proclaimed as a bylaw of the Town of Stratford on this 12th day of April, 2001.

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Michael A. Farmer  
Mayor

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Robert G. Hughes  
Chief Administrative Officer



**SCHEDULE "A"**

**to the**

**STRATFORD UNSIGHTLY PREMISES BYLAW**

**BYLAW # 22**

**A SCHEDULE OF PENALTIES**

Pursuant to Section 13 of the Stratford Dangerous and Unsightly Premises Bylaw, Bylaw # 22, the following penalties are established effective April 15, 2001:

<b>Bylaw Section</b>	<b>Description</b>	<b>Minimum Penalty</b>	<b>Maximum Penalty</b>
5.b.i	notice re unsightly premises - long grass	\$100	\$200
5.b.ii	notice re unsightly premises - litter	\$250	\$500
5.b.iii	notice re unsightly premises - dilapidated repair	\$500	\$1,000
5.b.iv	notice re unsightly premises - derelict motor vehicle	\$500	\$1,000
5.b.v	notice re unsightly premises - other	\$500	\$1,000
6.b	notice re dangerous building - repair	\$1,000	\$5,000
6.c	notice re dangerous building - vacate	\$1,000	\$5,000
6.c	notice re dangerous building - demolition	\$1,000	\$5,000
7.b	notice re dangerous property - repair	\$1,000	\$1,000
8.b	notice re vacant building - entry prevention	\$250	\$500
8.c	notice re vacant building - repair	\$250	\$500
8.d	notice re vacant building - demolition	\$500	\$1,000