



TO: ACTING CITY MANAGER **DATE:** 2021 Apr 9

FROM: DIRECTOR - PUBLIC SAFETY AND COMMUNITY SERVICES

SUBJECT: PROPOSED CONTROLLED SUBSTANCE PROPERTY BYLAW AND AMENDMENT TO BYLAW NOTICE ENFORCEMENT BYLAW

PURPOSE: To bring forward a Controlled Substance Property Bylaw to prohibit controlled substance properties and authorize inspections, fees and cost recovery for City services associated with such properties, and amend the Bylaw Notice Enforcement Bylaw to impose penalties for non-compliance with the proposed bylaw.

RECOMMENDATIONS:

1. **THAT** Council authorize the City Solicitor to bring forward Burnaby Controlled Substance Property Bylaw, substantially in the form set out in Attachment 2 of this report.
2. **THAT** Council authorize the City Solicitor to bring forward an amendment to the Burnaby Bylaw Notice Enforcement Bylaw to implement penalties for violation of the proposed Burnaby Controlled Substance Property Bylaw, as outlined in Section 5.0 of this report.
3. **THAT** A copy of this report be forwarded to the Public Safety Committee.

REPORT

1.0 INTRODUCTION

At its 2020 January 27 regular meeting, Council received a Committee Report from the Public Safety Committee (Attachment 1) and subsequently authorized the establishment of regulations in respect to recovering costs from property owners for City services, should their property be used for the unlawful manufacture, trade, use, sharing, storage, sale or barter of a controlled substance and adopted a staff recommendation to bring forward a report with the necessary bylaw.

The purpose of this report is to provide Council with information on the proposed Burnaby Controlled Substance Bylaw and recommendations for implementation.

To: Acting City Manager
From: Director - Public Safety & Community Services
Re: Proposed Controlled Substance Property
Bylaw and Amendment to Bylaw Notice
Enforcement Bylaw
2021 April 9 Page 2

2.0 POLICY SECTION

Goal

- A Safe Community
 - Crime prevention and reduction – Ensure citizens and businesses feel safe in our community
 - Emergency services – Provide responsive emergency services

- A Healthy Community
 - Healthy life – Encourages opportunities for healthy living and well-being
 - Healthy environment – Enhance our environmental health, resilience and sustainability

- A Thriving Organization
 - Organizational culture – Ensure that our core values are reflected in our policies, programs and service delivery
 - Financial viability – Maintain a financially sustainable City for the provision, renewal and enhancement of City services, facilities and assets

3.0 BACKGROUND

Fentanyl and other extremely dangerous concentrated opioids continue to be used in street level drugs and have been fuelling the illicit drug overdose crisis. This in turn has resulted in the discovery of processing and fentanyl production labs becoming more common, along with much more complex and costly enforcement and cleanup operations undertaken by municipalities. Individuals involved in the illicit drug trade such as dealers and producers give little to no consideration to not only their own personal safety, but also to those around them including the properties and neighborhoods they occupy. These significant public risks include but are not limited to, the tremendous amount of dangerous contamination that often results from these operations.

The enforcement against these properties is very complex as they are highly contaminated and expensive to remediate. The costs associated to the enforcement and clean-up of properties involved in these drugs is greatly exacerbated due to their extremely toxic nature. Investigations involving these controlled substance properties is time consuming often requiring a large police and fire department response as search warrants result in streets, neighborhoods or buildings potentially being evacuated or cordoned off for extended periods of time.

It is proposed that the Burnaby Controlled Substance Bylaw would prohibit property owners and occupants from using or permitting their properties to be used for the manufacture, trade, use, sharing, storage, sale or barter of a controlled substance, such as unlawful opioid production facilities and unlicensed marijuana grow operations, and

To: Acting City Manager
From: Director - Public Safety & Community Services
Re: Proposed Controlled Substance Property
Bylaw and Amendment to Bylaw Notice
Enforcement Bylaw
2021 April 9 Page 3

ensure that property owners and occupants are accountable for policing, fire, engineering and other response and cleanup costs associated with these properties and any remedial work. The Bylaw would serve as a deterrent to absentee landlords and ultimately place the financial burden of costs incurred by the City on the appropriate individual(s). The Bylaw would ensure property owners are held accountable for activity on their properties and the financial burden associated to these illegal operations is placed on them versus the municipal taxpayers.

