

City of Charlottetown
Dangerous, Hazardous and Unsightly Premises Bylaw
Bylaw #2018-09

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

1. Title

- 1.1. This Bylaw shall be known as, and may be cited as, the “City of Charlottetown Dangerous, Hazardous and Unsightly Premises Bylaw”.

2. Purpose

- 2.1. The purpose of this Bylaw is to ensure that properties within the City of Charlottetown are safe, clean, and well-maintained, contributing to a healthier, safer, and more attractive community.

3. Authority

- 3.1. Pursuant to Section 180 (i) of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1 General jurisdiction to pass bylaws and provide services related to nuisance, loitering, dangerous or unsightly property, noise, pollution, and waste in or on public or private property.

4. Application and Administration

- 4.1. This Bylaw applies to all property in the City of Charlottetown and shall be administered and enforced by Inspectors pursuant to this Bylaw and the applicable sections of the Enforcement and Summary Proceedings Bylaw.

5. Definitions

- 5.1. “Act” means the *Municipal Government Act*, RSPEI 1988, M-12.1.
- 5.2. “Agriculture Purposes” means the use of any land for the purpose of soil conservation, crop production, or raising of livestock.
- 5.3. "Building" includes any structure or erection used, or intended to be used, for supporting or sheltering any use or occupancy.
- 5.4. "Chief Administrative Officer" or “CAO” means the administrative head of a municipality as appointed by Council under clause 86(2)(c) of the Municipal Government Act.
- 5.5. “City” means the City of Charlottetown.
- 5.6. “Council” means the Mayor and other members of the Council of the municipality.
- 5.7. "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; or
- (b) a Building which shows clear damage or deterioration of the foundation, supporting member, or members; or
- (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; or
- (d) a Building which has:
 - (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.

5.8. "Derelict Vehicle" means a used motor vehicle or the body or chassis of a used motor vehicle that:

- (a) is not in an operating condition, by reason of removed wheels, motor, transmission, or functioning equipment necessary for its operation; or
- (b) is rusted, wrecked or partly wrecked, or is dismantled or partly dismantled; and is not insured and registered under *The Highway Traffic Act* and does not have a current, valid license plate attached to it; and has been entirely or partially located outside of a building for more than one (1) month.

5.9. "Enforcement and Summary Proceedings Bylaw" means the City of Charlottetown's Enforcement and Summary Proceedings Bylaw #2024-ESP-01, and any amendments thereto.

5.10. "Grass" means grass and weeds found on all portions of a property and maintenance is the responsibility of the Owner.

5.11. "Inspector" means a Bylaw Enforcement Officer designated pursuant to the Enforcement and Summary Proceedings Bylaw, and includes a Fire inspector, Fire Chief, Police Chief, Building Inspector, or Public Works Manager or their designate who is to carry out the duties assigned by the Chief Administrative Officer pursuant to this Bylaw.

5.12. "Litter" means:

- (a) "Recycling material" which includes, but is not limited to:
 - (i) glass, bottles, jars, mirrors, light bulbs, plates, ceramics; or

- (ii) tin and aluminum cans; or
- (iii) cardboard, newspapers, paper products; or
- (iv) containers, packages, plastics or parts thereof; or

- (b) "Refuse" which includes, but is not limited to, any article or thing that:
 - (i) has been set aside, discarded or abandoned, whether of value or not; or
 - (ii) has been used up, in whole or part, whether of value or not; or
 - (iii) has been expended or worn out, in whole or part, whether of value or not; or

- (c) "Undesirable Material" which includes, but is not limited to, and can mean any article or thing that is:
 - (i) refuse, rubbish, garbage, brush, waste, litter, debris; or
 - (ii) animal or human excrement; or
 - (iii) injurious insects, termites, rodents, vermin, other pests; or
 - (iv) growth of grass or weeds over six (6) inches (152.4 mm); or
 - (v) dead, decayed, or damaged trees, or other natural growth and branches and limbs thereof; or

- (d) "Material Waste" which includes, but is not limited to, any article or thing that is:
 - (i) any article, product, machinery, mobile home or other manufactured goods which are dumped, discarded, abandoned or otherwise disposed of; or
 - (ii) machinery or parts thereof, or other objects or parts thereof, or accumulation of material; or
 - (iii) derelict vehicles or parts thereof; or
 - (iv) all furniture or appliances used for interior or exterior use that have become dilapidated.

5.13. "Notice" means the notice given pursuant to Part 8 of this Bylaw.

5.14. "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; or
- (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 they are the person named in the certificate.

- 5.15. "Property" includes all or any part of trees, lands, buildings, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments.
- 5.16. "Public Works Manager" means the person responsible for the Public Works Department of the City.
- 5.17. "Recommendation" means the history of City involvement in a Property, recommended work, timeline for completing the work, and a start date.
- 5.18. "Unsightly Property" includes any Property or part thereof upon which there is Litter, any Dangerous or Hazardous Building, any derelict Vehicle or part thereof.
- 5.19. "Vacant Building" means any Building which is unoccupied.
- 5.20. "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.

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, 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.
- 6.2. Every building and every part thereof shall be designed, constructed, and maintained to prevent structural failure under extreme loads to protect building occupants and to enable emergency responders to effect occupant rescue and building evacuation.
- 6.3. (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 six (6) inches (152.4 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 6.3(a) may be limited to a distance of not less than 65 feet (20m) from the common boundary.
- 6.4. (a) A person must not park, store, or leave a derelict vehicle on a residential property.

(b) An owner or occupant must not permit a derelict vehicle to be parked, stored, or left on their property.

