



**DANGEROUS AND UNSIGHTLY PROPERTY BYLAW
BYLAW # 2019-01**

**A BYLAW TO REGULATE DANGEROUS AND UNSIGHTLY PROPERTY IN
THE TOWN OF KENSINGTON, PROVINCE OF PRINCE EDWARD ISLAND.**

BE IT ENACTED by the Council of the Town of Kensington, in the Province of Prince Edward Island, as follows:

1. Citation

1.1 This bylaw may be cited as “The Town of Kensington Dangerous and Unsightly Property Bylaw”.

2. Scope

2.1 This Bylaw shall apply to all property in the Town of Kensington.

3. Authority

3.1 Section 180 of the Municipal Government Act, R.S.P.E.I. 1988, c M-12.1 authorizes Town Council to pass a bylaw respecting dangerous and unsightly property in the Town of Kensington.

4. Definitions

4.1 In this bylaw:

- a) “Act” means the *Municipal Government Act*, R.S.P.E.I. 1988, c M-12.1.
- b) “Chief Administrative Officer” or “CAO” means the administrative head of the Town of Kensington as appointed by Council under clause 86(2)(c) of the *Municipal Government Act*.

- c) "Council" means the Mayor and other members of the Council of the Town of Kensington.
- d) "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:
 - 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 Town.
- e) "Derelict Motor Vehicle" means a used motor vehicle or the body or chassis of a used motor vehicle that:
 - i. Is not in operating condition, by reason of removed wheels, motor, transmission or functioning equipment necessary for its operation; or
 - ii. Is rusted, wrecked or partly wrecked, or is dismantled or partly dismantled; and is not insured and/or registered under the Highway Traffic Act, R.S.P.E.I. 1988, c. H-5 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 month.
- f) "Inspector" means the person who is designated to carry out the duties assigned by Council pursuant to this bylaw.
- g) "Litter" means any rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof and any article, product, machinery, mobile homes, or other manufactured goods which are dumped, discarded, abandoned or otherwise disposed of.

- h) "Owner" means a person or corporation listed as the property owner in the Assessment Roll, as amended from time to time, 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 or renter.
- i) "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.
- j) "Town" means the Town of Kensington.
- k) "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 litter, derelict motor vehicle(s) or dangerous buildings or structures.
- l) "Vacant Building" means any building which is unoccupied for a period of twelve (12) consecutive months.

5. Administration

- 5.1 Council may appoint one or more inspectors to administer this Bylaw, who shall report to the Chief Administrative Officer.

6. Property Standards

- 6.1 No Owner of a property shall permit the property or any building thereon to be or become unsightly, a fire hazard or otherwise dangerous.
- 6.2 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 (8 inches) or less.
- 6.3 No derelict motor vehicle shall be parked, stored or left on any property, unless said property is used as an industrial property or is an industrial property through its normal course of business.
- 6.4 All property shall be kept clean and free of:
 - a) Objects and conditions that may create fire, health, dangerous, or accident hazards;
 - b) Conditions that may result in an infestation of harmful rodents, vermin or insects; and

- c) Litter.
- 6.5 All doors, windows and other openings on vacant buildings shall be secured and locked to prevent unauthorized entry.
- 6.6 In the event property damage or unauthorized entry occurs after the measures in section 6.5 above have been implemented, Council may issue a Notice 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 at least 1.5 metres in height.
- 6.7 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.
- 6.8 Where a property or building has been secured pursuant to section 6.6 for more than eighteen (18) months, Council may order the building to be repaired or demolished in accordance with Part 7 of this Bylaw.

7. Standard for Repair, Vacation or Demolition

- 7.1 The following standards shall be applied by Council in ordering the repair, vacation 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 has a dangerous building, shall be ordered vacated;
 - b) And property that can reasonably be brought into compliance with the requirements of this bylaw shall be ordered repaired;
 - c) And 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 made pursuant to subsection 8.3, or before the expiration of any extension period granted pursuant to section 8.7, shall be ordered demolished.
- 7.2 In addition to any Notice which may be issued pursuant to Part 8, the Inspector shall place the following "Dangerous Building Notice" on any building that Council has determined is a dangerous building:

"This Building has been found to be a Dangerous Building pursuant to the Town of Kensington Dangerous and Unsightly Property 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 enter onto and 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 8.3.
- 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 in 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 in an acknowledgement card received from Canada Post for a registered letter which indicates the date the card is received;
 - c) In Subsection 8.4(c), the date the Notice is posted on the property.

