

## **Property Standards and Nuisance By-law**

### **1. APPLICATION OF THIS BY-LAW**

- 1.1 Pursuant to the authority conferred by the *Towns and Local Services Districts Act*, SNL2023, c T-6.2, the Town of Irishtown-Summerside has made the following Property Standards and Maintenance By-Law.
- 1.2 This By-law shall apply to all properties, land, buildings and dwellings within the Town.

### **2. INTENT OF THIS BY-LAW**

- 2.1 The purpose of the Property Standards and Maintenance By-law is to ensure a reasonable standard of appearance and maintenance of properties within the Town. The Property Standards and Maintenance By-law outlines the Town's criteria for acceptable upkeep of property and Landscaping standards for all properties within the Town.

### **3. DEFINITIONS**

- 3.1 For the purpose of this By-law,
  - (a) "Act" means the *Towns and Local Service Districts Act*, SNL 2023, c. T-6.2, as amended;
  - (b) "Air Gun" means those guns commonly referred to as BB or Pellett guns and all guns operated by pump or spring mechanisms and compressed gas cylinders regardless of muzzle velocity;
  - (c) "By-law" means the *Property Standards and Maintenance By-law*;
  - (d) "Council" means the Town Council of the Town of Town of Irishtown-Summerside;
  - (e) "Composting" means the stored and controlled decomposition of vegetable, fruit, garden and/or other organic waste;
  - (f) "Dwelling" means a structure used, designed, and/or intended for the habitation of one or more natural persons;
  - (g) "Landscaping" means activity which modifies land's visible characteristics or features. This may include the laying of materials such as, but not limited to, grass seeds and sods, plants, tree, asphalt, concrete and other similar materials;
  - (h) "Nuisance" means anything, or any condition of things, which is or may become, in the opinion of Council or Council's designate, a danger or hazard to the public, unpleasant to the senses, a disturbance, or which adversely affects the amenities or enjoyment of other properties within the Town;
  - (i) "Person" means any natural person, partnership, corporation, or company, and includes a person's heirs, executors, administrators, and/or other legal representatives;
  - (j) "Quiet Hours" means the period between 11:00 p.m. of any given day and 7:00 a.m. of the following day;

- (k) "Real Property" means real property as defined in the Act;
- (l) "Residential Real Property" means Real Property which is used or intended to be used primarily for human habitation;
- (m) "Town" means the Town of Town of Irishtown-Summerside; and
- (n) "Waste" means:
  - (i) Refuse, waste, or discarded matter, including but not limited to garbage, animal remains, debris, salvage, and surplus materials such as tailings, mechanical components, vehicles, and other items that have been abandoned or disposed of; and
  - (ii) Something that, in the opinion of Council, may be a danger to the health and safety of humans and/or wildlife, or is unsightly.

#### **4. GENERAL DUTIES AND OBLIGATIONS**

- 4.1 All owners and occupants of Real Property shall be jointly and severally liable to maintain any and all Real Property owned or occupied by them in a sanitary condition and in a condition consistent with this By-law.
- 4.2 Nothing in these By-Laws shall prohibit activities undertaken within the Town further to a permit issued by the Town, to the extent the conditions of the permit are in conflict with these By-Laws.

#### **5. NUISANCE PROHIBITED**

- 5.1 A person shall not cause or knowingly permit a Nuisance within the Town.

#### **6. NOISE RESTRICTIONS**

- 6.1 Subject to those exceptions as set out herein, no person shall emit or cause to permit the emission of a sound which, in the opinion of a Council or Council's designate, causes a Nuisance. Without in any way limiting this prohibition, a person shall not:
  - (a) Create a noise within the Town through the usage of firearms or other noise making devices, except as may be approved by Council and in accordance with all other applicable provincial and/or federal requirements;
  - (b) Create a noise within the Town through shouting or noise-making devices for the purpose of selling wares, soliciting business or attracting attention;
  - (c) Create a noise within the Town through the use of motor vehicle horns except as may be reasonably necessary in the opinion of a Council or Council's designate for the safety and warning of traffic and pedestrians;
  - (d) Use or operate a lawnmower, chainsaw, snowmobile, or other piece of equipment which might cause a disturbance during Quiet Hours;

- (e) Operate a motor vehicle (including motorcycles) that has no muffler or a damaged muffler, except as necessary to move such vehicle to a location for repairs, or operate a vehicle with a modified muffler;
- (f) Allow an animal in their care, custody or control to bark or howl excessively;
- (g) Carry out any construction, demolition, or excavation activities during Quiet Hours;
- (h) Detonate fireworks or other explosive devices not used in construction unless authorized by the Town, with the exception of statutory holidays as declared for New Year's Eve and Canada Day; and,
- (i) Fire or discharge an Air Gun within 300 meters of a building or within 1,000 metres of a school, playground or athletic field within the Town.