4.0 PROPOSED CONTROLLED SUBSTANCE PROPERTY BYLAW

The proposed Controlled Substance Property Bylaw (see Attachment 2) would impose regulatory prohibitions and requirements on property owners and occupants, authorize inspectors (including City staff, enforcement officers and Fire Department personnel) to inspect and issue orders for non-compliance with the bylaw prohibitions and requirements, and impose inspection fees and allow for recovery of costs incurred by the City or Burnaby RCMP in respect to controlled substance properties.

The key elements of the proposed Bylaw are as follows:

4.1 Interpretations

The key definitions identify what is meant by “controlled substance”, “hazardous situation”, “owner” and “occupant”:

“**Controlled substance**” means:

- a controlled substance as defined and described in Schedules I, II, III, IV, V or VI of the **Controlled Drugs and Substances Act**, R.S.C 1996 c. 19, but does not include the trade or manufacture of a controlled substance for which a valid licence or permit has been issued pursuant to the **Controlled Drugs and Substance Act**, R.S.C 1996 c.19, or its associated regulations, as such Act and regulations may be amended or replaced from time to time; and
- “cannabis” as defined in the *Cannabis Act*, S.C. 2018, c. 16, but does not include the possession, production, sale or distribution of cannabis authorized pursuant to the *Cannabis Act*, S.C. 2018, c. 16, or *Cannabis Control and Licensing Act*, S.B.C. 2018, c. 29, or their associated regulations, as such Acts and regulations may be amended or replaced from time to time

“**hazardous situation**” is any real or potential risk to persons or property that arises or results from the use of a **property** for the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance**

To: Acting City Manager
From: Director - Public Safety & Community Services
Re: Proposed Controlled Substance Property
Bylaw and Amendment to Bylaw Notice
Enforcement Bylaw
2021 April 9 Page 4

“occupant” means:

- (a) a person residing on the **property**,
- (b) a person entitled to possession of the **property** if there is no person residing on the **property**, and
- (c) a person who is a leaseholder of the **property**, or
- (d) any of them

“owner” means any person shown on title at the Land Title Office as the registered owner of the **property** or has a life estate or registered leasehold interest in the **property** and includes the agent of that person

4.2 Prohibitions

Under the Bylaw, an owner or occupant would be prohibited from causing, permitting or allowing any of the following:

- any **property** to become or remain a place for the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance**;
- water, rubbish, noxious, offensive or unsightly material to collect or accumulate in or around any **property** in connection with the trade, use, manufacture, sharing, storing, sale or barter of a **controlled substance**;
- a structure or building to be altered in a way that facilitates the manufacture or growth of a **controlled substance**;
- a building to become subject to the growth of mould or fungus arising from or in relation to the trade, use, manufacture, sharing, storing, sale or barter of a **controlled substance**;
- a **hazardous situation** to exist or remain on the **property**.

4.3 Inspections and Remediation

The Bylaw would give City inspectors the authority to do the following:

- An **inspector** may enter upon any **property** for the purpose of inspecting the **property** and determining whether the **property** is being used for the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance**, contains a **hazardous situation** or is otherwise not in compliance with this Bylaw, or to determine compliance with a written order issued pursuant to the Bylaw.

