



City of Richmond

Report to Committee

To: Community Safety Committee

Date: March 28, 2007

From: Jim Hancock
Fire Chief

File:

Re: Electrical Safety Inspection Program –
Property Maintenance & Repair (Grow-Op) Bylaw No. 7898
Amendment Bylaw No. 8231

Staff Recommendation

That Bylaw No. 8231, which amends Property Maintenance & Repair (Grow-Op) Bylaw No. 7898 be introduced and given first, second and third readings.

Jim Hancock
Fire Chief
(2700)

Att. 1

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
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Staff Report

Origin

Fire-Rescue is proceeding with an Electrical Safety Inspection Program, and the program implementation will be in June, 2007. Bylaw changes are required to authorize the inspections and to recoup the costs of the program.

Findings Of Fact

On June 27, 2005 Council adopted a "Property Maintenance & Repair (Grow-Op) Bylaw No. 7897" which regulates a variety of items relating to the discovery of grow-ops and drug labs.

To date Bylaw No. 7897 has been used to regulate and provide for cost recovery where an illegal substance production site has been discovered through a 911 emergency response call for a fire and/or explosion or alternately after the execution of an RCMP search warrant.

Bylaw changes are required to make provision for the Electrical Safety Inspection Program. Bylaw changes presented include:

- A definition of a "special safety inspection".
- A schedule to set the fee for this service.

Fees

The Electrical Safety Inspection Program "special safety inspection" fee is designed to recover only the program delivery costs. The City of Surrey has set their special safety inspection fee at \$2,000.00. The cities of Abbotsford and Coquitlam (the most recent city to introduce their program) have set their rates at \$3,500 and \$5,000 respectively.

The difference is mainly attributed to the electrical inspector costs. The City of Surrey conducts its own electrical inspections and uses its own inspectors. The cities of Abbotsford and Coquitlam, like Richmond, contract with the BC Safety Authority for electrical inspector services.

The special safety inspection fee identified in Richmond's proposed bylaw is \$3,500.00.

Financial Impact

None.

Conclusion

Bylaw changes are necessary to allow for the delivery and cost-recovery of services delivered through the new Electrical Safety Inspection program in Richmond. Amendments to the City's existing Property Maintenance & Repair (Grow-Op) Bylaw are presented for Council's consideration.



Geoff Lake
Deputy Chief, Administration
Fire-Rescue (2734)



Property Maintenance & Repair (Grow-Op) Amendment Bylaw

The Council of the City of Richmond enacts the following amendments to the *Property Maintenance & Repair (Grow-Op) Bylaw No. 7897*:

1. Part One is amended by adding, in the introductory clause of subsection 1.1.3, the words “**grow operation** or” before the words “**controlled substance property**”.
2. Part Two is amended by deleting paragraph (b) from subsection 2.4.1 and substituting the following:

“(b) the building complies with the requirements of *British Columbia Building Code*, the *British Columbia Fire Code*, the *Safety Standards Act* of British Columbia, the City’s *Building Regulation Bylaw*, this bylaw, all as amended from time to time, and all other health and safety requirements established by law;”
3. Part Three is amended as follows:
 - (a) by deleting the word “and” in paragraph (c) of subsection 3.1.1 and adding the following paragraph to subsection 3.1.1:

“(c.1) for a **special safety inspection**, the owner or occupier must pay the fee specified in Schedule A; and”
 - (b) and by deleting paragraph (d) of subsection 3.1.1 and substituting the following:

“(d) in addition, every owner whose parcel is used for a **grow operation** or **controlled substance property** must pay to the **City** all **service costs** incurred by or on behalf of the **City**, calculated in accordance with Schedule D and which are deemed to be service fees as identified in Schedule D, unless that **owner** has delivered to the **City** notice pursuant to subsection 1.3, prior to any entry by the **City** onto the **parcel**.”
4. Part 4 is amended by deleting subsection 4.1.2 and substituting the following:
 - 4.1.2. “Subject to the provisions of the *Community Charter*, an **inspector** may
 - (a) inspect and determine whether all regulations, prohibitions and requirements under this bylaw or other safety enactments are being met in relation to any matter for which the Council, a municipal officer or employee or a person authorized by the Council has exercised

authority under this or another enactment to regulate, prohibit or impose requirements;

- (b) coordinate a **special safety inspection** of a **parcel** or **parcels**;
- (c) carry out a **special safety inspection** of a **parcel** or **parcels** pursuant to paragraph (b) of this subsection;
- (d) take action authorized under Part Seven; and
- (e) inspect, disconnect or remove a water service pursuant to subsection 4.2.

