

TOWN OF PRINCETON
BYLAW NO. 813, 2009

A Bylaw to provide for the maintenance of property within the Town of Princeton

WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements in relation to:

- refuse, garbage or other material that is noxious, offensive or unwholesome;
- the accumulation of water on property;
- trees, weeds or other growths that council considers should be removed, cut down or trimmed; and
- graffiti and unsightly conditions on property.

THEREFORE BE IT RESOLVED that the Council of the Town of Princeton in open meeting assembled, enacts as follows:

PART 1: TITLE

1. This Bylaw may be known and cited for all purposes as “Property Maintenance (Unsightly Premises) Bylaw No. 813, 2009”.

PART 2: DEFINITIONS

2. In this Bylaw unless the context otherwise requires:

“building material” includes items used in construction of structures or in landscaping including but not limited to lumber, plywood, concrete, rebar, roofing, siding, doors, windows, flashings, piping or other materials commonly used for building and construction, being either new or used;

“Bylaw Enforcement Officer” means a person or persons designated or appointed to time by Council to enforce the bylaw or bylaws generally;

“Town” means the Town of Princeton;

“container” includes a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold refuse, discarded materials and debris;

“Council” mean the municipal council of the Town of Princeton;

“graffiti” means an inscription, drawing, writing, pictorial representation, message or slogan, made on a wall, fence, roof, window or other surface by means of paint, chalk, ink, or other substance, but not including permitted signs as defined in the Sign Regulation Bylaw and amendments thereto;

“offending material” means any material or substance , including graffiti, which this bylaw requires owners, occupiers or their agents to remove or clear from their property;

“order to comply” means an order, which is in the prescribed form as adopted by Council from time to time;

“refuse” means rubbish;

“rubbish” includes, but is not limited to, food wastes, combustibles such as paper, cardboard, plastics, leather, yard trimmings and brush, non-combustibles such as metal cans, glass containers, glass, crockery, dirt, ashes from fireplaces and on-site incinerators, street sweepings, bulky wastes such as furniture, appliances, tires, stumps, construction and demolition waste, unlicensed, unused or stripped automobiles, trucks, trailers, boats, machinery, mechanical or metal parts;

PART 3: OWNER PROHIBITIONS

3. No person shall cause or permit refuse, or noxious, offensive or unwholesome matter to collect or accumulate around lands or buildings owned or occupied by them.
4. No person shall cause or permit water to collect or accumulate in an open drain, watercourse, pond, swimming pool, hot tub or as surface water which could become sufficiently stagnant as to permit the breeding of mosquitoes which may result in the spread of West Nile Virus or of other harmful disease bearing insects as deemed affecting public safety as determined by the Medical Health Officer.
5. No person shall deposit or throw bottles, broken glass or other refuse in any open place.
6. No person shall cause or permit refuse to overflow from or accumulate around any container.
7. No person shall cause or permit the accumulation of building material on any property other than premises licenced under the Business Licence Bylaw, unless the owner or occupier of the property is in possession of a valid building permit or unless the accumulation is stored in a covered building.
8. No person shall place graffiti on walls, fences or elsewhere on or adjacent to a public place.
9. No person shall cause or permit a fence to become unsightly, unstable or unsafe.
10. No owner or occupier of real property or their agents shall allow such property to become or remain unsightly by the accumulation of filth, discarded materials or refuse.

PART 4: OWNER OBLIGATIONS

11. Every owner or occupier of real property or their agents shall remove from the property any unsightly accumulation of discarded materials, refuse of any kind or graffiti.
12. Every owner or occupier of real property or their agents shall clear the property of brush, trees, noxious weeds or other growths that become or remain unsightly, and of grass in excess of 30 centimeters.

13. Every owner or occupier of real property or their agents shall clear the property that becomes infested by caterpillars and other noxious or destructive insects of such caterpillars or insects.

PART 5: INSPECTIONS

14. Bylaw Enforcement Officers of the Town are hereby authorized to enter at all reasonable times upon any property within the Town for the purpose of ascertaining whether the regulations under this Bylaw are being observed, or whether a requirement of the Town is being met.

PART 6: ORDER TO COMPLY

15.

