

CORPORATION OF THE DISTRICT OF MAPLE RIDGE

Bylaw No. 6274 - 2004

A bylaw to Regulate, Prohibit, or Impose Requirements Respecting
Nuisances, Noxious or Offensive Trades, and Health
and Safety Risks

The Municipal Council of the Corporation of the District of Maple Ridge, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "Maple Ridge Grow Operation, Health, Nuisance and Safety Bylaw No. 6274 - 2004".

INTERPRETATION

2. In this bylaw:

"Alteration" means any change made to the structural, gas, plumbing, ventilation mechanical or electrical components of a Building;

"Amphetamines" include dextroamphetamines and methamphetamines;

"Building" means any Structure or construction used or intended for supporting or sheltering any use or occupancy;

"Building Official" means the Chief Building Official for the District, and every Building Official appointed by the District to inspect Buildings or Structures in respect of building, plumbing, gas or electrical safety standards;

"Controlled Substance" means a "controlled substance" as defined and described in Schedules I, II, or III of the *Controlled Drugs and Substances Act* (R.S.C. 1996, c. 19) as may be amended from time to time, but does not include a controlled substance that is permitted under that Act or otherwise lawfully permitted under the District's Business License Bylaw;

"Controlled Substance Property" means

- (a) a Parcel contaminated by chemical or biological materials used in or produced by the trade or manufacture of a Controlled Substance; or
- (b) a Building or other Structure Altered to trade or manufacture a Controlled Substance; or
- (c) a Parcel which has been used for the manufacture, growing, sale, trade or barter of a Controlled Substance therein or thereon; and

which does not meet applicable safety standards under the British Columbia Building Code, Gas and Electrical Codes, per B.C. Safety Standards Act, British Columbia *Fire Code*, *Health Act*, or other applicable safety regulations including any bylaw requirements of the District, all as amended from time to time;

"Council" means Council of the District;

"District" means the Corporation of the District of Maple Ridge;

"Director" means the Director of Business Licensing, Permits and Bylaws Department of the District;

"Fire Chief" means the person who is appointed to be head of the Maple Ridge Fire Department and every person designated by Council under the *Community Charter* by name of office or otherwise to act in the place of the Fire Chief;

"Grow Operation" means the cultivation of marijuana plants or the production of Amphetamines, or the production of other Controlled Substances;

"Hazardous Conditions" means:

- (a) any real or potential risk of fire;
- (b) any real or potential risk to the health or safety of persons or property;
- (c) any unapproved or unauthorized Building Alteration; or
- (d) repairs needed to a Building or Structure

arising or resulting from the use or contamination of a Parcel as a Controlled Substance Property;

"Inspector" means:

- (a) the Fire Chief, and every person appointed by Council or the Fire Chief, as applicable, to be an officer or employee of Maple Ridge Fire Department;
- (b) the Chief Building Official for the District, and every Building Official appointed by the District to inspect Buildings or Structures in respect of building, plumbing, gas or electrical standards;
- (c) a Peace Officer, including a member of the Royal Canadian Mounted Police;
- (d) the Director of Business Licensing, Permits and Bylaws;
- (e) a Health Inspector appointed by the Fraser Health Authority;
- (f) a bylaw enforcement officer;
- (g) the deputy of a person, officer, or employee referred to in paragraphs (a) through (f);
- (h) other persons designated by Council by name of office or otherwise to act in the place of persons, officers, or employees referred to in paragraphs (a) through (g);

"Occupier" means a person occupying a property within the District and includes the registered owner of the property where the owner is the person occupying or if the property is unoccupied;

"Owner" includes the registered owner in fee simple of real property located in the District and those persons defined as "owner" in the *Community Charter*;

"Parcel" means includes land and any improvement comprised in a parcel;

"Pesticides" means a substance or mixture, including a chemical, used to destroy, prevent, repel or mitigate fungi or animal pests or microorganisms such as bacteria or viruses, and includes herbicides, fungicides, or other substances used to control pests, plant regulators, defoliants or dessicants;

"Professional Cleaner" means an individual or corporation that is experienced and qualified in removing contaminants from Buildings and is licensed to carry on business in the District;

"Re-occupancy Permit" means permission or authorization in the form attached as Schedule "F" by the Director to re-occupy any Building or part thereof in respect of which the Director has issued an order to cease occupancy because of a Hazardous Condition;

"Residential Premises" means any Building or part of a Building that may lawfully be occupied as a dwelling unit by one or more persons;

