

CITY OF GRANDE PRAIRIE

OFFICE CONSOLIDATION

BYLAW C-1293

**A Bylaw of the City of Grande Prairie,
to regulate neighbourhood nuisance,
safety and liveability issues**

(As Amended by Bylaw C-1293A)

WHEREAS pursuant to Section 7 of the *Municipal Government Act*, RSA 2000, Chapter M-26, Grande Prairie City Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, and respecting nuisances, including unsightly property.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF GRANDE PRAIRIE, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the “Minimum Property Standards Bylaw”.

DEFINITIONS

2. In this Bylaw:
 - 2.1 “**Cannabis**” means any product composed in whole or part of cannabis as defined by the Cannabis Act (Canada);
(Bylaw C-1293A - June 18, 2018)
 - 2.2 “**Cannabis Plant**” means a plant that belongs to the genus *Cannabis (plante de cannabis)*;
(Bylaw C-1293A - June 18, 2018)
 - 2.3 “**City**” means the municipal corporation of the City of Grande Prairie or where the context permits, the area within the municipal limits of the City of Grande Prairie;
 - 2.4 “**Director**” means the Infrastructure and Protective Services Director of the City of Grande Prairie or their designate;
(Bylaw C-1293A - June 18, 2018)
 - 2.5 “**Graffiti**” means any images or lettering scratched, scrawled, painted or marked in any manner on Property without the consent of the owner or occupier;
 - 2.6 “**Municipal Tag**” means a tag whereby the person alleged to have committed a breach of a provision of this Bylaw is given the opportunity to pay a voluntary penalty to the City in lieu of prosecution for an offence;

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- 2.7 “**Naturalized Area**” means an area of land within which, in the opinion of a Peace Officer, there exists or has been practised a method of random plant distribution that simulates the growth of plants in the natural environment and does not include any nuisance, noxious or restricted weeds as identified in the *Weed Control Act*;
- 2.8 “**Occupy**” means residing on or to be in apparent possession or control of Property;
- 2.9 “**Own**” means in the case of:
- (a) land, to be registered under the Land Titles Act as the owner of the fee simple estate in a parcel of land; or
 - (b) personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it;
- 2.10 “**Peace Officer**” means a member of a Royal Canadian Mounted Police, a Bylaw Enforcement Officer or Community Peace Officer of the City;
- 2.11 “**Person**” without limiting the generality of the term, includes a corporation and other legal entities;
- 2.12 “**Produce**” in respect of cannabis, means to obtain it by any method or process, including by:
- (a) manufacturing;
 - (b) synthesis;
 - (c) altering its chemical or physical properties by any means; or
 - (d) cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained (*production*);
- (Bylaw C-1293A - June 18, 2018)**
- 2.13 “**Property**” means a parcel of land including any structures;
- 2.14 “**Structure**” means a building or other thing erected or placed in, on, over or under land, whether or not it is so affixed to the land as to become transferred without special mention by a transfer or sale of the land;
- 2.15 “**Violation ticket**” means a violation ticket as defined in the *Provincial Offences Procedure Act* (Alberta).
- (Bylaw C-1293A - June 18, 2018)**

Application

3. The standards, requirements and prohibitions contained in this Bylaw shall not apply to the City.

Property Standards

Land

- 4.1 In this Section, a Nuisance means a condition that, in the opinion of a Peace Officer, indicates a serious disregard for general maintenance and upkeep, whether or not the condition is detrimental to the surrounding area, and includes but is not limited to the following:
- (a) excessive accumulation of material including but not limited to construction equipment, building materials, appliances, household goods, tires, vehicle parts, garbage, whether of any apparent value or not;
 - (b) storage of an inoperable, damaged, dismantled or derelict vehicles, whether or not it is insured or registered;
 - (c) smelly or messy compost;
 - (d) grass or weeds higher than 15 centimetres, unless it forms part of a Naturalized Area;
 - (e) production of any generally offensive odours;
 - (f) accumulation of materials that are likely to attract pests;
 - (g) any excavation, ditch, drain or standing water that could pose a danger to persons;
 - (h) any construction project or activity not completed within three (3) years of the date the permit for the project or activity was issued by the City or, if no permit was issued or required, within three (3) years of starting construction;
 - (i) any fence or retaining wall that is excessively damaged or unsound and that abuts City property.
- 4.2 A Person shall not cause or permit a Nuisance to exist on Property owned or occupied by that Person.

