

NUISANCE BYLAW

EFFECTIVE DECEMBER 13, 1989
AMENDED AUGUST 9, 1999
AMENDED JUNE 27, 2001
AMENDED JANUARY 10, 2005
AMENDED JANUARY 09, 2006
AMENDED OCTOBER 23, 2007

AMENDED OCTOBER 10, 1995
AMENDED SEPTEMBER 20, 2000
AMENDED SEPTEMBER 12, 2001
AMENDED JUNE 20, 2005
AMENDED MAY 10, 2006
AMENDED MAY 9, 2016

Summary of Bylaw Amendments at end of Bylaw

BEING A BYLAW OF THE CITY OF CHARLOTTETOWN WITH RESPECT TO NOISE AND PUBLIC NUISANCE, PURSUANT TO THE PROVISIONS OF SECTION 64 OF THE **CHARLOTTETOWN AREA MUNICIPALITIES ACT**, R.S.P.E.I., 1988, CAP. C-4.1.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTETOWN AS FOLLOWS:

PART I: DEFINITIONS

1. In this Bylaw:
 - 1.1 **“Aggressive Solicitation”** means soliciting in a manner that is likely to cause a reasonable person to be concerned for his or her safety or security.
 - 1.2 **“Captive Audience Solicitation”** means when a person is solicited in one of the captive audience situations. These generally refer to a person has no choice but to attend/stand in a particular location.
 - 1.3 **“Chief Administrative Officer”** means the Chief Administrative Officer of the City or his duly appointed representative;
 - 1.4 **“City”** means the Corporation of the City of Charlottetown and includes the area within the City where the context requires;
 - 1.5 **“Common Area”** means any entrances, halls, corridors, washrooms, parking areas, driveways, roads, streets, sidewalks or alleys of any shopping centre, shopping mall or other shopping complex;
 - 1.6 **“Council”** means the City Council of the City of Charlottetown;
 - 1.7 **“Firearm”** means a rifle, shotgun, air rifle, air pistol, revolver, pistol or other mechanical device capable of firing a loaded shell, cartridge or projectile;

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- 1.8 **“Inspector”** means the Chief Building Inspector, Building Inspector, Fire Inspector, police officer, or their designate who is to carry out the duties assigned by Council pursuant to this Bylaw.
- 1.9 **“Mayor”** means the Mayor of the City of Charlottetown;
- 1.10 **“Motor Vehicle”** means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power.
- 1.11 **“Nuisance”** means any person, odor, sound or substance which unreasonably interferes with the enjoyment of life by a person or persons in the City of Charlottetown.
- 1.12 **“Nuisance Service Call”** means a Police or Planning Department response to and abatement of any activity, conduct or condition occurring on or near a Residential Property which substantially and unreasonably interferes with a person’s use and enjoyment of a public place or of land or premises occupied by that person or which causes injury to the health, comfort or convenience of an occupier of land and, without limiting the generality of the foregoing, may include one or more of the following conduct, activities or conditions occurring or committed within or near a Residential Property:
- (a) noises or sounds that disturb or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, including but not limited to, the residents of a Residential Property or the neighbourhood;
 - (b) conduct, activities or conditions which constitute a violation of any Federal or Provincial statute prohibiting or regulating controlled substances, prostitution, alcohol or firearms; and
 - (c) conduct, activities or conditions which constitute causing a disturbance or disorderly conduct contrary to the Criminal Code of Canada.
- 1.13 **“Night Time”** means the period beginning at 11:00 p.m. and ending the following day at 7:00 a.m.
- 1.14 **“Owner”** includes:
- (a) A tenant, lessee, or other person in possession or occupancy of the subject property;
 - (b) An executor, administrator, trustee, agent or other person managing the subject property for the registered Owner;
 - (c) When used in reference to real property, includes a person assessed for the property pursuant to the Real Property Assessment Act, R.S.P.E.I. 1988, CAP. R-4.

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- (d) When used in reference to a Nuisance Service Call, includes a person who has any legal right, title, estate or interest in a Residential Property and shall include, without limitation, a landlord, lessor, sublessor or other person permitting the occupation of a rental unit, their agents, heirs, assigns, personal representatives and successors in title.
- 1.15 **“Person”** includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;
- 1.16 **“Point of Reception”** means any point on the premises of a person where sound, originating from other than those premises, is received;
- 1.17 **“Residential Property”** means any property in which sleeping accommodations are provided for normal residential purposes and includes any property designed or used to provide sleeping accommodations, including but not limited to single family dwellings, duplexes, hotels, motels, inns, dormitories, apartment buildings, board and care facilities, lodging and rooming houses, tourist homes, bed and breakfast operations or marine vessels;
- 1.18 **“Solicit”** means to communicate, in person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return.
- 1.19 **“Sound System”** means any system of loudspeakers, amplifiers, microphones or reproducers, or any combination of such equipment, used in the reproduction or amplification of music, speech or other sounds, when used for communications to, or otherwise addressing or entertaining, whether the same is mounted upon a vehicle or upon a building or other structure or upon the ground.

PART II: DISORDERLY PREMISES/CONDUCT PROVISIONS

2. Disorderly Premises
- 2.1 Any person who disturbs neighbors or passers-by by permitting or engaging in shouting, fighting, screaming or the making of any loud noise or any other improper or disorderly conduct in the house or premises occupied by such person is guilty of an offence.
- 2.2 Any person who permits or engages in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood is guilty of an offence.

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Disorderly Conduct

- 2.3 A person shall be guilty of disorderly conduct if, he or she is likely to create, or has created, a nuisance, by doing one, or more, of the following:
- (a) Screaming, shouting, yelling, fighting or initiating any other disruptive noise, commotion or action on public streets, public places or in any premise adjacent thereto in such a manner as to disturb any person within the area of audibility;
 - (b) Addressing profane, obscene or abusive language or threats of violence to any person present so as to create a nuisance;
 - (c) Failing or refusing to obey a lawful order of dispersal by a police officer, where two (2) or more persons are committing acts of disorderly conduct in the immediate vicinity;
 - (d) Willfully or wantonly ringing any doorbell or knocking at any door, building or fence so as to disturb or annoy any person in his dwelling, place of business, or meeting place;
 - (e) Performing as a street musician or busker during night time hours;
 - (f) Without lawful excuse, loitering, crowding, congregating, or failing or refusing to disperse when ordered to do so by a police officer on the public streets or sidewalks so as to unreasonably obstruct or interfere with pedestrian or vehicular traffic, and by doing so, creating an unsafe condition for vehicular or pedestrian traffic or use of such street or sidewalk;
 - (g) Molesting, harassing, or obstructing vehicular traffic by coasting, skateboarding, roller blading, skating or by throwing or propelling stones, balls, snowballs or other things, or by playing any game;
 - (h) Willfully or wantonly defacing or injuring any public or private building, fence or other structure or any property of any nature by any means howsoever;
 - (i) Making or lighting any fire in any street, or setting fire to any fireworks within the City unless specially authorized by the Council.
- 2.4 For the purpose of a prosecution pursuant to Sections 2.1 and 2.2, evidence that one (1) neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.
- 2.5 Any person who contravenes the provisions of Sections 2.1, 2.2 and 2.3 is guilty of an offence.