- 8.6 Proof of personal service of the Notice under subsection 8.4(a), or proof of the posting of the Notice under subsection 8.4(c), may be an affidavit of the person serving or posting the notice, which affidavit shall set forth the manner in which service was made and the time and date of service.
- 8.7 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 it's Inspector, or a contractor directed by the 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 twenty-four (24) 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 deemed invalid, all other provisions of this Bylaw shall remain valid and enforceable.

11. Penalties for Disregarding Notices

- 11.1 Any owner who fails to comply with all terms of any "Dangerous 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 the terms of any Notice issued under this Bylaw other than a "Notice of Dangerous Building" issued pursuant to section 7.2 of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine in an amount not to exceed \$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. Repeal

12.1 All previous Bylaws of the Town of Kensington pertaining to Dangerous or Unsightly Property are hereby repealed.

13. Effective Date

13.1 This Dangerous and Unsightly Property Bylaw, Bylaw #2019-01, shall be effective on the date of approval and adoption by Council.

First Reading:

This Dangerous and Unsightly Property Bylaw, Bylaw # 2019-01, was read a first time at the Council meeting held on the 11th day of February, 2019.

This Dangerous and Unsightly Property Bylaw, Bylaw # 2019-01 was approved by a majority of Council members present at the Council meeting held on the 11th day of February, 2019.

Second Reading:

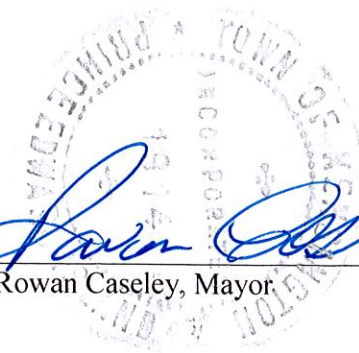
This Dangerous and Unsightly Property Bylaw, Bylaw # 2019-01, was read a second time at the Council meeting held on the 11th day of March, 2019.

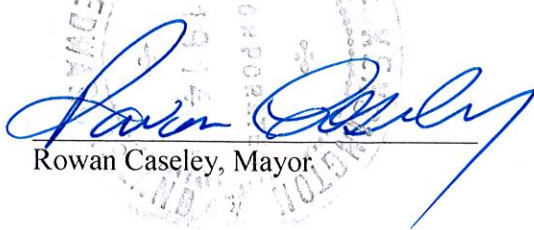
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Approval and Adoption by Council:

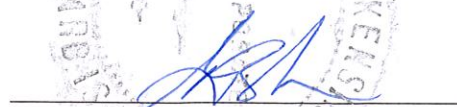
This Dangerous and Unsightly Property Bylaw, Bylaw # 2019-01, was adopted by a majority of Council members present at the Council meeting held on the 11th day of March, 2019.

Signatures:

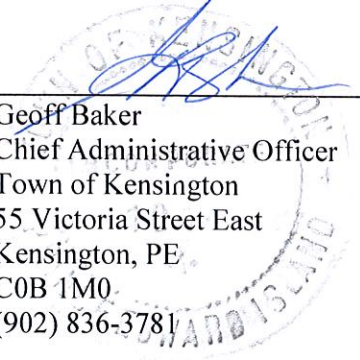


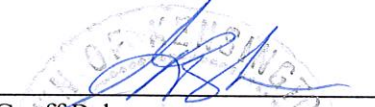

Rowan Caseley, Mayor




Geoff Baker, CAO

This Dangerous and Unsightly Property Bylaw, Bylaw # 2019-01 adopted by the Council of the town of Kensington on March 11, 2019 is certified to be a true copy of the original as seen by me.




Geoff Baker
Chief Administrative Officer
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