Personal Cannabis Cultivation

- 4.3 A person shall not produce a cannabis product on a property within the City without first obtaining a Cannabis Production Permit from the Director.
- 4.4 The Director may attach terms and conditions to a Cannabis Production Permit.
(Bylaw C-1293A - June 18, 2018)

Drainage

- 5.1 A Person shall ensure that any eavestroughs, downspout, flow of water from a hose, or sump pump discharges are directed away from a Structure, external stairs, landings and walkways.
- 5.2 Eavestroughs, downspout, flow of water from a hose, or sump pump discharges attached to a Structure, shall not discharge onto abutting Property.

Structures

- 6.1 In this Section, a Nuisance means a condition that, in the opinion of a Peace Officer, indicates a serious disregard for general maintenance and upkeep, whether or not the condition is detrimental to the surrounding area, and includes but is not limited to the following:
- (a) any damage to a Structure;
 - (b) any graffiti displayed on a Structure that is visible from any surrounding property;
 - (c) any excessive rot or other excessive deterioration within the Structure;
 - (d) any peeling, unpainted or untreated exterior surfaces, missing shingles or other roofing materials, broken or missing windows or doors, or any other hole or opening in the Structure; and
 - (e) snow or ice accumulation on the roof, eaves, or awnings of the Structure that may cause a danger to the public.
- 6.2 A Person shall not cause or permit a Nuisance to exist with respect to a Structure owned or occupied by that Person.

Unoccupied Residential Structures

- 7.1 If a Structure normally intended for human habitation is unoccupied, then any door or window opening in the Structure may be covered with a solid piece of wood, or other similar suitable material, only if it is:
- (a) installed from the exterior and fitted within the frame of the opening in a watertight manner;
 - (b) of a thickness sufficient to prevent unauthorized entry into the Structure;
 - (c) secured in a manner sufficient to prevent unauthorized entry into the Structure;
 - (d) coated with an opaque protective finish that matches or complements the existing exterior finish in a manner that is not detrimental to the surrounding area.
- 7.2 Subject to the appropriate appeal process, if a Structure normally intended for human habitation has been declared unfit for human habitation by the local health or building authority then the Owner shall:
- (a) remedy the deficiencies in order for the declaration to be removed; or
 - (b) remove or demolish the building;
- 7.3 Any work or action required by the Owner pursuant to Section 7.2 shall be completed:
- (a) within the specified time, if given by the local health or building authority, or
 - (b) if no time period is given by the local health or building authority, within twenty four (24) months of the building deemed unfit.

Enforcement

Offence

8.1 A Person who contravenes any provision of this Bylaw is guilty of an offence.

Continuing Offence

8.2 In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

8.3 A Person who is guilty of an offence under this Bylaw is liable:

- (a) to a fine as prescribed in Schedule “A”; or
- (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one (1) year, or both.

Violation Tickets and Penalties

8.4 Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, he may commence proceedings by issuing a municipal tag or a summons by means of a violation ticket in accordance with the *Provincial Offences Procedure Act*.

8.5 The Specified Penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule “A”.

9. The Schedule attached to this Bylaw shall form a part of this Bylaw.

10. This Bylaw shall take effect on the date it is passed.

READ a first time this 30 day of June , 2014.

READ a second time this 30 day of June , 2014.

READ a third time and finally passed this 30 day of June , 2014.

“B. Given” (signed)
Mayor

“D. Sauve” (signed)
Acting Corporate Services Director

Bylaw C-1293

Schedule "A"

Specified Penalties

| OFFENCE | SECTION | PENALTY |
|--|--------------------------|-------------------|
| Cause/Permit nuisance on land owned/occupied | 4.2 | \$1,000.00 |
| Drainage | 5.1 & 5.2 | \$250.00 |
| Cause/Permit nuisance in respect to a Structure on land owned/occupied | 6.2 | \$1,000.00 |
| Use of unauthorized material intended to cover opening in unoccupied residential Structure | 7.1 | \$1,000.00 |
| Failure to remedy deficiencies within prescribed time | 7.3 | \$2,000.00 |