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PART III: GENERAL NUISANCE PROVISIONS

3. Public Notices

- 3.1 (a) Any person who defaces, alters or destroys any public notice issuing from the Dominion or Provincial Governments or from the City, or any private notices placed by the authority of the City on public property before the time mentioned in such notice for the happening of any event stated therein is guilty of an offence;
- (b) Where any person has caused to be erected or has erected any public notice issuing from the Dominion or Provincial Governments or from the City, or any private notices whether placed by the authority of the City on public property or not, the City has the power to remove any such notice upon the happening of any events stated therein or after the time mentioned therein for the happening of any event.

Private Parties

- 3.2 Except where approved through a license issued by the PEI Liquor Control Commission, any person who offers or permits the use of or gathers at any non-residential property or building for the purpose of playing music, dancing or similar entertainment beyond the hour of 1:00 a.m., unless otherwise approved by Council, is guilty of an offence.

False Fire Alarms

- 3.3 Any person who knowingly gives or makes any false alarm of fire by the ringing of any fire bell or fire alarm or by shouting or calling out or otherwise is guilty of an offence.

Fire Arms

- 3.4 (a) Any person who, without lawful excuse, fires or discharges any firearm within the City which creates a nuisance within the meaning of this bylaw is guilty of an offence.
- (b) The provisions of this bylaw do not apply to:
- (i) a peace officer discharging a firearm in the course of duty;
 - (ii) a game or animal control officer or veterinarian discharging a firearm in the course of duty;
 - (iii) a person discharging a flare in the case of an emergency;
 - (iv) a person destroying a farm animal or nuisance animal or nuisance bird on a bona fide farm;
 - (v) a person employed by the Charlottetown Airport Authority to clear birds from Charlottetown Airport Authority lands.

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Animals and Birds

- 3.5 (a) Any person who keeps, owns, or harbors animals or birds which make or cause noises or sounds that disturb or tend to disturb the quiet, peace, rest, enjoyment or comfort:
- (i) of the neighborhood, or
 - (ii) of persons who inhabit any dwelling, apartment or other type of residence in the vicinity, or
 - (iii) of persons in the vicinity
- is guilty of an offence.
- (b) Any person who keeps, owns, or harbours animals or birds which, as a result of being allowed to escape or run at large, damage chattels, personal property, gardens, lawns, trees or shrubs, or buildings within the City is guilty of an offence.

Excessive Noise

- 3.6 (a) Any person in the City who:
- (i) uses his motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine which causes excessive noise between the hours of 9:00 p.m. and 7:00 a.m.;
 - or
 - (ii) allows his dog to bark in such a manner as to disturb people between the hours of 9:00 p.m. and 7:00 a.m.
- is guilty of an offence.
- (b) The provisions of paragraph (a) do not apply to:
- (i) equipment utilized for snow removal, or to any motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine used or operated by or on behalf of the City;
 - or
 - (ii) contractors pushing or removing snow from both residential and commercial premises within twenty-four (24) hours after a snowfall in excess of four (4) centimeters; or
 - (iii) a snow clearing device powered by an engine of any kind, in a residential area used to remove snow that is blocking a driveway so as to prevent egress from that premise within twenty-four (24) hours of a snowfall in excess of four (4) centimeters.
- 3.7 Any person who operates or causes or permits to be operated any sound system within the City that is causing a disturbance or interfering with any person is guilty of an offence.

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- 3.8 For the purpose of a prosecution pursuant to Sections 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.

Unwieldy Loads

- 3.9 Any person who draws or causes to be drawn any unwieldy or heavy thing upon any of the streets of the City without having adequate and ready means of safety guiding the same, or who drives or causes to be driven anything in the streets which may be reasonably capable of thereby injuring the said streets, is guilty of an offence.

Moving Buildings

- 3.10 The moving of buildings within the City shall be done only under the written authority of the Planning Department for the City. The moving permit shall include the course to be followed and, where applicable, the location the building will occupy overnight.
- (a) Any person who moves or causes to be moved any building on any of the streets or squares of the City without an approved permit, is guilty of an offence.
- (b) Any person, in so moving or causing to be moved any such building or apparatus used in moving, who fails to sufficiently light such building or apparatus in a manner that may cause danger to passengers and traffic is guilty of an offence.

Litter

- 3.11 (a) Except where otherwise provided in Section 3.11(b) or (c), any person who throws, puts, places, or lets fall any litter, trash (paper or otherwise), dirt, filth, or other nuisance matter on any street, square, lane, sidewalk, wharf or bridge of the City, or from any street, square, lane, sidewalk, wharf or bridge upon any adjoining property is guilty of an offence.
- (b) Except where other collection methods have been made with Island Waste Management Corporation (IWMC), waste, compost and recyclable materials shall be in receptacles/containers or packaged, as approved by IWMC, and placed for collection by IWMC in front of the premises as close as practicable to curb, edge of sidewalk or street between the hours of 5:00 PM the day prior to collection and 7:00 PM the day of collection.
- (c) The provisions of Section 3.11(b) do not apply during the periods of the annual spring and fall clean-up as advertised by IWMC.

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Transport of Rubbish

- 3.12 Any person who carries in or on any vehicle, any rubbish or other liquid or solid material that is not securely covered or otherwise prevented from falling, leaking or being shaken or blown onto any street, sidewalk, square, lane, wharf or bridge or onto any adjacent property is guilty of an offence.

Opening in Streets

- 3.13 (a) Any person or his agent who makes or causes to be made any opening in any street or sidewalk, and who allows the opening to remain at night without being safely fenced and lit is guilty of an offence.
- (b) Any person or his agent who makes or causes to be made any opening in any street or sidewalk and who does not have the opening properly guarded, to prevent nuisance or danger to vehicular or pedestrian traffic, is guilty of an offence.
- (c) Any person who maintains or permits to be maintained a defective or unsafe hatchway onto any street or sidewalk leading from his premises is guilty of an offence.

Halloween Curfew

- 3.14 (a) Unless accompanied by a person over the age of 18 years, no person under the age of sixteen (16) years shall be in a public place within the City of Charlottetown between 8:00 p.m. October 31st and 7:00 a.m. November 1st.
- (b) In a year that October 31st falls on a Sunday, the restrictions provided in paragraph (a) shall also apply from 8:00 p.m. October 30th to 7:00 a.m. October 31st.

