

BYLAW #2

UNSIGHTLY PROPERTY

1. In this Bylaw.
 - (a) “dilapidated building” includes a building which is structurally sound but by virtue of broken windows, torn roofing or other defects is in a condition of substantial disrepair;
 - (b) “litter” means
 - (a) rubbish, refuse, garbage, waste materials, papers, packages, containers, bottles, cans or parts thereof,
 - (b) any article, product, machinery, mobile home or other manufactured goods which are dumped, discarded, abandoned or otherwise disposed of, or
 - (c) **commercial fishing boats, lobster traps, ropes, nets, buoys and other similar equipment located out of doors on residential real property;**
 - (c) “Council” means the Council of North Rustico, P.E.I.
 - (d) “order” means a clean up order issued under this Bylaw.
 - (e) “Unsightly property” means any real property or part thereof upon which there is litter, dilapidated building, structures, motor vehicles, or parts thereof, which causes the real property or any part thereof to look unsightly.
2. Where Council considers any real property to be unsightly property, the Council may issue a clean-up order.
3. The clean-up order shall be issued
 - (a) to the owner; or
 - (b) to the person in control;of the property that is the subject of the order.

4. The order may require the person to whom it addresses, within a specific period of time, from the date of the service of the order
 - (a) to remedy the condition of the property in a manner and to the extent directed in the order;
 - (b) to demolish any dilapidated buildings, structures or parts thereof, or to remove any litter causing or contributing to the unsightliness of the property;
 - (c) to construct anything to prevent the property from being viewed;
 - (d) to do any other thing to remedy the unsightliness of the property; or
 - (e) to do all or any of the matters specified in clauses (a) to (d).
5.
 - (1) The order shall be served on the person to be notified
 - (a) by personal delivery thereof to that person;
 - (b) by posting the order by registered mail with postage prepaid addressed to that person at his latest known address; or
 - (c) where the address of that person is unknown by posting the order in a conspicuous place on the property.
 - (2) The date of the service of the order under subsection (1) shall be
 - (a) on the date of delivery where personal service is made;
 - (b) on the second day after deposit in the mail where service by mail is made; or
 - (c) on the date of the posting where posting is made on the property.
 - (3) Proof of the service of the clean-up order may be made by a certificate signed by the person serving the order setting forth the manner in which service was made and specifying the time of service.
 - (4) A certificate made under subsection (3)
 - (a) is proof of the signature of the person certifying; and
 - (b) is proof that the person named in the order received notice of the matters referred to in the order.

6. An order continues in force for a period of twelve months from the date on which it is served on the person to whom it is addressed and, if that person permits the property that is the subject of the order to revert to being an unsightly property while the order is in force, he shall be deemed to have failed to comply with the order and it may be enforced against him accordingly, but without prejudice to the issue of a new order under Section 2 in respect of that property.
7. Where a person on whom an order has been issued fails to comply with the order, Council may appoint a person to carry out the directives contained in the order and charge back the cost of the work done to the person to whom the order was issued and the person so charged is personally liable therefore; neither the Council nor the person appointed is personally liable for any action taken under this section, nor for the costs of any goods, materials or labour incurred in exercising powers vested in the **Council** under this section.
8. The costs involved in carrying out the work done under section 7 are a debt due to the Council by the person to whom the order was issued and may be recovered from him as such.
9. (1) A person authorized in writing by the Council to carry out the directives of the order may at any reasonable time enter onto or into any real or personal property for the purpose of
 - (a) **repealed**
 - (b) determining the ownership of the unsightly property;
 - (c) determining whether a cleanup order is being complied with;
 - (d) determining whether there is a non-compliance or violation of the Bylaw;
and
 - (e) exercising the powers under section 7.
- (2) Any person who prevents or obstructs or attempts to prevent or obstruct any entry under subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars and not more than five hundred dollars, and in default of payment thereof is liable to imprisonment for thirty days.
10. The persons acting under the authority of this Bylaw are not personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done in the exercise or purported exercise of any powers given this Bylaw.
11. Every person who fails to comply with an order issued under this Bylaw is guilty of an offence and on summary conviction is liable to a fine of not less than one hundred dollars and not more than five hundred dollars, and in default in payment thereof, is liable to

imprisonment for thirty days; each day that the non-compliance continues after a conviction under this section constitutes a separate offence and the person who so continues to fail to comply is subject to the said fine or imprisonment for each such day upon conviction thereof under this section.

12. This bylaw shall come into force and effect

12 day of June AD 1992

1st Reading the 26 day of May AD 1992

2nd Reading and enacted the 10 day of June AD 1992.

Signed original on file