5. Part Six is amended at subsection 6.1 as follows:

(a) by deleting paragraph (b) from the definition of INSPECTOR and substituting the following:

(b) the City's Manager of Building Approvals and every employee or agent appointed by the City to inspect buildings in respect of building, plumbing, electrical or gas standards;

(b) by deleting the definition of SERVICE FEES and substituting the following:

SERVICE COSTS means all direct and indirect costs incurred

- a. by the Richmond Fire Rescue Department;
- b. by the Richmond detachment of the Royal Canadian Mounted Police;
- c. by the City's Business Licensing Department and Building Approvals Department;
- d. under a contract for services by an independent contractor, service provider, consultant or agent, including without limitation, a qualified electrical inspector, a hazardous materials professional, a professional engineer, a health professional, a person retained to carry out construction or demolition, and
- e. for associated administration and overhead expenses

7.3.1 in relation to an inspection of a **parcel** that has apparently been used for a **grow operation** or **controlled substance property**;

- f. for the lawful dismantling, disassembly, demolition, removal, clean-up, transportation, storage and disposal of structures, equipment, substances, materials and other paraphernalia associated with a **grow operation** or with the use, trade, business or manufacture of any controlled substance;

- g. for the replacement of consumables used, or the replacement of equipment following exposure to contaminants; and
- h. as a result of the analysis of the materials found at the property and the health and safety conditions at the **parcel**,

all of which are determined in accordance with Schedule D of this bylaw;

(b) and by adding the following definition:

“**SPECIAL SAFETY INSPECTION** means an inspection coordinated with any municipal departments, provincial or federal authorities, and independent professionals or contractors as may be necessary to ascertain hazardous conditions or contraventions that may exist under the *British Columbia Building Code*, the *British Columbia Fire Code*, the *Safety Standards Act*, the *Health Act*, bylaws of the City or other applicable enactments, but does not include an inspection pursuant to an emergency call for police, fire or ambulance services or an inspection carried out under a warrant as part of a criminal investigation.”

6. Part Seven is amended by deleting subsections 7.1 and 7.2 and substituting the following:

“7.1 If the **Inspector** observes a condition on a **parcel** that he or she considers is in contravention of this bylaw, or another enactment that relates to the safe construction, maintenance, installation of electrical, plumbing, gas or other equipment, or to the safety of a permitted use of a building or structure, and considers that a safety hazard exists as a result of the contravention, the **Inspector** may make an order directed to the **owner** or **occupant** or to an agent for either, or to any or all of these persons, to bring the **parcel** into lawful compliance, which order may be delivered by personal service, by registered mail or by posting at a prominent location on the **parcel**, and which may include, without limitation:

- a. a prohibition, restriction, condition or requirement in relation to occupancy or entry;
- b. a description of any remedial steps that must be taken to have the **parcel** meet the standard of this bylaw or other safety enactment;
- c. any other steps that the Inspector considers reasonable and necessary to ensure that the **parcel** is restored to a condition that is safe for permitted uses;
- d. direction to communicate the order and its contents to the **owner**, if the **owner** cannot be readily located;
- e. a time period within which the directions under the order must be carried out;

and an **owner** or **occupant** to whom an order under this section is directed is responsible for all costs, fees and expenses incurred or related to carrying out the order.

7.2 If an **owner** or **occupant** fails to comply with an order under subsection 7.1 within a time period specified in the order, or if not stated, within 14 days of the order having been delivered, the **City**, through its **Inspector** or **Inspectors, building official** or agent, may enter on the **parcel** and into any building thereon and take such action as may be required to correct the default, remediate the **parcel** or building, or otherwise bring it to a standard specified in this bylaw or other safety enactment, at the expense of the **owner** or **occupier** to whom the order was directed, and in addition to recovering its **service costs**, the **City** may recover any related additional costs incurred pursuant to this subsection as a debt.

7.3 If, by December 31st of any year that action was taken by the **City** under this bylaw, an **owner** or **occupier** has failed to pay to the **City** its **service costs** under subsection 3.1.1 (d), or any related additional costs incurred by the **City** under subsection 7.2, any amounts payable as **service costs** or related additional costs shall be added to and form part of the property taxes payable on the **parcel** and shall be deemed to be taxes in arrear.”

- 7. The *Property Maintenance & Repair (Grow-Op) Bylaw No. 7897* is amended by deleting Schedule A and substituting “Schedule A” attached to and forming part of this bylaw.
- 8. If a portion of this bylaw is for any reason held to be invalid by a court of competent jurisdiction, that portion will be severed and the remainder of the bylaw will remain valid and in effect.
- 9. This bylaw is cited as “**Property Maintenance & Repair (Grow-Op) Bylaw, Amendment Bylaw No. 8231**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW No. 7897**INSPECTION, CONFIRMATION & RE-OCCUPANCY FEES**

The following fees apply to all inspections and related administrative actions carried out under this Bylaw:

1. each time the City enters on a **parcel** to inspect pursuant to section 4.1.2 (a):
 - (a) \$300.00; and
 - (b) an additional \$300.00 for each subsequent inspection undertaken if the **owner** or **occupier** has failed to undertake action ordered by the **Fire Chief**, the **City**, or a person authorized under this bylaw to order the action;
2. each time a **special safety inspection** is carried out pursuant to section 4.1.2.(c), the owner or occupier must pay \$3,500.00.
3. before confirmation is provided under section 2.4.1 (d), the **owner** must pay all applicable fees under the City's *Building Regulation Bylaw* and any amendments thereto; and
4. to obtain a **re-occupancy permit**, the **owner** or **occupier** must pay \$250.00.