Injuring Trees

- 3.15 Unless otherwise authorized, any person who cuts down, de-barks, lops or otherwise injures any tree, boxes, supports or other appendages to or around any such tree of the City is guilty of an offence.

General

- 3.16 Any person who commits a nuisance or permits or causes any nuisance to be committed is guilty of an offence.

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Solicitation

- 3.17 (a) A person shall not solicit in an aggressive manner in any public place.
- (b) For the purpose of this section, and without limiting the generality of the phrase, a person shall be considered to be soliciting in an “aggressive manner” if they:
- (i) obstruct or impede the passage of another person;
 - (ii) make continued requests or solicitations after receiving a negative response from another person
 - (iii) insult, threaten, coerce or intimidate another person;
 - (iii) make physical contact with another person; or
 - (iv) are intoxicated by alcohol or under the influence of illegal drugs; while soliciting.
- 3.18 Notwithstanding Section 3.17 (a) and (b), no person shall solicit on a street, sidewalk or other public place within 5 meters of what is considered a captive audience, which includes:
- (i) a person who is using, waiting to use, or departing from an automated teller machine;
 - (ii) a person who is using or waiting to use a pay telephone or a public toilet facility;
 - (iii) a person who is waiting at a taxi stand or a public transit stop;
 - (iv) a person who is in or on a public transit vehicle;
 - (v) a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or
 - (vi) while on a roadway, a person who is in or on a stopped, standing or parked vehicle.

PART IV: PENALTIES

4. 4.1 Every person who commits an offence under this Bylaw is guilty of an offence, punishable on summary conviction and liable to:
- (a) a minimum fine of not less than \$200 and not more than \$500 for a first offence and a minimum fine of not less than \$400 and not more than \$1,000 for any subsequent offence;
 - (b) imprisonment for a term not exceeding ninety (90) days; or
 - (c) to both;

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and in default of payment of any fine imposed, to a further term of imprisonment not exceeding ninety (90) days.

- 4.2 (a) A copy of any writing, paper or document filed in the Court or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provisions of the *Real Property Assessment Act*, R.S.P.E.I. 1988, Cap. R-4 shall be received in evidence in Court without proof of signature and is prima facie evidence of the facts contained therein as to the name of the Owner of the real property and the corresponding civic address.
- (b) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.
- 4.3 The City, 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.

PART V – REPEAT NUISANCE SERVICE CALLS

5. 5.1 Where police or planning officials have been required to respond to three (3) or more nuisance service calls for a Residential Property within a twelve (12) month period in response to or for the abatement of nuisance conduct, activity or condition, the City may impose upon the Owner of that Residential Property an excessive nuisance abatement fee in accordance with the amounts prescribed in Schedule “A” of this bylaw for each additional nuisance service call responded to at that Residential Property within the twenty-four (24) month period following the Inspector’s notice referred to in Section 5.2.
- 5.2 Notwithstanding Section 5.1, where legal title to a Residential Property is transferred, nuisance service calls made before the date that the new Owner obtains legal title to the Residential Property shall not apply to a determination under 5.1 of whether excessive nuisance abatement fees are payable. The new Owner shall, in any event, be liable for all unpaid excessive nuisance fees imposed against the Residential Property in respect of past nuisance service calls. Prior to imposing an excessive nuisance abatement fee, the Inspector shall first provide written notice to the Owner of the residential property describing in reasonable detail the nature of the nuisance conduct, activity or condition that has occurred, been maintained or permitted in, on or near the residential property and:
- (a) informing the Owner that the nuisance conduct, activity or condition must be abated within 60 days, or such other period of time as the Inspector considers reasonable in the circumstances, and steps taken to ensure that the nuisance conduct, activity or condition does not reoccur; and

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- (b) advising the Owner that they may be subject to the imposition of excessive nuisance abatement fees for each additional nuisance service call responded to at the same residential property within the twenty-four (24) month period following service of the Inspector's notice; and that the imposition of such fees is in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance.
- (c) Service of the notice referred to in Section 5.2 will be sufficient if the notice:
 - (i) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the Owner shown on the then current year's real property assessment roll for the Residential Property for which the notice is issued;
 - (ii) in the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by registered mail to the registered office of the corporation.
- (d) Excessive nuisance abatement fees shall be paid by the Owner, as defined in Section 5.2(c)(i) and (ii) upon receipt of invoice from the City. If the amount of each such invoice is not paid in full before the 31st day of December in the year received, upon written notice to the Owner, the amount shall be added to and form part of the taxes on the Residential Property, as taxes in arrears.
- (e) Nothing in this Part V shall be construed to limit the City's other available remedies for violation of this or any other City bylaw.

PART VI - INTERPRETATION

- 6. 6.1 In this Bylaw words importing the singular shall include the plural and words importing the masculine gender shall include the female gender and vice versa.

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SCHEDULE "A"

EXCESSIVE NUISANCE ABATEMENT FEES

1. Police Nuisance Response and Abatement Service Call \$195.00/call
2. City Staff Nuisance Response and Abatement Service Call.....\$ 50.00/hr
3. Administration Fee.....10% on Total Service Call Fees

