



Town of Kensington

Incorporated 1914

P O Box 418

Kensington, P.E.I.

COB 1M0

Mayor, Ivan Gallant
Town Manager, Don Smeltzer
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Bylaw #05-12

Unightly Premises Bylaw as a Town of Kensington BYLAW.

A BYLAW to establish required standards for the maintenance of real property and to prohibit littering and unsightly areas within the Town of Kensington.

BE IT ENACTED AS FOLLOWS:

1. This Bylaw may be cited as "Unightly Premises Bylaw"

In this Bylaw:

"Town Council" means the Council of the Town of Kensington.

"Bylaw Enforcement Officer" means any duly qualified Police Officer of the Kensington Police Service and/or the Administrator of the Town of Kensington, or such other person who may be lawfully appointed by the Town for purposes of bylaw enforcement.

- 3 **"Real Property"** means land and all the things that are attached to such land.

"Personal Property" means anything that is not permanently attached to real property, i.e. - anything that isn't nailed down, dug into or built onto the land.

"Graffiti" means initials, slogans, designs, symbols, marks or drawings, written, spray-painted, etched or otherwise made on a sidewalk, wall, building, fence, sign, or any other structure or surface but does not include:

- (i) authorized markings on a sign pursuant to the Town's Zoning and Subdivision Control (Development) Bylaw or such designs as may be from time to time approved by the Town Council or by an authorized employee of the Town of Kensington;

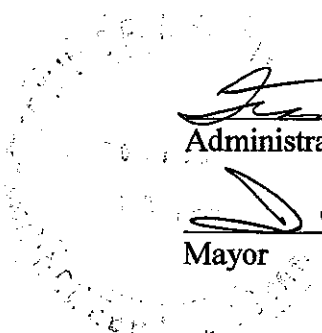
- (ii) a sign or traffic-control mark authorized by the Kensington Police Services;
- (iii) a public notice authorized by a Town Bylaw, Provincial or Federal Legislation, or such notice that is otherwise permitted by law.

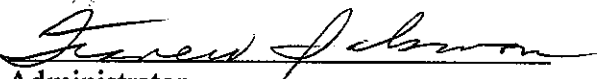
“Structure or Structures” includes but is not limited to places that are intended originally for residence, meeting places, businesses, outbuildings, garages, fences or other categories of buildings.


- 4 No owner or occupier of real property shall allow that property, the buildings or structures on that property, and/or personal property deposited or placed on real property, to become or to remain untidy or unsightly.
5. Every owner and/or occupier of real property, shall remove any accumulation of refuse, discarded materials or rubbish from that property.
6. Every owner and/or occupier of real property shall clear that property and shall keep it cleared of brush, noxious weeds, wild grass and other such untended growths which by any reasonable community standard, can be considered unsightly such that it detracts from the favourable appearance of and around the area in which it is located.
7. No person shall:
 - (i) deposit or throw bottles, broken glass or other rubbish in any open place, or
 - (ii) place graffiti, or cause graffiti to be placed on walls, fences, structures, buildings or elsewhere on, or adjacent, to any public place or street.
8. No person shall allow a structure or structures that are or have been placed on land in the Town of Kensington to deteriorate and/or to remain in a state of deterioration or disrepair such that the structure or structures detract from the favourable appearance of the area in and around where the structure is located.
9. Where any person fails to comply with Sections 3, 4, 5, 6, or 7 of this Bylaw, the Bylaw Enforcement Officer may give written notice to that person to comply with the Unsightly Premises Bylaw within 20 days of the delivery of the notice. In the event of failure to comply with the notice, the Town may, by its employees, contractors or any such authorized representative of the Town, enter the said property and arrange for the removal or repair of the offending structure or material at the expense of the person who has been served notice of default.

10. The cost of any repair or removal pursuant to Section 8 shall be due and payable by the person in default immediately upon repair or removal of the offending property. If such charge remains unpaid on December 31st in any year, the charge shall be identified as an outstanding lien on the property in the financial statement of the Town and shall remain an outstanding lien until such time as the full amount, plus interest calculated monthly on the outstanding balance at a rate of 5% per annum is paid.
11. No person shall obstruct the Bylaw Enforcement Officer or such other authorized employee or person acting under the authority of the Town of Kensington from entering onto any land authorized by this Bylaw or from carrying out of any action authorized under this Bylaw.
12. The Bylaw Enforcement Officer may at all reasonable times enter on property to ascertain whether the regulations and directions of this Bylaw are being complied with.
13. Any person who violates any of the provisions of this Bylaw, or who neglects or refrains from doing anything required to be done by this Bylaw, commits an offence.
14. If any portion of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, the invalid portion shall be severed, and the severance shall not affect the validity of the remaining portions of this Bylaw.
15. The Town, its employees or its duly authorized agents are exempt from prosecution for any act done or performed in good faith while engaged in their course of duties as authorized by this Bylaw.


This **BYLAW** was adopted and approved by a majority of Councillors present at a meeting of Town Council held on this 12th day of December 2005..




Administrator


Mayor

Filed on behalf of the Minister of Community and
Cultural Affairs according to section 59 and 60 of
the Municipalities Act


Signed by

29/12/05
Date