To: *Acting City Manager*
From: *Director - Public Safety & Community Services*
Re: *Proposed Controlled Substance Property
Bylaw and Amendment to Bylaw Notice
Enforcement Bylaw*
2021 April 9 Page 5

- An **inspector** may issue a written order to an **owner** and, where applicable, an **occupant**, to remedy any **hazardous situation** or anything or condition that is not in compliance with the Bylaw that exists on the **property**.
- Where an **owner** or **occupant**, or both as the case may be, receives a written order to remedy any **hazardous situation** or anything or condition that is not in compliance with the Bylaw, the **owner** or **occupant** must comply with the order within the time frame specified in the notice.
- An **inspector** may post a notice on any **property** that has been used for the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance** or that contains a **hazardous situation** or anything or condition that is not in compliance with the Bylaw, advising of the requirements of the Bylaw.

In addition to the above authority and where an owner or occupant fails to remedy a hazardous situation, carry out remedial work, comply with an order or violates the Bylaw:

- the **City** may, but is not obligated to, by its employees, agents or other persons with whom it contracts or by members of the **police**, enter onto the **property** for purposes of fulfilling the **owner's** or **occupant's** requirements under the Bylaw, including any written order issued pursuant to the Bylaw, at the **owner's** or **occupant's** expense

4.4 Fees and Costs

Where there has been non-compliance with the Bylaw, the owner or occupant of the controlled substance property would be required to pay the following fees and costs:

- All costs incurred by the **City** or by the **police** in the response, disassembly, removal, transportation, storage and disposal of equipment, substances, materials and other paraphernalia associated with the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance** on or in respect of the **property**.
- Any inspection of the **property** pursuant to the Bylaw.
- Any costs incurred by the **City** to remedy hazardous situation or carry out remedial work due to owner or occupant's failure to do so.

To: Acting City Manager
 From: Director - Public Safety & Community Services
 Re: Proposed Controlled Substance Property
 Bylaw and Amendment to Bylaw Notice
 Enforcement Bylaw
 2021 April 9 Page 6

Any fees or costs invoiced but not paid by the owner or occupant by December 31 of that year would be added to and form part of property taxes, and the City would be able to collect such fees and costs in the same manner as property taxes.

4.5 Offences and Penalties

In addition to fees and recovery of costs, it is proposed that violation notice penalties be implemented by way of the Bylaw Notice Enforcement Bylaw (see Section 5.0 below). The maximum penalty would be \$500.

For particularly egregious violations, the City can pursue a prosecution under the *Offence Act* and where there is a conviction, the proposal is to set out a minimum fine of \$5,000 and a maximum fine of \$50,000 through the offence provision in the Controlled Substance Property Bylaw.

5.0 AMENDMENT TO BYLAW NOTICE ENFORCEMENT BYLAW

In order to authorize issuance of bylaw violation notices and penalties for contraventions of the proposed Controlled Substance Property Bylaw, it is necessary to amend the Bylaw Notice Enforcement Bylaw to set out such violations and penalties.

The following violations and penalties are proposed to be added to Schedule A of the Bylaw Notice Enforcement Bylaw:

Burnaby Controlled Substance Property Bylaw				
Section	Offence	Penalty Amount	Discounted Penalty (within 15 days)	Compliance Agreement Available (50% reduction)
3.1(a)	Permitting property to be used for controlled substance	\$500.00	No Discount	NO
3.1(b)	Permitting accumulation related to controlled substance	\$500.00	No Discount	NO
3.1(c)	Altering structure or building for controlled substance	\$500.00	No Discount	NO
3.1(d)	Permitting mould or fungus growth due to controlled substance	\$500.00	No Discount	NO
4.3	Failure to comply with order	\$500.00	No Discount	NO

To: Acting City Manager
From: Director - Public Safety & Community Services
Re: Proposed Controlled Substance Property
Bylaw and Amendment to Bylaw Notice
Enforcement Bylaw
2021 April 9 Page 7

6.0 RECOMMENDATIONS

It is recommended that Council authorize the City Solicitor to bring forward the Burnaby Controlled Substance Property Bylaw for the purposes of prohibiting properties within the City to be used for the unlawful manufacture, trade, use, sharing, storage, sale or barter of a controlled substance, establish remediation requirements, and authorize inspections, fees and recovery of costs from property owners and occupants for City and Burnaby RCMP services associated with responding to and addressing conditions at these properties. The proposed Burnaby Controlled Substance Property Bylaw would be substantially in the form set out in Attachment 2 of this report.