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
Supposedly amended "Halloween Curfew" section August 4, 1995 date noted at end of 1995 bylaw. No reading papers.	<i>nothing</i>	Add "Halloween Curfew" section as follows: 2.17 (a) Unless accompanied by a person over the age of 18 years, no person under the age of 16 years shall be in a public place within the City of Charlottetown between 8:00 p.m. October 31st and 7:00 a.m. November 1st. (b) In a year that October 31st falls on a Sunday, the restrictions provided in paragraph (a) shall also apply from 8:00 p.m. October 30th to 7:00 a.m. October 31st. (Now re-numbered as Section 2.20 (a) and (b))	unknown	unknown	Supposedly amended 4-Aug-95
Supposedly amended several sections. No reading papers; but August 30, 1995 date is noted throughout 1995 bylaw as an amendment date.	1. (g) " <u>Owner</u> " when used in reference to real property includes a person assessed for the property pursuant to the <u>Real Property Assessment Act</u> , R.S.P.E.I. Cap. R-5;	Amend definition section "Owner" as follows: 1.6 "<u>Owner</u>" includes: (a) A person managing the subject property for the registered owner; (b) A tenant, lessee, or other person in possession or occupancy of the subject property; (c) An executor, administrator, trustee, agent or other person managing the subject property for the registered owner; (d) When used in reference to real property, includes a person assessed for the property pursuant to the <u>Real Property Assessment Act</u>, R.S.P.E.I. 1988, CAP. R-4. (Now re-numbered as Section 1.10)	unknown	unknown	Supposedly amended 30-Aug-95
	<i>nothing</i>	Add new definition section as follows: 1.1 "<u>Chief Administrative Officer</u>" means the Chief Administrative Officer of the City or his duly appointed representative;			
	1. (b) " <u>City Engineer</u> " means the employee of the City appointed pursuant to a Bylaw relating to highways, streets, squares and bridges and defining the duties of the surveyor or his designee;	Delete definition Section 1. (b) "City Engineer"			
	1. (c) " <u>Clerk</u> " means the Administrator of the City or his duly appointed representative;	Delete definition Section 1. (c) "Clerk"			
	By Play Obstruction 5. Any person who by coasting, skateboarding or skating or by throwing or propelling stones, balls, snowballs or other things, or by playing any game, so as to molest, harass, or obstruct vehicular traffic or pedestrians in the City is guilty of an offence.	Amend "By Play Obstructing" section as follows: 2.4 Any person who by coasting, skateboarding or roller blading , or skating or by throwing or propelling stones, balls, snowballs or other things, or by playing any game, so as to molest, harass, or obstruct vehicular traffic or pedestrians in the City is guilty of an offence. (Now re-numbered as Section 2.6)			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<i>nothing</i>	Add new subsection 2.10 (c) under "Excessive Noise" as follows: 2.10 (c) The provisions of paragraph (a) do not apply to equipment utilized for snow removal. (Now re-numbered as Section 2.12)			
	Snow 12. Any person who puts or places or causes to be placed any quantity of snow or ice from any source on any of the streets, squares, lanes sidewalks, wharves, bridges or thoroughfares to the river so as to form or cause an obstruction or nuisance to vehicular or pedestrian traffic or another person is guilty of an offence.	Delete "Snow" section number 12			
	Unwieldy Loads 13. Any person who draws or causes to be drawn any unwieldy or heavy thing upon any of the streets of the City without having adequate and ready means of safety guiding the same, or who drives or causes to be driven anything in the streets which may be reasonably capable of thereby injuring the said streets, is guilty of an offence and shall, in addition to the penalties provided for in this Bylaw, be liable for the amount of damage caused.	Delete last line of "Unwieldy Loads" section which includes the words: "and shall, in addition to the penalties provided for in this Bylaw, be liable for the amount of damage caused."			
	14. Any person who moves or causes to be moved any building on any of the streets or squares of the City without written permission of the Mayor or City Engineer or other official responsible for same is guilty of an offence. Any person in so moving or causing to be moved any such building or any moving apparatus to stand on any street at night without being lighted sufficiently to prevent danger to passengers and traffic generally is guilty of an offence. Such moving shall be subject to the order of the City Engineer in regard to the course followed and place occupied overnight and both owner and mover of such building shall be jointly and severally liable to repair all damage done to the streets by such moving.	Delete "Moving Buildings" section number 14 and replace with the following: 2.13 The moving of buildings within the City shall be done only under the written authority of the Chief Administrative Officer or his designate. Written authority shall include the course to be followed and the place occupied overnight. (a) Any person who moves or causes to be moved any building on any of the streets or squares of the City without written permission, is guilty of an offence. (b) Any person in so moving or causing to be moved any such building or any moving apparatus to stand on any street at night without being sufficiently lit to prevent danger to passengers and traffic generally is guilty of an offence. (Now re-numbered as Section 2.16)			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
To introduce legislation to provide coverage to the new city	2.7 (a) Any person who fires or discharges any air rifle, gun, pistol, or other fire arm within the City, unless in the performance of some duty sanctioned by proper authority is guilty of an offence.	Amend Subsection 2.7 (a) as follows: 2.7 (a) Any person who, without lawful excuse , fires or discharges any air rifle, gun, pistol or other fire arm within the City, which creates a nuisance within the meaning of this bylaw , is guilty of an offence. (Now re-numbered as Section 2.9 (a))	11-Sep-95	10-Oct-95	10-Oct-95
	<i>nothing</i>	New Firearms Subsection added as follows: 2.7 (b) The provisions of paragraph (a) do not apply to those persons duly licensed under the provisions of the Fish and Game Protection Act and who are in compliance with the provisions of section 44 (1) of the said Act, in the following areas only; (i) RR - Residential Reserved being a recognized zone within the Zoning and Subdivision Bylaws of the Community of East Royalty; (ii) A1 - Rural zone, being a recognized zone within the Zoning and Subdivision Control Bylaws of the Community of Winsloe; (iii) PSI - Public Service & Institutional zone, within the Zoning and Subdivision Control (Development) Bylaw of the Community of West Royalty; (iv) CDA - Comprehensive Development Area zone, within the Zoning and Subdivision Control (development) Bylaw of the Community of West Royalty.			
	2.17 (a) Unless accompanied by a person over the age of 18 years, no person under the age of 16 years shall be in a public place within the City of Charlottetown between 8:00 p.m. October 31st and 7:00 a.m. November 1st. (b) In a year that October 31st falls on a Sunday, the restrictions provided in paragraph (a) shall also apply from 8:00 p.m. October 30th to 7:00 a.m. October 31st.	Amend Halloween Curfew section as follows: 2.17 (a) Unless accompanied by a person over the age of 18 years, no person under the age of 16 years shall be in a public place within the City of Charlottetown between 8:00 p.m. October 31st and 7:00 a.m. November 1st. (b) In a year that October 31st falls on a Sunday, the restrictions provided in paragraph (a) shall also apply from 8:00 p.m. October 30th to 7:00 a.m. October 31st. (Now re-numbered as Section 2.20 (a) and (b))			
To amend the "Nuisance Bylaw" by incorporating provisions to protect property owners from damage by animals or birds. (cats)	2.9 Any person who keeps, owns, or harbours animals or birds which make or cause noises or sounds that disturb or tend to disturb the quiet, peace, rest enjoyment or comfort: (a) of the neighbourhood, or (b) of persons who inhabit any dwelling, apartment or other type of residence in the vicinity, or (c) of persons in the vicinity; is guilty of an offence.	Amend <u>Animals and Birds</u> section as follows: Re-number Section 2.9 as "2.9 (1)", and add new Section 2.9 (2) as follows: 2.9 (2) Any person who keeps, owns, or harbours animals or birds which as a result of being allowed to escape or run at large damage chattels, personal property, gardens, lawns, trees or shrubs or buildings within the City is guilty of an offence. (Now re-numbered as Section 2.11(2))	12-Jul-99	9-Aug-99	9-Aug-99