"Service Costs" means fees in respect of all direct and indirect costs incurred by:

- (a) the Maple Ridge Fire Department;
- (b) the Maple Ridge detachment of the Royal Canadian Mounted Police;
- (c) the District's Business Licensing Permits and Bylaws Department; and
- (d) the Fraser Health Authority;

associated with the inspection and removal of a Grow Operation, or illegal activities, materials associated with illegal activities, and by-products resulting from illegal activities at a Controlled Substance Property, and includes:

- (e) administration and overhead associated with the inspection and removal;
- (f) costs incurred for the lawful dismantling, disassembly, removal, clean up, transportation, storage, and disposal of equipment, substances, materials and other paraphernalia associated with the Grow Operation, or with the use, trade, business, or manufacture of Controlled Substances;
- (g) costs incurred from the replacement of consumables used, or the replacement of equipment following exposure to contaminants; and
- (h) costs incurred as a result of the analysis of the materials found at the property and the health and safety conditions at the property

(which shall be determined according to the Schedule of Costs attached to this Bylaw as Schedule "D");

"Structure" means an erection, construction, repair, Alteration, addition, demolition, excavation, or other construction which supports or shelters a use or occupancy;

"Tenancy Agreement" means an agreement, whether written or oral, express or implied, having a predetermined expiry date or not, between a landlord and tenant respecting possession of Residential Premises; and

"**Unsightly**" has the meaning given by the District's Unsightly and Untidy Premises Bylaw 6239-2004, as amended or replaced.

BUILDING AND SAFETY STANDARDS

3. No person other than a person authorized by the owner or operator of an electrical or water distribution system, shall disconnect from an electrical or water distribution system a meter installed for the purpose of ascertaining consumption of electricity or water.
4. No person will divert or install exhaust vents of hot water tanks or furnaces to exhaust into or within the Building instead of by way of an exhaust vent constructed or installed in compliance with applicable safety enactments.
5. No person may construct or install any obstruction of an exit or an access to an exit required under the *Building Code* or other safety enactment, as amended from time to time, or remove fire stopping that is provided or required under a safety enactment to contain the spread of fire within a Building.
6. No person may Alter a Structure or Building for the purpose of establishing or operating a Grow Operation.
7. If, as a result of the use of a Parcel as a Controlled Substance Property,
 - (a) the supply of electricity, water, or natural gas to the Parcel has been disconnected by the District or any other lawful authority;
 - (b) unauthorized Alterations have been made to structural, electrical, water or gas systems, equipment, appliances, or other accessories of any kind on the Parcel; or
 - (c) a Hazardous Condition exists on the Parcelno person may permanently reconnect the supply of electricity, water, or natural gas and, subject to the *Residential Tenancy Act*, no person may use or occupy the Parcel until:
 - (d) the Parcel has been inspected by the Building Official and all other lawful authorities having jurisdiction over the supply of electricity, water, or natural gas, for compliance with all health and safety requirements of the District's bylaws and any provincial statute or regulation relating to building, electrical, water, health, gas, or fire safety as amended from time to time;
 - (e) the Owner has obtained all permits, approvals or authorizations required to carry out the work necessary to bring the Parcel into compliance with the District's bylaws and all provincial statutes and regulations as amended from time to time;
 - (f) all of the work referred to in this section has been completed and inspected by the Building Official and all other lawful authorities having jurisdiction and the Parcel is in compliance with the District's bylaws and all applicable provincial statutes and regulations, as amended from time to time; and
 - (g) the Owner has paid all Service Fees and other fees imposed by Schedule "A" of this bylaw and other relevant District bylaws in relation to the inspection of the Parcel and the issuance of permits, and the Director has issued a Re-occupancy Permit for the Parcel in the form attached to this Bylaw as Schedule "F".

8. The Building Official or Fire Chief may post a notice containing the words "Unsafe – Do Not Enter or Occupy" in a conspicuous place at the entrances of a Controlled Substance Property in respect of which the:
- (a) Fire Chief has made an order to vacate, or
 - (b) Director has made an order to vacate, or
 - (c) Council has made an order to vacate under the *Community Charter*.
9. No person may:
- (a) interfere or obstruct the Building Official or the Fire Chief from posting a notice referred to in Section 8; or
 - (b) remove, alter, cover, or mutilate a notice posted under Section 8
- except with the permission of the Building Official or Fire Chief, as applicable.

NUISANCE

10. No person may cause or permit:
- (a) a nuisance as a result of his or her use or occupancy of a parcel; or
 - (b) water, rubbish or unsightly matter to collect or accumulate in, on, under or around real property owned, used or occupied by him or her.