It is further recommended that the Burnaby Bylaw Notice Enforcement Bylaw be amended to authorize issuance of bylaw violation notices and imposition of penalties for contraventions of the Burnaby Controlled Substance Bylaw, as outlined in Section 5.0 of this report.

Since the recommendation to implement the Burnaby Controlled Substance Bylaw originated from the Public Safety Committee, it is recommended that a copy of this report be forwarded to Committee once it is approved by Council.



Dave Critchley
Director – Public Safety and Community Services

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Copied to: Director Engineering
Director Finance
Director Corporate Services
Director Planning & Building
City Solicitor
Fire Chief
Officer in Charge Burnaby RCMP

Attachments: 1 – Public Safety Committee Report (Controlled Substance Property Bylaw)
2 – Burnaby Controlled Substance Property Bylaw 2021 (Proposed)

**** Attachment 1 ****



Meeting 2020 Jan 22

Committee REPORT

TO: Chair and Members
PUBLIC SAFETY COMMITTEE

DATE: 2020 Jan 13

FROM: OIC BURNABY DETACHMENT

SUBJECT: CONTROLLED SUBSTANCE PROPERTY BYLAW

PURPOSE: To obtain Committee and Council support to create a bylaw to recover costs from property owners resulting from enforcement of illegal controlled substance and cannabis grow operations.

RECOMMENDATION:

1. **THAT** Public Safety Committee recommends Council support to create a bylaw for the recovery of costs from property owners for City services including the attendance of police, fire and other associated costs, should their property be used for controlled substance operation, production or illegal cannabis grow.
2. **THAT** Public Safety Committee recommends Council authorize staff to prepare a new controlled substance property bylaw as proposed in this report.

REPORT

1.0 INTRODUCTION

The emergence of fentanyl and other extremely dangerous concentrated opioids being used in street level drugs, has resulted in much more complex and costly enforcement and cleanup operations undertaken by municipalities. Individuals involved in the illicit drug trade such as dealers and producers give little to no consideration to not only their own personal safety, but also to those around them including the properties and neighborhoods they occupy. These significant public risks include, but are not limited to, the tremendous amount of dangerous contamination that often results from these operations.

These illicit substances are very difficult and dangerous to clean up completely, forcing authorities to use specialized cleaning contractors. Burnaby RCMP members have and continue to encounter these processing and lab sites as well as illegal cannabis grow operations which still occur and also require enforcement action and resulting costs similar to fentanyl and other illicit drugs.

The City of Burnaby currently does not have a bylaw compelling property owners to pay for costs associated to enforcement and remediation should their property be used for controlled substance production or illegal cannabis grow operation.

2.0 POLICY SECTION

Goal

- A Safe Community
 - Crime prevention and reduction
- A Thriving Organization
 - Financial viability

3.0 BACKGROUND

In recent years, several municipalities have adopted bylaws to recover municipal costs associated to enforcement action against properties due to the prevalence of illegal marihuana grow operations. As the enforcement actions and related clean-up costs for these properties are significant, these bylaws also included clauses for the municipalities to recover a portion of the policing costs (salaries, required materials and equipment) incurred during enforcement. These bylaws ensured owners were accountable for activity on their properties along with preventing *willful blindness*. These bylaws also sought to place the financial burden associated to these illegal operations on the individuals responsible, versus the municipal tax payers.

These same bylaws have also become applicable to properties that produce and/or process controlled substances such as fentanyl and carfentanil. The costs associated to the enforcement and clean-up of properties involved in these drugs is greatly exacerbated due to their extremely toxic nature. Investigations involving these controlled substance properties is time consuming and often requires a large police response. Often search warrants are required and streets, neighborhoods or buildings may need to be evacuated or cordoned off for extended periods of time.