6.2 Nothing in these By-Laws shall be deemed to prohibit:

- (a) The ringing of church bells or chimes;
- (b) The sounding of vehicle horns in a wedding procession or in parades as permitted by Council;
- (c) The removal of snow by heavy equipment;
- (d) Town snow-clearing or removal activities;
- (e) Festivals or performances staged by or on behalf of the Town;
- (f) Any activities by Town employees, their agents, or assigns, while in the execution of their duties; or,
- (g) Noise made by emergency vehicles and emergency-related activities while in the course of their duties.

## **7. PROPERTY AND STRUCTURAL STANDARDS AND UPKEEP**

7.1 The Town adopts the following codes and all design, construction, alteration, reconstruction, demolition, removal, relocation and maintenance of Buildings in the Town shall comply with:

- (a) the National Building Code of Canada and supplements or amendments to that code,
- (b) the National Energy Code of Canada and supplements or amendments to that code, and
- (c) the National Energy Code of Canada for Buildings and supplements or amendments to that code.

7.2 To the extent that there is an inconsistency between this By-Law and the Town's Development Regulations and Municipal Plan, the Town's Development Regulations and Municipal Plan shall govern.

- 7.3 All buildings, Dwellings, structures and other erections shall be:
- (a) Free from deterioration, decay, and excessive deflection; and
  - (b) Able to safely carry the weight of the erection and its components, and any additional weight that such an erection would ordinarily carry.
- 7.4 All Landscaping shall be carried out and maintained in an orderly and sightly manner.
- 7.5 All owners and occupants of Real Property shall ensure that lawns, hedges, bushes, and trees on their property are regularly trimmed and maintained so as to not become unsightly.
- 7.6 The entirety of any Real Property shall be kept free of:
- (a) Waste, except in containers which
    - (i) Are appropriate for the storage of such Waste; and
    - (ii) Minimize the impact on public health and safety and/or neighbouring properties.
  - (b) Graffiti, unless otherwise approved by Council;
  - (c) Any holes, excavations, materials, structures, buildings, erections, vehicles, landscaping elements, or other objects or conditions situated thereon or therein that are determined by Council or Council's designate to be unsightly, hazardous, or detrimental to adjacent properties; and
  - (d) Pests, rodents and vermin.

## **8. MOTOR VEHICLES AND MACHINERY**

- 8.1 Unless otherwise approved by Council, no Person shall
- (a) Repair, dismantle, scrap, or destroy any machinery, vehicle(s), trailer(s) or any parts or components of any machinery, vehicle(s), or trailer(s) on Residential Real Property, except for minor maintenance;
  - (b) Conduct minor maintenance on any machinery, vehicle(s), trailer(s) or any parts or components of any machinery, vehicle(s), or trailer(s) for a commercial purpose on Residential Real Property;
  - (c) Store or discard any unused, inoperative, damaged, or abandoned any machinery, vehicle(s), trailer(s) or any parts or components of any machinery, vehicle(s), or trailer(s) on any Real Property within the Town.

## **9. COMPOSTING**

- 9.1 Composting shall only occur in a container which
- (a) Is rodent proof;

- (b) Is properly vented; and
  - (c) Is maintained to ensure against spillage and overflow.
- 9.2 Composting shall not be done in a manner that attracts rodents or other animals or creates odors or Nuisance to neighbouring properties.

**10. ENFORCEMENT**

- 10.1 These By-laws may be enforced by Council or Council's designate.
- 10.2 A person shall not interfere with, obstruct, attempt to obstruct or fail to cooperate with a Council or Council's designate in the exercise of their powers, duties, and functions in respect of these By-Laws.
- 10.3 A person shall not knowingly make a false or misleading statement to a Council or Council's designate while they are exercising their powers, duties, and functions in respect of these By-Laws.
- 10.4 Where any Person violates this By-Law, Council is vested with the authority to issue Orders pursuant to section 285 of the Act as well as the authority to issue Violation Notices pursuant to section 287 of the Act.
- 10.5 In the event of a conflict between a provision of this By-law and a provision of another statute or regulation, the provision affording the higher standard of protection for the health, safety, or welfare of the public shall prevail.

Adopted: May 5, 2026