HEALTH

11. No person may cause or allow a Building to become subject to the growth on any portion of the Building of mould or fungus arising from or in relation to the cultivation of marijuana plants or production of Amphetamines or other Controlled Substances in the Building.

FIRE PROTECTION

12. Every Owner or Occupier of real property will undertake any action directed by the Fire Chief or other person authorized by Council to act in the place of the Fire Chief for the purpose of removing or reducing any thing or condition that the Fire Chief considers is a fire hazard or increases the danger of fire.

DUTY OF OWNER

13. The Owner or Occupier of real property will not refuse entry to an Inspector who attends the real property at any reasonable time to determine whether there is compliance with this bylaw.

TENANCIES

14. Every Owner of Residential Premises or other Building that is subject to a Tenancy Agreement must inspect the premises at least once every three months to ascertain whether this bylaw has been contravened.

15. Every Owner of a Residential Premises or other Building that is subject to a Tenancy Agreement who has knowledge of a contravention of this bylaw, in relation to the Residential Premises or other Building, must:
- (a) within 48 hours of the discovery of the contravention, deliver written notice to the District of the particulars of the contravention, and
 - (b) subject to the *Residential Tenancy Act*, within two months of the delivery of the notice, take such action as may be necessary to bring the Residential Premises into compliance with this bylaw.

REMEDIATION REQUIREMENTS

16. If a Building has been used for a Grow Operation, the Owner of the Building must, within 14 days after the Grow Operation has been removed, subject to the *Residential Tenancy Act*:
- (a) either remove and dispose of all carpets and curtains in the Building, or have all carpets and curtains in the Building cleaned by a Professional Cleaner;
 - (b) if the Building is heated by forced air heating, have all air ducts cleaned by a Professional Cleaner or by a duct cleaning company; and
 - (c) either remove all mould or water-damaged materials such as, but not limited to, drywall or gyproc, or have all walls and ceilings in the Building cleaned and disinfected by a Professional Cleaner,

and the District may deliver to the Owner and Occupier of the Building a letter in the form of Schedule B.

INSPECTION AND CERTIFICATION REQUIREMENT

17. After a Professional Cleaner has been engaged by the Owner and has completed the requirements of Section 16, an individual or corporation certified by the Canadian Registration Board of Occupational Hygienists or the American Board of Industrial Hygiene must inspect the Building and provide written certification, in the form of Schedule E, to the Director, confirming that the requirements of Section 16 have been satisfied and that the Building is substantially free of any Pesticides, fertilizers, toxic substances, moulds, or fungi, prior to the occupancy or re-occupancy of the Building.

OCCUPANCY

18. After a Grow Operation has been removed from a Building and until the remedial measures prescribed by Section 16 of this bylaw have been completed and written certification has been provided to the Director under Section 17, the Building must not be occupied by any person.
19. Before a Building is re-occupied after removal of a Grow Operation, the Owner must notify the prospective occupants in writing that a Grow Operation has been removed and that the requirements of this bylaw have been met.

ALTERATIONS

20. A Building must not be re-occupied after the removal of a Grow Operation until:

- (a) a Building permit has been obtained for any proposed or remediation work, including an Alteration, which requires a permit under the District's building regulation bylaw;
- (b) the Building complies with the health and safety requirements of the British Columbia *Building Code*, the B.C. *Electrical Code*, the B.C. *Gas Code* this bylaw, and all other health and safety requirements established by law;
- (c) the Owner has paid to the District all Service Fees and other fees due and owing under this or any other District bylaw,
- (d) the Director or the Chief Building Official has confirmed that a satisfactory occupancy inspection of the Residential Premises by the District's Business Licensing, Permits and Bylaws Department has been completed; and
- (e) a Re-occupancy permit per Schedule "F" has been issued.

FEES

21. The following fees apply under this Bylaw:

- (a) each time an Inspector enters on a Parcel to carry out an inspection in the exercise of authority by the District to regulate, prohibit or impose requirements under this Bylaw, or another safety enactment, the Owner must pay the District the administration and inspection fee stipulated in Schedule A;
- (b) an administration and inspection fee stipulated in Schedule A must be paid to the District before confirmation is provided under Section 20(d);
- (c) for each inspection prior to issuance of a Re-occupancy Permit, the Owner or Occupier must pay the District the Re-occupancy Permit fee stipulated in Schedule A;
- (d) to obtain a Re-occupancy Permit, the Owner must pay the District the fee stipulated in Schedule A; and
- (e) every Owner whose Residential Premises or other Building is used as a Grow Operation or Controlled Substances Property must pay the District all Service Costs incurred by or on behalf of the District, unless that Owner has given the District notice pursuant to section 15.