The costs of securing, cleaning up and remediating properties, especially if located in a high rise building comprised of multiple units with common areas and HVAC systems that may be affected, often results in tens of thousands of dollars requiring the use of highly specialized professional contractors. In addition, it is mandatory for the Burnaby RCMP to engage the "E" Division Clandestine Lab Enforcement and Response Team (CLEAR) when illicit labs and dump sites are encountered. The CLEAR team is a group of police officers who have enhanced training and specialized equipment to identify, safely handle and transport highly toxic drugs. When the CLEAR team is not on shift and is called out to attend a scene, all associated overtime costs are born by Burnaby Detachment. These costs for cleanup and hours of investigation time are ultimately passed on to City taxpayers.

There are also risks associated to allowing occupancy of a remediated property without ensuring the property was cleaned properly once the authorities knew of the contamination. With no bylaw currently in place, it is difficult to ensure appropriate remediation has occurred and both current and future occupants will be safe. A bylaw could address this issue and provide for cost recovery for City services for inspections to ensure appropriate remediation has occurred.

3.1 File History in Burnaby

Historically, Burnaby RCMP has investigated drug processing sites and labs and the following table provides the associated costs and number of files for the past five years.

(The data does not include salary dollars paid to Burnaby RCMP Members and 2019 is YTD to Jul 17th)

Year	# Files CLEAR Team Assistance	Burnaby Costs
2019	1	7,456.00
2018	1	5,795.00
2017	3	39,688.70
2016	12	58,320.00
2015	8	18,577.75
Total	25	129,837.45

3.2 Comparison Bylaws of other LMD Municipalities

Neighboring municipalities have enacted bylaws enabling cost recovery for services related to the enforcement and remediation of illicit controlled substance operations. The bylaws enacted by these communities (attachment 1#) although having slightly varying authorities, essentially have the authority to recover costs related to City services enforcing and remediating these illicit properties. Some Bylaws go so far as to have a section regarding the notification of anyone who may occupy the property once the property has been remediated and the City has allowed occupancy.

Each of the comparable bylaws provides for invoicing the owner of the property for costs related to complying with the bylaw. Should the invoice remain unpaid by December 31 of the invoice year, the invoice amount is added to the property tax bill for the following year.

4.0 CONCLUSION

With the prevalence of fentanyl and opioids being at a crisis level, the discovery of processing and fentanyl production labs is becoming more common. Enforcement against

To: Public Safety Committee
From: OIC Burnaby Detachment
Re: Controlled Substance Property Bylaw
2020 Jan 22..... Page 4

these properties is complex as they are highly contaminated and expensive to remediate. It is recommended the City of Burnaby establish a bylaw to recover costs from property owners associated with policing, fire services, engineering, cleanup and any other costs for these properties. This in turn would serve as a deterrent to absentee landlords and ultimately place the financial burden to the appropriate individual(s).

It is proposed that under the new bylaw, property owners would be invoiced for any services provided shortly after the enforcement and remediation action is completed. If the charges remain unpaid on the 31st day of December in the year in which the expenses were incurred, the proposed bylaw would permit the costs to be added, and form part of, the taxes payable in respect of those properties, as taxes in arrears.

5.0 RECOMMENDATION

The Public Safety Committee recommends Council support to create a Bylaw for the recovery from property owners the costs City services including the attendance of police, fire and other associated costs should their property be used for controlled substance operation, production or illegal cannabis grow.

It is recommended that the Public Safety Committee recommend Council authorize City staff to prepare a new controlled substance property bylaw as proposed in this report.



