

Rural Municipality of Victoria, Prince Edward Island
A Bylaw to Provide for Dangerous, Hazardous and Unsightly Premises
Bylaw # 2023-02

BE IT ENACTED by the Council of the Rural Municipality of Victoria as follows:

1. Name

This by-law shall be referred to as "The Dangerous, Hazardous and Unsightly Premises By-law".

2. Scope

This By-law shall apply to all Property in the Rural Municipality of Victoria.

3. Definitions

In this By-law:

"building" includes any structure or erection used or intended to be used for supporting or sheltering and use or occupancy;

"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
 - (i) become dangerous to life, safety, or the health and welfare of the occupants, neighbouring properties, 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 Municipality.

"litter" includes

- (a) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof; and
- (b) any article, product, machinery or other manufactured goods which are dumped, discarded, abandoned, or otherwise disposed of.

"municipality" means the Rural Municipality of Victoria

"municipal council" means the duly elected council of the Municipality;

"owner" means the registered owner, occupant of, or person in charge of the lands and premises;

"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;

"premises" means any grounds, yards or vacant lots;

"property" includes all or any part of lands, buildings, foundations, scaffolding, fences, excavations, depressions, drains, ditches, culverts, wells, or loose impediments;

"unsightly property" includes any property or part thereof upon which there is litter or any dangerous or hazardous building;

"vacant building" means any building which is unoccupied.

4. Administration

This by-law shall be administered and enforced by the CAO or their designates.

5. Property Standards

5.1 No owner of any property shall permit the property or any building thereon to be or become:

- (a) hazardous;
- (b) dangerous;
- (c) a fire hazard;
- (d) unsightly.

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 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.

5.4 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.

5.5 All material used to secure a property shall be properly maintained.

5.6 Where a property or building has been secured pursuant to section 5.5(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 Part 6 of this by-law.

6. Standards for Repair, Vacation or Demolition

6.1 The following are the standards to be applied by the CAO or their designate 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 by-law 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 7.3(c) herein or any extensions granted pursuant to section 7.6 may be ordered demolished.

6.2 In addition to any Notice which may be issued pursuant to section 7, the CAO or their designate 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 Rural Municipality of Victoria's Dangerous, Hazardous and Unsightly Premises By-law. Pursuant to the by-law, 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."

7. Enforcement Standards

7.1 The CAO or their designate may inspect any property that violates any of the provisions of this by-law.

7.2 Where, in the opinion of the CAO or their designate, any property does not meet the requirements of this by-law, the Municipal Office 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 by-law and what must be done to the property to bring it into compliance with the requirements of this by-law; and

(c) state the date which the property shall be brought into compliance with the requirements of this by-law, which date is not to exceed thirty (30) days from the date the Notice is deemed to be served pursuant to section 7.5.

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 Municipal Office 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.

8. Non-Compliance

8.1 Where the owner of the property upon whom a Notice pursuant to section 7 has been served, does not comply with the requirements of such Notice, the Municipal Office shall immediately notify Council who may authorize the Municipal Office by Resolution, 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 by-law.

8.2 A Resolution passed by Municipal Council under section 8.1 shall be in effect for twelve (12) months from the date of passing and enables the Municipal Office to re-enter the property at any time to remedy a recurring condition.

8.3 The CAO or their designates 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 lawsuit against the owner.

9. Severability

It is the intention of Council that each separate provision of this by-law shall be deemed independent from all other provisions of this by-law, such that if any provision of this by-law is declared invalid, all other provisions of this by-law shall remain valid and enforceable.

10. Offences for Disregarding Notices

10.1 Any owner who fails to comply with all terms of any "Dangerous and Hazardous Building Notice" issued pursuant to section 6.2 of this by-law shall be guilty of an offence. The Council may, by resolution, make the owner liable on summary conviction to a fine in the amount set out in the Regulations hereto.

10.2 Any owner who fails to comply with all terms of any Notice issued under this by-law other than a "Dangerous and Hazardous Building Notice" issued pursuant to section 6.2 of this by-law 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 by-law 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.

11. Regulations

Council may, by simple resolution, make such regulations to this by-law as are necessary for the carrying out of the purposes of this by-law.

12. Effective Date

The effective date of this by-law is January 1, 2025.

First Reading:

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw# 2023-02, was read a first time at the Council meeting held on the 13th day of November, 2023.

Second Reading:

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw# 2023-02, was read a second time at the Council meeting held on the 10th day of June, 2024.

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw# 2023-02, was approved by a majority of Council members present at the Council meeting held on the 10th day of June, 2024.

Approval and Adoption by Council:

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw# 2023-02, was adopted by a majority of Council members present at the Council meeting held on the 10th day of June, 2024.

Signatures

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Dangerous, Hazardous and Unsightly Premises Bylaw, Bylaw# 2023-02, adopted by the Council of the Rural Municipality of Victoria on June 10, 2024 is certified to be a true copy.

Chief Administrative Officer Signature

Date