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
<p>To include the definition of a "Firearm" (Section 1.5). To include the definition of "Hunting" (Section 1.6) and To restrict hunting to areas approved as hunting zones, limit hunting areas and to increase distances between hunting zones and schools and medical facilities (Section 2.7 (b) (i) to (vi) and Section 2.7 (c) (i) to (v)).</p>	<p><i>nothing</i></p>	<p>New section added as follows: 1.5 "Firearm" means a rifle, shotgun, air rifle, air pistol, revolver, pistol or other mechanical device capable of firing a loaded shell, cartridge or projectile;</p>	<p>11-Sep-00</p>	<p>11-Sep-00</p>	<p>20-Sep-00</p>
	<p><i>nothing</i></p>	<p>New section added as follows: 1.6 "Hunting" means any chasing, pursuing, worrying, following after on the trail of, or any searching for, shooting at, stalking, lying in wait for, any wildlife, whether or not the wildlife is then or subsequently captured, killed or injured;</p>			
	<p>2.7 (b) The provisions of paragraph (a) do not apply to those persons duly licensed under the provisions of the Fish and Game Protection Act and who are in compliance with the provisions of Section 44 (1) of the said Act, in the following areas only;</p> <p>(i) RR - Residential Reserved being a recognized zone within the Zoning and Subdivision Bylaws of the Community of East Royalty;</p> <p>(ii) A1 - Rural zone, being a recognized zone within the Zoning and Subdivision Control Bylaws of the Community of Winsloe;</p> <p>(iii) PSI - Public Service & Institutional zone, within the Zoning and Subdivision Control (Development) Bylaw of the Community of West Royalty;</p> <p>(iv) CDA - Comprehensive Development Area zone, within the Zoning and Subdivision Control (development) Bylaw of the Community of West Royalty.</p>	<p>Delete Section 2.7(b) under "<u>Fire Arms</u>" and replace with the following: 2.7 (b) Notwithstanding Section (a), property owners or a licensed hunter, with the written permission of the property owner, may apply to the Planning Department to have their property designated as a "hunting zone", wherein a firearm may be discharged for the purposes of hunting, under the provisions of the Wildlife Conservation Act, R.S.P.E.I. 1998, Cap. F-12 and governed by the following conditions: (i) Applications for a hunting zone shall be filed prior to September 30th each year, and shall only be considered in those areas north of the Arterial Bypass Highway; (ii) Applications for a hunting zone will be approved or denied based on this bylaw, land use, safety of the public, the applicant's past compliance and other factors as deemed appropriate; (iii) An updated list of approved hunting zones will be maintained in schedule "A" of this Bylaw, and will be valid for a one year period; (iv) For the purposes of firearms use, hunting shall be restricted to the use of shotguns only. Those hunters involved in falconry, may hunt with the aid of a falcon; (v) While hunting, no person shall discharge an approved firearm within 274 meters (300 yards) of any school or medical facility; (vi) Except where provided otherwise in this Bylaw, provisions of the Wildlife Conservation Act, R.S.P.E.I. 1998, Cap. F-12, shall apply to all designated hunting zones. (Now re-numbered as Section 2.9 (b))</p>			

NUISANCE BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<i>nothing</i>	New Subsection added under "Fire Arms" as follows: 2.7 (c) The provisions of this bylaw do not apply to: (i) A peace officer discharging a firearm in the course of duty; (ii) A game or animal control officer or veterinarian discharging a firearm in the course of duty; (iii) A person discharging a flare in the case of an emergency; (iv) A person destroying a farm animal, or nuisance animal or nuisance bird on a bonafide farm; (v) A person employed by the Charlottetown Airport Authority to clear birds from Airport lands. (Now re-numbered as Section 2.9 (c))			
To amend Nuisance Bylaw to improve enforcement efforts with respect to noise.	<i>nothing</i>	New Definition Section added as follows: 1.10 "Point of Reception" means any point on the premises of a person where sound, originating from other than those premises, is received; (Now re-numbered as Section 1.11)	9-Apr-01	9-Apr-01	14-May-01
	Sections 1.9 "Owner" and 1.10 "Sound System"	Re-number Definition Sections "1.9 to 1.11" as follows: 1.9 Owner, 1.10 Point of Reception, 1.11 Sound System			
	<i>nothing</i>	New section added as follows: 2.3 No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.			
	<i>nothing</i>	New section added as follows: 2.4. For the purpose of a prosecution pursuant to Section 2.2, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.			
	<i>nothing</i>	New section added as follows: 2.14 For the purpose of a prosecution pursuant to Section 2.13, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighborhood is unreasonably disturbed by the noise.			

NUISANCE BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
The amendments pertain to the enforcement efforts with respect to excessive noise by motor vehicles and to include an increased penalty for any subsequent offences.	<i>nothing</i>	Part 1 Add a new definition as Section 1.8: 1.8 "Motor Vehicle" means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power.	11-Jun-01	11-Jun-01	20-Jun-01
	2.3 No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood.	Part 2 Amend Section 2.3 as follows: 2.3 Any person who permits or engages in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighborhood, is guilty of an offence.			
	2.4. For the purpose of a prosecution pursuant to Section 2.2, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.	Amend Section 2.4 as follows: 2.4 For the purpose of a prosecution pursuant to Sections 2.2 and 2.3 , evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighborhood is unreasonably disturbed by the noise.			
	2.14 For the purpose of a prosecution pursuant to Section 2.13, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighborhood is unreasonably disturbed by the noise.	Amend Section 2.14 as follows: 2.14 For the purpose of a prosecution pursuant to Sections 2.12 and 2.13 , evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighborhood is unreasonably disturbed by the noise.			
To amend the section pertaining to Noise, in the use of vehicles, tools and gas powered equipment, to enable the City of Charlottetown to carry out work on behalf of the City and its citizens	2.12 (2) The provisions of paragraph (a) do not apply to equipment utilized for snow removal.	Amend Section 2.12 (2) as follows: 2.12 (2) The provisions of paragraph (a) do not apply to equipment utilized for snow removal, or to any motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine used or operated by, or on behalf of, the City.	10-Sep-01	10-Sep-01	12-Sep-01
To discontinue hunting privileges within the City boundaries	2.9(b) Notwithstanding Section (a), property owners or a licensed hunter, with the written permission of the property owner, may apply to the Planning Department to have their property designated as a "hunting zone", wherein a firearm may be discharged for the purposes of hunting, under the provisions of the <i>Wildlife Conservation Act</i> , R.S.P.E.I. 1998, Cap. F-12 and governed by the following conditions: (i) applications for a hunting zone shall be filed prior to September 30 th each year, and shall only be	Amend by removing Section 2.9(b) in its entirety; renumber subsection (c) to (b)	09-Aug-04	13-Sep-04	10-Jan-05