Deanne Burleigh, C/Supt.
Officer in Charge
Burnaby Detachment

Copied to: City Manager
Director Public Safety & Community Services
Director Finance
Director Corporate Services
Fire Chief
City Solicitor

Attachment 1

City	Bylaw	Elements
Chilliwack	Nuisance, Noxious or Offensive Trades, Health and Safety Bylaw 2004, No 3044	<ul style="list-style-type: none"> • Compels owners to replace carpets, curtains and professionally clean all air ducts, walls, ceilings by a licensed cleaner within 30 days after a marihuana grow or lab was discovered in the property • Property must be inspected by the City before occupancy would be granted • Compels owners to pay for "service costs" including salaries and related personnel
Coquitlam	Controlled Substance Bylaw, 2007, No. 3833	<ul style="list-style-type: none"> • Prohibits the use of property for the manufacture, trade, use, sharing, sale or barter of controlled substances and to provide for the remediation of such property. • City can recover all costs incurred including RCMP as a result of enforcing the bylaw.
Port Coquitlam	Controlled Substance Nuisance Bylaw, 2017, No 3972	<ul style="list-style-type: none"> • Recovery of costs for the disassembly, removal, transportation, storage and disposal of equipment, substances, materials and other paraphernalia associated with the manufacture, trade, use, sharing, sale or barter of a Controlled Substance on the property. • Specifically states "all costs incurred by the RCMP" are included.
Richmond	Property Maintenance & Repair Bylaw No. 7897	<ul style="list-style-type: none"> • Compels property owner to pay all City service costs incurred by, or on behalf of the City if the property was used for a grow operation or controlled substance. • Owners must, within 14 days dispose of all carpets and curtains in the building or have them professionally cleaned. • Owner must have all air ducts cleaned by a professional cleaner. • Specifies that before a building can be re-occupied after a grow operation, a certified inspection must be undertaken and prospective occupants advised.

Surrey	Controlled Substance Property Bylaw, 2006, No.15820	<ul style="list-style-type: none">• Regulates, prohibits or impose requirements respecting controlled substance properties and properties used for the production of other substances.• Owners must, within 14 days, have professionally cleaned or replace carpets, blinds, ceiling, moisture barriers, etc. before re-occupancy.• Compels property owners to pay for “service costs” associated with a property that was producing a controlled substance, including costs incurred by the City’s Peace officers.
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**** Attachment 2 ****

CITY OF BURNABY

BYLAW NO. xxxxx

A BYLAW in respect to
controlled substance properties

The Council of the City of Burnaby ENACTS as follows:

PART 1: CITATION

- 1.1 This Bylaw may be cited as **BURNABY CONTROLLED SUBSTANCE PROPERTY BYLAW 2020**.

PART 2: INTERPRETATION

- 2.1 In this Bylaw,

“controlled substance” means:

- (a) a controlled substance as defined and described in Schedules I, II, III, IV, V or VI of the *Controlled Drugs and Substances Act*, R.S.C 1996 c. 19, but does not include the trade or manufacture of a controlled substance for which a valid licence or permit has been issued pursuant to the *Controlled Drugs and Substance Act*, R.S.C 1996 c.19, or its associated regulations, as such Act and regulations may be amended or replaced from time to time; and
- (b) “cannabis” as defined in the *Cannabis Act*, S.C. 2018, c. 16, but does not include the possession, production, sale or distribution of cannabis authorized pursuant to the *Cannabis Act*, S.C. 2018, c. 16, or *Cannabis Control and Licensing Act*, S.B.C. 2018, c. 29, or their associated regulations, as such Acts and regulations may be amended or replaced from time to time

“City” means the City of Burnaby

“hazardous situation” is any real or potential risk to persons or property that arises or results from the use of a **property** for the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance**

“inspector” means:

- (a) the Director Public Safety and Community Services;
- (b) the Chief Licence Inspector and Licence Inspectors;
- (c) the Chief Building Inspector and every employee or agent authorized by the City to conduct inspections in respect of building, plumbing, electrical or gas standards;
- (d) Property Use Coordinators;

- (e) Bylaw Enforcement Officers;
- (f) any Firefighter or Fire Prevention Inspector;
- (g) Environmental Services Officer; and
- (h) other officers, employees, contractors and persons acting on behalf of the **City** for the purpose of enforcement of this Bylaw