NOTICES AND INSPECTIONS

22. Subject to the *Community Charter*, an Inspector may attend or request the attendance of one or more other Inspectors to enter onto and inspect a Parcel, if

- (a) the Inspector believes the real property is not in compliance with this Bylaw;
- (b) the Inspector is concerned for the health, safety, or possible injury to a tenant, an occupant or the public; or
- (c) there is property damage to a Building which may affect the health or safety of a tenant, an occupancy or the public.

23. Subject to the *Community Charter*, an Inspector may enter on a Parcel at reasonable times and in a reasonable manner, for the following purposes:
- (a) to inspect and determine whether all regulations, prohibitions and requirements under this Bylaw or other safety enactments are being met in relation to any manner for which the Council, a municipal officer or employee or a person authorized by the Council has exercised authority under this or another act to regulate, prohibit or impose requirements;
 - (b) to take action authorized under Sections 28 and 29 of this bylaw; and
 - (c) to inspect or to disconnect or remove a water service under Sections 3 or 26 of this bylaw.
24. The Director or a person acting under the direction of the Director may post a notice in the form of Schedule C on any Building which has been used for a Grow Operation, advising of the regulations in this bylaw.
25. No person may interfere with an inspection or proposed inspection of Section 23 of this bylaw and no person shall remove or deface any notice posted under Section 24 of this bylaw.

DISCONTINUANCE OF SERVICE

26. The District may discontinue providing water service to a Parcel if the water is being used for or in relation to a Grow Operation on the Parcel, subject to the requirements that the District must:
- (a) give the Owner and Occupier of the parcel seven (7) days written notice of an opportunity to make representations to Council with respect to the proposed discontinuance of the water service; and
 - (b) after the persons affected have had an opportunity to make representations to Council, the District must give the Owner and Occupier seven (7) days written notice of any proposed discontinuance of the water service.

OFFENCE AND PENALTY

27. Every person who offends against any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act or thing which violates any of the provisions of this Bylaw shall be liable on summary conviction to a penalty not exceeding the maximum penalty specified in the *Offence Act* from time to time. Each day that a violation continues to exist is a separate offence against this Bylaw.

DEFAULT

28. If an Owner or Occupier of a Parcel fails to comply with a requirement of the District under this Bylaw or another safety enactment, the District, within the time specified in the order or notice may enter on the Parcel and take such action as may be required to correct the default, including to remediate the Parcel or bring it up to a standard specified in an safety enactment, at the expense of the Owner or Occupier who has failed to comply, and may recover the costs incurred as debt.
29. If the Owner has failed to pay the District's costs of acting in default under Section 28 before the 31st day of December in the year that the correction of the default was effected, the costs must be added to and form part of the taxes payable on the property as taxes in arrears.

SEVERABILITY

30. If any provision of this Bylaw is held to be invalid, it shall be severed and the remainder of the Bylaw shall remain in effect.

READ A FIRST TIME this 15th day of November, 2004.

READ A second time this 15th day of November, 2004.

READ A third time this 15th day of November, 2004.

COUNCIL CONSULTED with the Regional Health Board/Medical Health Officer this 12th day of November, 2004.

DEPOSITED with the **MINISTER OF HEALTH SERVICES** this 17th day of November, 2004.

RECONSIDERED and **ADOPTED** this 14th day of December, 2004.

Mayor

Clerk

SCHEDULE "A" – FEES

1. The following fees apply under this Bylaw:

- (a) each time the District enters on a Parcel to inspect in the exercise of the District's authority to regulate, prohibit or impose requirements under this bylaw or another safety enactment, the Owner must pay the District an administration and inspection fee of:
 - (i) \$300.00;
 - (ii) an additional \$300.00 for a subsequent inspection undertaken if the Owner or Occupier has failed to undertake action ordered by the Fire Chief, the District or a person authorized under the Bylaw to order the action;
- (b) before confirmation is provided under Section 20(d), the Owner must pay to the District all applicable fees under the District's Building Bylaw No. 6180 - 2003, as amended from time to time; and
- (c) to obtain a Re-occupancy permit - \$250.00

SCHEDULE "B"

LETTER TO PROPERTY OWNER

Re: Grow Operation, Health, Nuisance and Safety Bylaw 6274 - 2004

This letter is to notify you that the District of Maple Ridge's "Grow Operation Health, Nuisance and Safety Bylaw No. 6274 - 2004" establishes regulations concerning the cleaning and remediation of Residential Premises that have been used for marijuana grow operations or amphetamine production.