NUISANCE BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>considered in those areas north of the Arterial Bypass Highway;</p> <p>(ii) applications for a hunting zone will be approved or denied based on this Bylaw, land use, safety of the public, the applicant's past compliance and other factors as deemed appropriate;</p> <p>(iii) an updated list of approved hunting zones will be maintained in Schedule "A" of this Bylaw, and will be valid for a one-year period;</p> <p>(iv) for the purposes of firearms use, hunting shall be restricted to the use of shotguns only. Those hunters involved in falconry may hunt with the aid of a falcon;</p> <p>(v) while hunting, no person shall discharge an approved firearm within 274 meters (300 yards) of any school or medical facility;</p> <p>(vi) except where provided otherwise in this Bylaw, provisions of the <i>Wildlife Conservation Act</i>, R.S.P.E.I. 1998, Cap. F-12, shall apply to all designated hunting zones.</p>				
<p>To amend to establish enforcement tools dealing with noise and conduct, to reword section on moving buildings to align with current procedures, to increase penalties and minor housekeeping wording changes</p>	<p><i>Nothing</i></p> <p><u>PART II: GENERAL PROVISIONS</u></p> <p><u>Disturbance</u></p> <p>2.1 Any person who, willfully or wantonly rings any doorbell or knocks at any door, building or fence so as to disturb or annoy any person in his dwelling, place of business, or meeting place is guilty of an offence.</p> <p><u>Disorderly Premises</u></p> <p>2.2 Any person who permits or engages in shouting, fighting, screaming or making of any loud noise or any other improper or disorderly conduct in the house or premises occupied by such person, that is, reasonably capable of disturbing the neighbours or passers-by is guilty of an offence.</p> <p>2.3 Any person who permits or engages in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood, is guilty of an offence.</p> <p>2.4 For the purpose of a prosecution pursuant to</p>	<p>Add new definition:</p> <p>1.10 "<u>Night Time</u>" means the period beginning at 11:00 p.m. and ending the following day at 7:00 a.m.</p> <p>Sections rearranged, renumbered and amended as follows:</p> <p><u>PART II: DISORDERLY PREMISES/CONDUCT PROVISIONS</u></p> <p>2. <u>Disorderly Premises</u></p> <p>2.1 Any person who disturbs neighbors or passers-by by permitting or engaging in shouting, fighting, screaming or the making of any loud noise or any other improper or disorderly conduct in the house or premises occupied by such person is guilty of an offence.</p> <p>2.2 Any person who permits or engages in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood is guilty of an offence.</p> <p><u>Disorderly Conduct</u></p> <p>2.3 A person shall be guilty of disorderly conduct if, he or she is likely to create, or has created, a nuisance, by doing one, or more, of the following:</p> <p>(a) Screaming, shouting, yelling, fighting or initiating any other disruptive noise, commotion or action on public streets, public places or in any premise adjacent thereto in such a manner as to disturb any person within the area of audibility;</p>	<p>13-Jun-05</p>	<p>13-Jun-05</p>	<p>20-Jun-05</p>

NUISANCE BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>Sections 2.2 and 2.3, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.</p> <p><u>By Play Obstructing</u> 2.6 Any person who by coasting, skateboarding or roller blading, or skating or by throwing or propelling stones, balls, snowballs or other things, or by playing any game, so as to molest, harass, or obstruct vehicular traffic or pedestrians in the City is guilty of an offence.</p> <p><u>Loitering</u> 2.7 (a) Any person who stands or loiters on or about the doorways, steps or entrances of buildings, school property, or on any roads, streets, sidewalks, walkways or alleys, or in the common areas of shopping center's, shopping malls or shopping complexes, or in any way obstructs or annoys vehicular traffic or pedestrians by standing across any sidewalk, crossing or footwalk, or by improperly accosting such vehicular traffic or pedestrians in the City is guilty of an offence. (b) No person shall be convicted of an offence under this section where he establishes that he was standing or loitering in a prohibited place for the purpose of obtaining access to such place or for some other lawful purpose requiring his presence in that place.</p> <p><u>Defacing</u> 2.8 (a) Any person who willfully or wantonly defaces or injures any public or private building, fence or other structure or any property of any nature by any means howsoever, or defaces, alters or destroys any public notice issuing from the Dominion or Provincial Governments or from the City, or any private notices placed by the authority of the City on public property before the time mentioned in such notice for the happening of any event stated therein is guilty of an offence. (b) Where any person has caused to be erected or has erected any public notice issuing from the Dominion or Provincial Governments, or from the</p>	<p>(b) Addressing profane, obscene or abusive language or threats of violence to any person present so as to create a nuisance; (c) Failing or refusing to obey a lawful order of dispersal by a police officer, where two (2) or more persons are committing acts of disorderly conduct in the immediate vicinity; (d) Willfully or wantonly ringing any doorbell or knocking at any door, building or fence so as to disturb or annoy any person in his dwelling, place of business, or meeting place; (e) Performing as a street musician or busker during night time hours; (f) Without lawful excuse, loitering, crowding, congregating, or failing or refusing to disperse when ordered to do so by a police officer on the public streets or sidewalks so as to unreasonably obstruct or interfere with pedestrian or vehicular traffic, and by doing so, creating an unsafe condition for vehicular or pedestrian traffic or use of such street or sidewalk; (g) Molesting, harassing, or obstructing vehicular traffic by coasting, skateboarding, roller blading, skating or by throwing or propelling stones, balls, snowballs or other things, or by playing any game; (h) Willfully or wantonly defacing or injuring any public or private building, fence or other structure or any property of any nature by any means howsoever; (i) Making or lighting any fire in any street, or setting fire to any fireworks within the City unless specially authorized by the Council.</p> <p>2.4 For the purpose of a prosecution pursuant to Sections 2.1 and 2.2, evidence that one (1) neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.</p> <p>2.5 Any person who contravenes the provisions of Sections 2.1, 2.2 and 2.3 is guilty of an offence.</p> <p><u>PART III: GENERAL NUISANCE PROVISIONS</u> 3. <u>Public Notices</u> 3.1 (a) Any person who defaces, alters or destroys any public notice issuing from the Dominion or Provincial Governments or from the City, or any private notices placed by the authority of the City on public property before the time mentioned in such notice for the happening of any event stated therein is guilty of an offence; (b) Where any person has caused to be erected or has erected any public notice issuing from the Dominion or Provincial Governments or from the City, or any private notices whether placed by the authority of the City on public property or not, the City has the power to remove any such notice upon the happening of any events stated therein or after the</p>			