6.5. 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.

6.6. All Property shall be kept clean and free of:

- (a) objects or conditions that may create fire, health, dangerous, or accident hazards;
or
- (b) Litter; or
- (c) heavy undergrowth, with the exception of any land being used for Agricultural Purposes.

6.7. 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 five (5) mm in thickness; or

(ii) in the event continued damage to property occurs after subsection 6.7(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
- (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.

6.8. (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.

- 6.9. Where a Property of Building has been secured pursuant to Section 6.7 (a)(i) or (ii) or (b), it shall be referred to Council, with the Recommendation, and Council may order it to be repaired or demolished.

7. Standard for Repair, Vacate or Demolition

- 7.1. The following standards shall be applied by the Inspector in ordering repair, vacate, 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;
 - (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 8.3 herein or any extensions granted pursuant to Section 8.7 shall be ordered demolished; and
 - (d) all designated heritage buildings or any Building located in a designated heritage zone, pursuant to the Heritage Preservation Bylaw, shall receive a recommendation from the Heritage 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; and
 - (e) All other buildings shall receive a resolution through the required Standing Committee and approval by Council prior to demolition of the Building or any part thereof, with exception of emergency cases defined in section 10.1.
- 7.2. In addition to any Notice which may be issued pursuant to Part 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 Charlottetown Dangerous, Hazardous and Unightly 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 may enter on any Property to ascertain whether the requirements of this Bylaw, or any Notice issued pursuant to it, are being observed in accordance with sections 10.1, 10.2, and 10.5 of the Enforcement and Summary Proceedings Bylaw.

- 8.2. When entering any Property, the Inspector must comply with all applicable sections of the Enforcement and Summary Proceedings Bylaw including, but not limited to, sections 10.3, 10.4 and 10.5.
- 8.3. If an Owner has failed to perform the obligations pursuant to sections 6.1(a), 6.3 (a) and (b), 6.4 (a) and (b), 6.5 (a) and (b) and 6.6 (b) and (c) the Inspector, at their discretion, may serve on such owner a Notice which requires the Owner to remove the contravention:
- (a) Within 30 days, or
 - (b) Within 14 days, or
 - (c) Within 7 days, or
 - (d) Inspector determined, or
 - (e) Forthwith, in an emergency.
- 8.4. If an Owner has failed to perform the obligations pursuant to sections 6.1(b), 6.2, 6.6(a), 6.7(a)(i)(ii) and (b), 6.7(b), 6.8(a) and (b) and 6.9, the Inspector, at their discretion, may serve on such owner a Notice which requires the Owner to remove the contravention:
- (a) Within 90 days, or
 - (b) Within 60 days, or
 - (c) Within 30 days, or
 - (d) Inspector determined, or
 - (e) Forthwith, in an emergency.
- 8.5. The Notice shall be issued to the Owner and shall:
- (a) be in writing; and
 - (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 into compliance with the requirements of this Bylaw.
- 8.6. 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.
- 8.7. The date of service of the Notice is deemed to be:
- (a) in Section 8.5(a), the date of delivery of the Notice to the Owner; or
 - (b) in Section 8.5(b), the date stated on an acknowledgment card received from Canada Post for a certified letter which indicates the date the card is received; or
 - (c) in Section 8.5(c), the date the Notice is posted on the property.
- 8.8. The Inspector may extend the time for compliance with any Notice issued pursuant to Part 8 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 8.2 has been served, does not comply with the requirements of such Notice, the City may, by its own forces or those of a contractor, immediately enter on the Property and carry out the work described in the Notice at the expense of the Owner, in order to bring the Property into compliance with the requirements of this Bylaw.
- 9.2. The Inspector, with the assistance of the City Solicitor, shall cause the costs of such vacate, 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.
- 9.3. Where the Owner of the Property upon whom a Notice pursuant to Section 8.3 has been served, does not comply with the requirements of such Notice, the Inspector shall notify Council, with the Recommendation, and Council may authorize an Inspector by Resolution, through its own forces or those of a contractor, immediately enter on the Property and carry out the work described in the Resolution at the expense of the Owner, in order to bring the Property into compliance with the requirements of this Bylaw.

A Resolution passed by Council shall be in effect for eighteen months (18) months from the date of passing and enables the Inspector to re-enter at any time to remedy a recurring condition.

- 9.4. The Inspector, with the assistance of the City Solicitor, shall cause the costs of such vacate, 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.

10. Emergency Cases

- 10.1. 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 designate shall report such facts to Council, with the Recommendation, and the Inspector or designate shall take all steps necessary to effect the immediate repair, vacate, or demolition of such building. The costs of such emergency repair, vacate, or demolition of such building shall be collected in the same manner as provided in Section 9.4.

11. Severability

- 11.1. 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.

12. Penalties for Disregarding Notices

- 12.1. Any Owner who fails to comply with the terms of any Notice issued under this Bylaw shall be guilty of an offence and liable on summary conviction to a fine in the amount stipulated in the Enforcement and Summary Proceedings Bylaw which may be issued by means of a ticket in accordance with the Enforcement and Summary Proceedings Bylaw.
- 12.2. 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.

“This document is an office consolidation of this Bylaw (amending bylaw #2018-09-01A adopted 11-Mar-2025). It is intended for information and reference purposes only. This document is not the official version of the Bylaw. Where accuracy is critical, please consult official sources. If you find any errors or omissions in this consolidation, please contact the Procedure & Records Coordinator.”

APPENDIX "A"

The following bylaws, which existed prior to amalgamation in 1995, were repealed; therefore, no longer in effect:

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