“occupant” means:

- (a) a person residing on the **property**,
- (b) a person entitled to possession of the **property** if there is no person residing on the **property**, and
- (c) a person who is a leaseholder of the **property**, or
- (d) any of them

“owner” means any person shown on title at the Land Title Office as the registered owner of the **property** or has a life estate or registered leasehold interest in the **property** and includes the agent of that person

“person” includes a corporation, partnership or party, and the legal or personal or other legal representative of a person to whom the context may apply under this Bylaw

“police” means the Royal Canadian Mounted Police, Burnaby Detachment

“property” means all real property and includes, without limitation, front yards, side yards, rear yards, landscaped areas, parking and loading areas, driveways and walkways, , as well as any permanent or portable building or structure, vehicle, equipment or chattel located on the real property

PART 3: PROHIBITIONS

3.1 No **owner** or **occupant** of **property** shall cause, permit or allow:

- (a) any **property** to become or remain a place for the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance**;
- (b) water, rubbish, noxious, offensive or unsightly material to collect or accumulate in or around any **property** in connection with the trade, use, manufacture, sharing, storing, sale or barter of a **controlled substance**;
- (c) a structure or building to be altered in a way that facilitates the manufacture or growth of a **controlled substance**;
- (d) a building to become subject to the growth of mould or fungus arising from or in relation to the trade, use, manufacture, sharing, storing, sale or barter of a **controlled substance**;

(e) a **hazardous situation** to exist or remain on the **property**.

PART 4: INSPECTIONS AND REMEDIATION

4.1 An **inspector** may enter upon any **property** for the purpose of inspecting the **property** and determining whether the **property** is being used for the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance**, contains a **hazardous situation** or is otherwise not in compliance with this Bylaw, or to determine compliance with a written order issued pursuant to section 4.2 of this Bylaw.

4.2 An **inspector** may issue a written order to an **owner** and, where applicable, an **occupant**, to remedy any **hazardous situation** or anything or condition that is not in compliance with this Bylaw that exists on the **property**.

4.3 Where an **owner** or **occupant**, or both as the case may be, receives a written order to remedy any **hazardous situation** or anything or condition that is not in compliance with this Bylaw, the **owner** or **occupant** must comply with the order within the time frame specified in the order.

4.4 An **inspector** may post a notice on any **property** that has been used for the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance** or that contains a **hazardous situation** or anything or condition that is not in compliance with this Bylaw, advising of the requirements of this Bylaw.

4.5 If an **owner** or **occupant** of **property**:

(a) is required to remedy any **hazardous situation** or anything or condition that is not in compliance with this Bylaw pursuant to a order given under this Bylaw and fails to comply within the time specified in such order;

(b) is required to carry out remedial work on the **property** pursuant to this Bylaw and fails to comply within the time specified; or

(c) violates any section of this Bylaw,

the **City** may, but is not obligated to, by its employees, agents or other persons with whom it contracts or by members of the **police**, enter onto the **property** for purposes of fulfilling the **owner's** or **occupant's** requirements under this Bylaw, including any written order issued pursuant to section 4.2 of this Bylaw, at the **owner's** or **occupant's** expense.

PART 5: FEES AND COSTS

5.1 An **owner** or **occupant** of a **property** shall pay to the City the following fees and costs:

- (a) all costs incurred by the **City** or by the **police** in the response, disassembly, removal, transportation, storage and disposal of equipment, substances, materials and other paraphernalia associated with the manufacture, trade, use, sharing, storage, sale or barter of a **controlled substance** on or in respect of the **property**,
- (b) any inspection of the **property** pursuant to section 4.1 of this **Bylaw**;
- (c) any costs incurred by the **City** pursuant to section 4.5 of this **Bylaw**,

in accordance with the rates set out in Schedule “A” of this **Bylaw**.