NUISANCE BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	<p>City, or any private notices whether placed by the authority of the City on public property or not, the City has the power to remove any such notice upon the happening of any events stated therein or after the time mentioned therein for the happening of any event.</p> <p><u>Fires, Fireworks</u> 2.10 Any person who makes or lights any fire in any street, or who sets fire to any fireworks within the City unless specially authorized by the Council is guilty of an offence.</p> <p>2.16 The moving of buildings within the City shall be done only under the written authority of the Chief Administrative Officer or his designate. Written authority shall include the course to be followed and the place occupied overnight. (a) Any person who moves or causes to be moved any building on any of the streets or squares of the City without written permission, is guilty of an offence. (b) Any person in so moving or causing to be moved any such building or any apparatus to stand on any street at night without being sufficiently lit to prevent danger to passengers and traffic generally is guilty of an offence.</p> <p>3.1 (a) Every person who commits an offence under this Bylaw is guilty of an offence, punishable on summary conviction and liable to: (1) a minimum fine of not less than \$100 and not more than \$500 for a first offence and a minimum fine of not less than \$250 and not more than \$1,000 for any subsequent offence;</p>	<p>time mentioned therein for the happening of any event.</p> <p><u>Private Parties</u> 3.2 Except where approved through a license issued by the PEI Liquor Control Commission, any person who offers or permits the use of or gathers at any non-residential property or building for the purpose of playing music, dancing or similar entertainment beyond the hour of 1:00 a.m., unless otherwise approved by Council, is guilty of an offence.</p> <p>Amend former 2.16 [new 3.10] as follows: 3.10 The moving of buildings within the City shall be done only under the written authority of the Planning Department. The moving permit shall include the course to be followed and, where applicable, the location the building will occupy overnight. (a) Any person who moves or causes to be moved any building on any of the streets or squares of the City without an approved permit, is guilty of an offence. (b) Any person, in so moving or causing to be moved any such building or apparatus used in moving, who fails to sufficiently light such building or apparatus in a manner that may cause danger to passengers and traffic is guilty of an offence.</p> <p>Amend former 3.1(a)(1) [new 4.1(a)] as follows: 4.1 Every person who commits an offence under this Bylaw is guilty of an offence, punishable on summary conviction and liable to: (a) a minimum fine of not less than \$200 and not more than \$500 for a first offence and a minimum fine of not less than \$400 and not more than \$1,000 for any subsequent offence;</p> <p>Renumbering throughout bylaw; and minor wording changes in new Sections 3.12, 3.13(1) and 3.15</p>			
To amend Section 3.11 with respect to garbage receptacles	3.11 Any person who throws, puts, places, or lets fall any litter, trash (paper or otherwise) dirt, filth, or other nuisance matter on any street, square, lane, sidewalk, wharf or bridge of the City, or from any street, square, lane, sidewalk, wharf or bridge upon any adjoining property is guilty of an offence.	Amend as follows: 3.11 (a) Except where otherwise provided in Section 3.11(b) or (c), any person who throws, puts, places, or lets fall any litter, trash (paper or otherwise), dirt, filth, or other nuisance matter on any street, square, lane, sidewalk, wharf or bridge of the City, or from any street, square, lane, sidewalk, wharf or bridge upon any adjoining property is guilty of an offence.	12-Dec-05	12-Dec-05	09-Jan-06

NUISANCE BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
		<p>(b) Except where other collection methods have been made with Island Waste Management Corporation (IWMC), waste, compost and recyclable materials shall be in receptacles/ containers or packaged, as approved by IWMC, and placed for collection by IWMC in front of the premises as close as practicable to curb, edge of sidewalk or street between the hours of 5:00 PM the day prior to collection and 7:00 PM the day of collection.</p> <p>(c) The provisions of Section 3.11(b) do not apply during the periods of the annual spring and fall clean-up as advertised by IWMC.</p>			
To amend by adding new subsections to Section 3.6(b) permitting snow clearing/removal in commercial and residential areas after snowfall.	3.6(b) The provisions of paragraph (a) do not apply to equipment utilized for snow removal, or to any motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine used or operated by or on behalf of the City.	Amend as follows: 3.6 (b) The provisions of paragraph (a) do not apply to: (i) equipment utilized for snow removal, or to any motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine used or operated by or on behalf of the City; or (ii) contractors pushing or removing snow from both residential and commercial premises within twenty-four (24) hours after a snowfall in excess of four (4) centimeters; or (iii) a snow clearing device powered by an engine of any kind, in a residential area used to remove snow that is blocking a driveway so as to prevent egress from that premise within twenty-four (24) hours of a snowfall in excess of four (4) centimeters.	08-May-06	08-May-06	10-May-06
To amend to provide for excessive nuisance abatement fees associated to the residential property owner and minor housekeeping changes.	1.6 “Hunting” means any chasing, pursuing, worrying, following after on the trail of, or any searching for, shooting at, stalking, lying in wait for, any wildlife, whether or not the wildlife is then or subsequently captured, killed or injured;	Definition removed – omitted in 2005 bylaw amendments to discontinue hunting privileges with City boundaries	09-Oct-07	09-Oct-07	23-Oct-07
	<i>Nothing (former Hunting definition)</i>	Add new definition: 1.6 “Inspector” means the Chief Building Inspector, Building Inspector, Fire Inspector, police officer, or their designate who is to carry out the duties assigned by Council pursuant to this Bylaw.			
	<i>Nothing (new definition)</i>	Add new definition: 1.10 “Nuisance Service Call” means a Police or Planning Department response to and abatement of any activity, conduct or condition occurring on or near a Residential Property which substantially and unreasonably interferes with a person’s use and enjoyment of a public place or of land or premises occupied by that person or which causes injury to the health, comfort or convenience of an occupier of land and, without limiting the generality of the foregoing, may include one or more of the following conduct, activities or conditions occurring or committed within or near a Residential Property:			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
		<p>(a) noises or sounds that disturb or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, including but not limited to, the residents of a Residential Property or the neighbourhood;</p> <p>(b) conduct, activities or conditions which constitute a violation of any Federal or Provincial statute prohibiting or regulating controlled substances, prostitution, alcohol or firearms; and</p> <p>(c) conduct, activities or conditions which constitute causing a disturbance or disorderly conduct contrary to the Criminal Code of Canada.</p>			
	<p>1.12 “Owner” includes:</p> <p>(a) A person managing the subject property for the Registered owner;</p> <p>(b) A tenant, lessee, or other person in possession or occupancy of the subject property;</p> <p>(c) An executor, administrator, trustee, agent or other person managing the subject property for the registered owner;</p> <p>(d) When used in reference to real property, includes a person assessed for the property pursuant to the <u>Real Property Assessment Act</u>, R.S.P.E.I. 1988, CAP. R-4.</p>	<p>Amended as follows:</p> <p>1.12 “Owner” includes:</p> <p>(a) A tenant, lessee, or other person in possession or occupancy of the subject property;</p> <p>(b) An executor, administrator, trustee, agent or other person managing the subject property for the registered owner;</p> <p>(c) When used in reference to real property, includes a person assessed for the property pursuant to the <u>Real Property Assessment Act</u>, R.S.P.E.I. 1988, CAP. R-4.</p> <p>(d) When used in reference to a Nuisance Service Call, includes a person who has any legal right, title, estate or interest in a Residential Property and shall include, without limitation, a landlord, lessor, sublessor or other person permitting the occupation of a rental unit, their agents, heirs, assigns, personal representatives and successors in title.</p>			
	<p><i>Nothing</i></p>	<p>Add new definition:</p> <p>1.13 “Person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;</p>			
	<p><i>Nothing</i></p>	<p>Add new definition:</p> <p>1.15 “Residential Property” means any property in which sleeping accommodations are provided for normal residential purposes and includes any property designed or used to provide sleeping accommodations, including but not limited to single family dwellings, duplexes, hotels, motels, inns, dormitories, apartment buildings, board and care facilities, lodging and rooming houses, tourist homes, bed and breakfast operations or marine vessels;</p>			
	<p>3.8 For the purpose of a prosecution pursuant to Sections 3.3 and 3.4, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably</p>	<p>Amended as follows:</p> <p>3.8 For the purpose of a prosecution pursuant to Sections 3.2, 3.3, 3.4, 3.5, 3.6 and 3.7, evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is</p>			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
	disturbed by the noise.	unreasonably disturbed by the noise.			
	3.4 (b) (v) a person employed by the Charlottetown Airport Authority to clear birds from Airport lands.	Amended as follows: 3.4 (b) (v) a person employed by the Charlottetown Airport Authority to clear birds from Charlottetown Airport Authority lands.			
	<i>Nothing (Part V Interpretation)</i>	Add new section as follows and renumber "Interpretation" as Part VI: PART V – REPEAT NUISANCE SERVICE CALLS 5. 5.1 Where police or planning officials have been required to respond to three (3) or more nuisance service calls for a Residential Property within a twelve (12) month period in response to or for the abatement of nuisance conduct, activity or condition, the City may impose upon the Owner of that Residential Property an excessive nuisance abatement fee in accordance with the amounts prescribed in Schedule "A" of this bylaw for each additional nuisance service call responded to at that Residential Property within the twenty-four (24) month period following the Inspector's notice referred to in Section 5.2. 5.2 Notwithstanding Section 5.1, where legal title to a Residential Property is transferred, nuisance service calls made before the date that the new Owner obtains legal title to the Residential Property shall not apply to a determination under 5.1 of whether excessive nuisance abatement fees are payable. The new Owner shall, in any event, be liable for all unpaid excessive nuisance fees imposed against the Residential Property in respect of past nuisance service calls. Prior to imposing an excessive nuisance abatement fee, the Inspector shall first provide written notice to the Owner of the residential property describing in reasonable detail the nature of the nuisance conduct, activity or condition that has occurred, been maintained or permitted in, on or near the residential property and: (a) informing the Owner that the nuisance conduct, activity or condition must be abated within 60 days, or such other period of time as the Inspector considers reasonable in the circumstances, and steps taken to ensure that the nuisance conduct, activity or condition does not reoccur; and (b) advising the Owner that they may be subject to the imposition of excessive nuisance abatement fees for each additional nuisance service call responded to at the same residential property within the twenty-four (24) month period following service of the Inspector's notice; and that the imposition of such fees is in addition to the City's right to seek other legal remedies or actions for abatement of the			