- (a) Where an owner or occupier, or their agents fail to comply with any of the provisions of sections 3 to 13, a Bylaw Enforcement Officer may, in accordance with subsection 15(c), serve an Order to Comply on such person, which requires the person to remove or clear the offending material from the real property within 14 days of service of such Order to Comply.
- (b) Where an Order to Comply has been served in accordance with subsection 15(a) and the Bylaw Enforcement Officer is satisfied that special circumstances exist, the Bylaw Enforcement Officer may set a time to comply, other than 14 days, that is reasonable in the circumstances.
- (c) The Bylaw Enforcement Officer must serve the Order to Comply:
 - (i) on the owner of the real property on which the offending material is located, by either:
 - (1) personal service, or
 - (2) registered mail with acknowledgement of receipt, to the address of the owner shown on the last real property assessment rolls;

provided that where the owner is a registered company, service may be accomplished according to the provisions of the *Company Act*; and
 - (ii) on the occupier of the real property on which the offending material is located, by either:
 - (1) personal service,
 - (2) delivery to a mail box or other receptacle for messages, if any, on the real property, or
 - (3) posting on the real property; and
 - (iii) on any agent of the owner or occupier of the real property on which the offending material is located, by either:

(1) personal service, or

(2) registered mail with acknowledgement of receipt.

(d) When an Order to Comply is not personally served in accordance with clause (i)(1), (ii)(1), or (iii)(1) of subsection 15(c), whichever is applicable, such order is deemed to have been served:

(i) on the third day after mailing in accordance with clause (i)(2) or (iii)(2), whichever is applicable;

(ii) upon delivery in accordance with clause (ii)(2); or

(iii) upon posting in accordance with clause (ii)(3).

PART 7: APPEAL AGAINST AN ORDER TO COMPLY

16. A person upon whom an Order to Comply has been served may, by giving notice in writing to the City Clerk at least 7 days prior to the expiration of the time given in the Order to Comply to remove or clear the offending material, appeal to Council, who must hear and determine the appeal by confirming, amending or rescinding the Order to Comply.

PART 8: DEFAULT OF ORDER TO COMPLY

17.

(a) Owners or occupiers of real property or their agents shall under Parts 3 and 4 of this Bylaw remove from the property unsightly accumulations of filth, discarded materials, refuse, or graffiti and brush, trees, noxious weeds or other growths, caterpillars and other noxious or destructive insects that infest the property;

(b) Where a person fails to comply with a requirement under (a), the Town may by its employees or other persons, at reasonable times and in a reasonable manner, enter on the property and effect the removal at the expense of the person who failed to comply;

(c) Where the person at whose expense removal is carried out under (b) does not pay the costs of the removal on or before December 31, in the year that the removal was done, the costs shall be added to and form part of the taxes payable on the property as taxes in arrears.

PART 7: OFFENCES AND ENFORCEMENT

18. Every person who violates any provision of this Bylaw, or who permits, suffers or allows any act to be done in violation of any provision of this Bylaw, or who neglects to do anything required to be done by any provision of this Bylaw, commits an offence punishable upon summary conviction and is subject to a fine not less than \$250 and not more than \$10,000.00.

19. Each day that a violation exists or is permitted to exist is deemed to be a separate offence against this Bylaw.

20. This Bylaw may be enforced by means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.

21. Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers are designated to enforce this Bylaw.
22. Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 2 of Schedule “B” to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 1 opposite the respective words or expression.
23. Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule “A” to this Bylaw is the fine amount that corresponds to the section number and words or expression set out in Columns 1 and 2 opposite the fine amount.
24. Council hereby delegates the authority to refer any disputed tickets to the Provincial Court to the Town’s Chief Administrative Officer and to Bylaw Enforcement Officers.
25. Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw is guilty of an offence, and, each day that a violation is caused or allowed to continue shall constitute a separate offence.
26. Every person who commits an offence under this Bylaw shall be liable on summary conviction to the penalty prescribed in the Offence Act.

PART 8: SEVERABILITY AND REPEAL

27. If a court of competent jurisdiction finds any part, section or subsection of this Bylaw to be invalid or unenforceable, the impugned part, section or subsection shall be severed from the remainder of the Bylaw and the remainder of the Bylaw shall remain valid and in force.
28. The Town of Princeton Property Maintenance Bylaw No. 523 is hereby repealed.

READ A FIRST TIME this 2nd day of March, 2009

READ A SECOND TIME this 2nd day of March, 2009

READ A THIRD TIME this 2nd day of March, 2009

ADOPTED this 16th day of March, 2009

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"**FINE SCHEDULE**

Fines for tickets issued pursuant to this Bylaw, shall be as follows:

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Cause or permit refuse to collect	3	\$100.00
Cause or permit water to collect or accumulate	4	\$100.00
Deposit refuse in open space	5	\$100.00
Permit refuse to accumulate around container	6	\$100.00
Fail to contain building materials	7	\$100.00
Place graffiti	8	\$100.00
Cause or permit a fence to become unsightly, Unstable or unsafe	9	\$100.00
Allow unsightly property	10	\$100.00
Fail to clear unsightly growth	12	\$100.00
Fail to clear noxious insects	13	\$100.00