



## Town of Antigonish Unsightly Premises By-law

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1. This By-law shall be known as the "Unsightly Premises By-law".
2. Unless otherwise indicated within this By-law, the following meanings shall apply:
  - 1) "Administrator" means the Administrator appointed pursuant to Section 345(1) of the Municipal Government Act.
  - 2) "Building" means any structure with four (4) walls and a roof and/or a structure with supports and a roof such as a carport.
  - 3) "By-law" means the Unsightly Premises By-law.
  - 4) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Antigonish.
  - 5) "Clothesline(s)" means any type of rope, cord or twine or apparatus erected on a property for the purposes of drying laundry.
  - 6) "Council" means the Council of the Town of Antigonish.
  - 7) "Derelict vehicle" means a vehicle that is not registered or licensed; rusted, damaged or otherwise in a dilapidated condition; and is generally immobile.
  - 8) "Owner(s)" means the owner(s) of the property as appears on the assessment roll or land registry office.
  - 9) "Property" means a lot or parcel of land together with any building and/or structures located thereon.
  - 10) "Town" means the Town of Antigonish.
  - 11) "Vacant" means a building which is not occupied by a person authorized by the owner(s) of the property.
3. The objectives of the By-law are to:
  - 1) Outline maintenance standards for all properties including vacant buildings and lawns.
  - 2) Identify remedial measures for any unsatisfactory conditions.
  - 3) Establish enforcement guidelines.

#### 4. Unsightly Premises

- 1) A property shall be deemed to be unsightly:
  - a) if it falls within the definition of dangerous and unsightly premises under Section 3 (r) of the Municipal Government Act; or
  - b) where the lawn exceeds four (4) inches or 10.2 centimeters in height on average over all or any portion of a property located in the boundaries of the Town; or
  - c) when an owner(s) allows the accumulation of debris or objects on a property including but not limited to dead grass or weeds, indoor furniture or automobiles.
- 2) It shall be the duty of the owner(s) to cause to be cut and/or removed any such grass or weeds and cause to be removed any objects or debris from a property as often as is necessary to avoid being deemed unsightly under the provisions of Section 4 (1) of this By-law in its entirety.
- 3) It shall be the responsibility of the owner(s) to ensure that the care of lawns is met on lands adjacent to their property leading to the edge of the curb or sidewalk whichever is nearer.
- 4) Upon approval of this By-law, no new or replacement clothesline(s) shall be erected which are attached to or otherwise situate ahead of the front wall of the main building on the property; these shall be deemed unsightly.

#### 5. Vacant Buildings

- 1) For the purposes of this By-law, where a commercial building is vacant or undergoing interior renovations for a period longer than two (2) weeks, and where the windows face onto a public roadway or street, these windows shall be obscured with coloured or patterned paper or other similar treatment; newspaper is not suitable for this purpose.
- 2) In the case of vacant residential buildings, where vandalism is or could be an issue, windows and doors containing glass shall be protected with wooden shutters.
- 3) It shall be the responsibility of the owner(s) of any vacant building(s) to ensure the property is maintained in compliance with the provisions set out in Section 4.

#### 6. Derelict Vehicles

- 1) It shall be the responsibility of the owner(s) of a derelict vehicle to remove the vehicle if it remains in such state for more than two (2) weeks in any zone within the Town.

#### 7. Right of Access

- 1) In order to determine compliance with this By-law, the Administrator's powers are determined in Section 348 in its entirety in the Municipal Government Act.

#### 8. Enforcement

- 1) In order to determine compliance with this By-law, the Administrator's powers are determined in Section 352 in its entirety in the Municipal Government Act.

- 2) Nothing contained in this By-law relieves an owner(s) from their obligation(s) to comply with any other Act, Regulation or By-law.
- 3) Penalties
- a) Every owner(s) who contravenes any of the provisions of this By-law or who fails to comply with the terms and/or conditions of any permit issued under the authority of this By-law is guilty of an offense, per occurrence, and shall be liable, upon conviction, to a penalty of not less than Five Hundred Dollars (\$500.00) and not more than Ten Thousand Dollars (\$10,000.00).
  - b) In default of the remedying of the contravention described in the Administrator's Order within the defined time frame, every day which the violation continues, after expiration of the time frame, is deemed to be a fresh offense.
  - c) In the case of a violation of this By-law of a continuing nature, in addition to any other remedy and to any other penalty imposed, Council may direct the Chief Administrative Officer to apply to a Judge of the Trial Division of the Supreme Court, by way of action or originating notice for an injunction ordering the owner(s) violating to cease the violation and the Judge may make any order that, in the Judge's opinion, the justice of the case requires.
9. Nothing in this By-law relieves an owner(s) from their obligation(s) to comply with any other Act, Regulation or By-law.

Date of First Reading:	<u>April 19, 2010</u>
Date of Advertisement of Notice of Intent to Consider:	<u>May 10, 2010</u>
Date of Second Reading:	<u>May 17, 2010</u>
Date of Advertisement of By-law Passage and Approval:	<u>May 25, 2010</u>
Date of Mailing Certified Copy to SNS & MR:	<u>May 19, 2010</u>

I certify that this Unsightly Premises By-law was adopted by Council and published as indicated above.

D. Kampa  
Chief Administrative Officer

May 19, 2010  
Date