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Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
		<p>nuisance. (c) Service of the notice referred to in Section 5.2 will be sufficient if the notice: (i) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the Owner shown on the then current year's real property assessment roll for the Residential Property for which the notice is issued; (ii) in the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by registered mail to the registered office of the corporation. (d) Excessive nuisance abatement fees shall be paid by the Owner, as defined in Section 5.2(c)(i) and (ii) upon receipt of invoice from the City. If the amount of each such invoice is not paid in full before the 31st day of December in the year received, upon written notice to the Owner, the amount shall be added to and form part of the taxes on the Residential Property, as taxes in arrears. (e) Nothing in this Part V shall be construed to limit the City's other available remedies for violation of this or any other City bylaw.</p>			
	<p><i>Nothing</i></p>	<p>Add new schedule: SCHEDULE "A" EXCESSIVE NUISANCE ABATEMENT FEES 1. Police Nuisance Response and Abatement Service Call \$195.00/call 2. City Staff Nuisance Response and Abatement Service Call..... \$ 50.00/hr 3. Administration Fee.....10% on Total Service Call Fees</p>			
<p>To add three new definitions as 1.1, 1.2 and 1.18 and add new section 3.16 and 3.17 dealing with solicitation</p>	<p><i>Nothing</i></p>	<p>1.1 "Aggressive Solicitation" means soliciting in a manner that is likely to cause a reasonable person to be concerned for his or her safety or security. 1.2 "Captive Audience Solicitation" means when a person is solicited in one of the captive audience situations. These generally refer to a person has no choice but to attend/stand in a particular location. 1.18 "Solicit" means to communicate, in person, using the spoken, written or printed word, a gesture or another means, for the purpose of receiving money or another thing of value, regardless of whether consideration is offered or provided in return. <u>Solicitation</u> 3.17 (a) A person shall not solicit in an aggressive manner in any public place.</p>	<p>11-Apr-16</p>	<p>11-Apr-16</p>	<p>09-May-16</p>

NUISANCE BYLAW

Amendment Summary	Previous Wording	Amendment Detail	1st Reading	2nd Reading	3rd Reading
		<p>(b) For the purpose of this section, and without limiting the generality of the phrase, a person shall be considered to be soliciting in an “aggressive manner” if they:</p> <ul style="list-style-type: none"> (i) obstruct or impede the passage of another person; (ii) make continued requests or solicitations after receiving a negative response from another person (iii) insult, threaten, coerce or intimidate another person; (vii) make physical contact with another person; or (viii) are intoxicated by alcohol or under the influence of illegal drugs; while soliciting. <p>3.18 Notwithstanding Section 3.17 (a) and (b), no person shall solicit on a street, sidewalk or other public place within 5 meters of what is considered a captive audience, which includes:</p> <ul style="list-style-type: none"> (i) a person who is using, waiting to use, or departing from an automated teller machine; (ii) a person who is using or waiting to use a pay telephone or a public toilet facility; (iii) a person who is waiting at a taxi stand or a public transit stop; (iv) a person who is in or on a public transit vehicle; (ix) a person who is in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or (x) while on a roadway, a person who is in or on a stopped, standing or parked vehicle. 			