The District has been advised by the Royal Canadian Mounted Police that the Residential Premises at (insert address) were in use as a marijuana grow operation (or amphetamine production operation) which has been removed by the police.

The bylaw requires that within 14 days, all carpets and curtains in the premises must be removed or cleaned, any forced air heating ducts in the premises must be cleaned, and all walls and ceilings must be cleaned and disinfected. That work must be carried out by a Professional Cleaner with experience in removing contaminants from Residential Premises. The Professional Cleaner must hold a license to carry on business in Maple Ridge.

After the cleaning is completed, an individual or corporation certified by the Canadian Registration Board of Occupational Hygienists or the American Board of Industrial Hygiene must certify that the premises are safe for human occupancy.

Until the cleaning and certification have been completed, Section 18 of the bylaw prohibits occupancy by any person. Before occupancy, you are required to notify prospective occupants that the requirements of the bylaw have been satisfied.

We enclose a copy of the bylaw for your reference. If you have any questions concerning the regulations in the bylaw, please call the District's Business Licensing, Permits and Bylaws Department at (insert telephone number).

SCHEDULE "C"
NOTICE

TAKE NOTICE THAT these Premises have been used as a marijuana grow operation (or an amphetamine production operation).

Pursuant to District of Maple Ridge "Grow Operation, Health, Nuisance and Safety Bylaw No. 6274 - 2004", no person may occupy these premises until cleaning and remediation have been completed in accordance with that bylaw and the Director of Business Licensing, Permits and Bylaws or his designate has confirmed that a satisfactory occupancy inspection has been completed.

It is an offence to remove or deface this notice.

Any inquiries should be directed to (insert name and telephone number of appropriate District official).

SCHEDULE "D"

SCHEDULE OF COSTS FOR SERVICE FEES

A. Staff Costs (2 hour minimum charge).

Corporal R.C.M.P.	\$64.59 /hr
Constable R.C.M.P.	\$61.36 /hr
Bylaw Enforcement Officer	\$64.59 /hr
Bylaw Enforcement Supervisor	\$82.87 /hr
Senior Building Official	\$82.87 /hr
Building Official	\$79.47 /hr
Health Officer (Fraser Health Authority)	\$100.00 /hr
Fire Fighter	\$30.00 /hr

B. Equipment Costs

Fire Truck	\$300.00 /hr
Replacement of Equipment by Exposure to contaminants	Cost to District
Replacement of Consumable Equipment	Cost to District
Analysis and Tests of materials or Conditions found at the property	Cost to District

C. Administration

Administration and Overhead costs	15%
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SCHEDULE E
CERTIFICATION FORM

TO: The District of Maple Ridge

FROM: (insert name of professional cleaner)

RE: Premises at (insert address)

This is to certify that in accordance with sections 16 and 17 of the "Grow Operation, Health, Nuisance and Safety Bylaw, No. 6274 - 2004", the professional identified in this certification:

- (a) meets the requirements for a professional inspector under Section 17 of the bylaw;
- (b) has completed an inspection of the Premises on _____(date); and
- (c) the Premises are remediated in accordance with Section 16 and as such, are substantially free from any pesticides, toxic chemicals, moulds, or fungi normally associated with and found in a "Grow Operation" premises, and that the Premises are fit for human use and occupancy.

The undersigned professional may be contacted at: (insert business telephone number).

CERTIFIED AS OF _____(insert date)

(insert name of professional inspector)

Authorized Representative

SCHEDULE F
RE-OCCUPANCY PERMIT

Address of Building:

Legal Description:

Approved Occupancy (use):

The Building remediated under the authority of Building *Permit* Number:
is approved for Re-occupancy.

This Permit confirms that inspections pursuant to the District of Maple Ridge "Grow Operation, Health, Nuisance and Safety Bylaw No. 6274-2004" have been completed and remediation requirements have been satisfied. This Permit is not a warranty that the subject Building complies with all Municipal and Provincial Regulations governing Building Construction nor that it is without defect. It is only a formal comment on the remediated condition of the Building at the date of issue only.

This certificate shall be affixed to a conspicuous and permanent place in the said Building and shall not be removed.

Chief Building Official

Date: _____