- 5.2 The **City** will invoice the **owner** or **occupant** of a **property** for all fees and costs imposed pursuant to section 5.1 of this Bylaw and the **owner** or **occupant** must pay such invoice upon receipt of the same.
- 5.3 The **City** may recover all fees and costs imposed under this Bylaw from the **owner** or **occupant** as a debt, and in the event that the **owner** or **occupant** fails to pay such fees and costs before December 31 in the year in which the invoice was issued, such fees and costs shall be added to and form part of the taxes payable in respect of the **property** as taxes in arrears as of January 1 of the next year.

PART 8: OFFENCES AND PENALTIES

- 6.1 Every **person** who violates any of the provisions of this **Bylaw** or who suffers or permits any act or thing to be done in contravention of any of the provisions of this **Bylaw**, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this **Bylaw**, or who does any act, or who violates any of the provisions of this **Bylaw**, is guilty of an offence and is liable, on summary conviction, to a fine of not less than five thousand dollars (\$5,000.00) and not more than fifty thousand dollars (\$50,000.00).
- 6.2 If an offence continues for more than one day, a separate offence occurs on each day or part of a day, and separate fines may be issued for each day or part of a day in respect of which the offence occurs or continues.
- 6.3 Any **person** who contravenes any provision of this **Bylaw** is liable to the **City** for and must indemnify the **City** from all costs, expenses, damages and injuries resulting from the contravention. This does not in any way limit any other provision or any other remedy the **City** may have under this **Bylaw** or otherwise at law.
- 6.4 A violation of any of the provisions identified in this **Bylaw** shall result in liability for penalties and late payment amounts established in Schedule A of BURNABY BYLAW NOTICE ENFORCEMENT BYLAW, 2009, and be subject to the procedures, restrictions, limits, obligations and rights established in BURNABY BYLAW NOTICE ENFORCEMENT BYLAW, 2009 and the *Local Government Bylaw Notice Enforcement Act*

PART 7: SEVERABILITY

7.1 If a portion of this **Bylaw** is held invalid by a Court of competent jurisdiction, the invalid portion must be severed and the remainder of this **Bylaw** is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a first time this	day of	2021
Read a second time this	day of	2021
Read a third time this	day of	2021
Reconsidered and adopted this	day of	2021

MAYOR

CLERK

SCHEDULE "A"
FEEES AND COSTS

A. Staff Costs

Fire Department Staff	
Senior Captain	\$125 / hour or part thereof
Captain	\$120 / hour or part thereof
Firefighter	\$100 / hour or part thereof
Assistant Chief	\$145 / hour or part thereof
Lieutenant	\$110 / hour or part thereof
Fire Inspector / Investigator	\$100 / hour or part thereof
Police Officer	\$100 / hour or part thereof
Other Staff	Hourly wages paid for all individuals attending or providing services in accordance with this Bylaw, as determined by the applicable employment/collective agreement or pay grid for non-union staff, plus 29% which equates to additional personnel costs incurred by the City for such individuals.

B. Equipment and Analysis Costs

Fire Department Vehicles	
Engine Truck	\$300 / hour or part thereof
Ladder Truck	\$900 / hour or part thereof
Rescue Truck	\$500 / hour or part thereof
Command Unit	\$200 / hour or part thereof
Special Operations Vehicle & Equipment	\$900 / hour or part thereof
Police Vehicle	\$8 / hour, minimum 3 hours
Replacement of equipment due to exposure to contaminants	Cost to City

Replacement of consumable equipment	Cost to City
Analysis and tests of materials or conditions	Cost to City

C. Inspection Fees

Inspection under section 4.1 of this Bylaw	\$500 per inspection
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D. Other City Costs

Costs incurred by the City under section 4.5 of this Bylaw	Cost to City
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E. Administration Fee

Administration and overhead fee for invoice processing and collection	\$100 per invoice
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Note: Where applicable, taxes will be added to amounts in this Schedule.