



City of Richmond

Report to Committee

To: Community Safety Committee

Date: March 27, 2009

From: John McGowan
Fire Chief

File: 09-5140-01/2009-Vol 01

Re: Electrical & Fire Safety Inspection Program

Staff Recommendations:

- (1) That the Electrical & Fire Safety Inspection Program become an established program for the City of Richmond.
- (2) That the Property Maintenance and Repair (Grow-Op) Bylaw No. 7897, Amendment Bylaw No. 8485 (Attachment 1) be introduced and given first, second and third readings.

John McGowan
Fire Chief
(604) 303-2734

Att. 1 (Bylaw 8485)

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Budgets	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Law	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
R.C.M.P.	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Building Approvals	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
Community Bylaws	Y	<input checked="" type="checkbox"/>	N	<input type="checkbox"/>	
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
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Staff Report

Origin

In August 2007, a one-year pilot Electrical and Fire Safety Inspection (EFSI) Program was introduced in Richmond, with progress reports to be prepared after six months and one year of the pilot. The six-month program update report was presented to Community Safety Committee in March 2008 and this report is the analysis of operation of the program to date.

Richmond and other municipalities in the region had temporarily shut down their programs or significantly reduced inspections as a result of the BC Supreme Court's decision in *Arkininstall v. City of Surrey*, other legal actions disputing the fee regimes and low hydro consumption data from BC Hydro.

Findings Of Fact

Richmond's EFSI Program, along with those of other communities, were modelled after the City of Surrey. Each community along with Richmond have chosen to operate slightly differently; however, the overall program were developed under the following presumptions:

1. That abnormally high electrical consumption is an indicator that the electrical system integrity may be compromised, resulting in potentially serious fire/life safety hazards and property loss consequences.
2. That those communities who adopt the EFSI Program are less likely to be seen as a desirable place in which to operate residential grow-ops.
3. That the special safety inspection fees charged would recover the program delivery costs.

The standard inspection process under the City of Richmond's pilot EFSI Program involves both Fire Rescue and the RCMP analyzing the hydro data and de-conflicting the premises with other investigations. De-conflicting occurs when the RCMP review the property file to determine if the premises are currently under a criminal investigation or not. Once the decision is made to conduct an inspection, a Fire Inspector and RCMP member post a 48-hour "Notice of Inspection" at the premises. The owner/occupier is required to book an inspection appointment with Fire-Rescue to occur within the 48-hour posting period. The Fire Inspector and a contracted Electrical Inspector return to perform the inspection along with two RCMP members.

When the inspection is concluded, depending on the degree and/or type of evidence or the lack of evidence, the EFSI Team applies one or more of these options:

1. Where there is evidence of a grow op or past grow op and/or a major electrical safety violations and/or health issues were found, a "Do Not Occupy" notice is issued and a special inspection fee is charged.
2. Where there is evidence of a grow op or past grow op, and minor unsafe conditions, a 7-day repair notice is issued and an inspection fee is charged.

3. Where there is no evidence of a grow op but minor unsafe conditions exist, a 7-day repair notice is issued but no inspection fee is charged.
4. Where there is no evidence of a grow op and no unsafe conditions, no inspection fee is charged.

It is important to note that in every inspection the EFSI team strives to add value for the property owner as part of the inspection, such as providing the opportunity to understand why there is high electrical consumption and to determine if any fire/life safety issues are present in the dwelling. A variety of potentially serious fire/life safety issues may also be discovered and the Fire Inspector provides the education on those safety issues to the owner or occupier of the premises.

Richmond’s 2008 EFSI Program inspection statistics were significantly less than 2007. This is as a result of less hydro data and the program only being active for 9 months. The program was temporarily shut down in September 2008 to await the Arkinstall decision, and due to staffing restraints.

	Inspections Conducted	Evidence of Grow Op or Past Grow Op	7 Day Repair Notice Issued	Unsafe, ‘Do Not Occupy’ Notice Issued	Hydro Disconnections Requested	Inspection Fee Not Applied
2007	126	64	34	30	25	68
2008	52	6	9	0	0	45

Analysis

As predicted in the March 2008 Community Safety report, the number of reports of high consumption data from BC Hydro declined and the other cities experienced the same trend. It is believed the decline is caused by:

- Grow-ops locating to cities/countries without these programs;
- Grow-ops relocating to commercial, agricultural or industrial areas;
- Grow operators reducing their electrical consumption in a variety of ways in order to stay undetected; and
- Grow operators finding alternative sources of power or more inventive means to steal power.

Despite the decline in BC Hydro data, not operating an EFSI Program in Richmond is not recommended. If the program were cancelled it would result in Richmond becoming a target city for grow ops to operate within. EFSI Programs act as a deterrent to the establishment of residential grow-ops and criminals are likely to follow the path of least resistance.

Although the decline in hydro data and corresponding inspections has resulted in a decrease in revenue generation, the EFSI Program can be financially viable with changes to the resources allocated.

The *Arkininstall v. City of Surrey* decision examined the electrical safety program, the constitutional ability of BC Hydro to provide data to municipalities and the role of police officers during inspections. As a result of the court ruling, and the program's experience to date, the EFSI Program needs to be re-formatted.

To ensure an active, safe and viable EFSI Program, the following changes are recommended:

- A. Based on 2008 numbers of inspections, the compliment of the EFSI Team change to reflect a one quarter time program. In 2009 a Fire Inspector will continue one quarter of his time in the EFSI Program and the other three quarters of time conducting regular fire inspections.
- B. Data and evidence considered to conduct inspections expand to include:
 - "Soft Data" – tips provided by Fire-Rescue members, City employees, City internet to the Fire e-mail address tip line.
 - RCMP Investigation - following a grow-op investigation concluded by the RCMP, the EFSI Program team would conduct an inspection. These inspections are additional to the EFSI Program.
- C. Posting and Inspection Process change to:
 - Adjust the existing 48-hour posting notice time to a 24-hour posting notice time used by all the other communities.
 - Involve Community Bylaws when there are dangerous and/or aggressive animals present.
 - RCMP to remain off the property with visibility of the inspectors and home and in two-way communication with the team (radios supplied by RCMP).
 - Obtain administrative warrants, pursuant to the Community Charter, when access is denied to the Fire Inspector.
- D. Enhance Public Education to collaborate with the RCMP to provide awareness and reporting information to the general public, landlords, and business owners.
- E. Fees – Proposed Increase to ensure alignment with the other departments and ensure cost recovery:
 - Change the Special Safety Inspection fee from the existing \$3,500 to \$4,200 and increase the re-occupancy permit from \$250 to \$500. Further, if a third re-occupancy inspection is required an additional \$120 to be charged. This would align Richmond's total base fees with other communities' EFSI Programs (see table below).

	Richmond Existing	Richmond Proposed	Mission	Coquitlam	Surrey	Langley
Special Safety Inspection Fee	\$3,500.00	\$4,200.00	\$4,900.00	\$5,000.00	\$3,802.00	\$3,500.00
Additional Remediation Inspections	\$300.00	\$300.00	\$250.00	84.50/hr	\$575.00	\$500.00
Re-occupancy Permit	\$250.00	\$500.00	n/a	n/a	n/a	n/a
Administration & overhead costs associated with inspections and removal	n/a	n/a	\$300.00	n/a	n/a	\$300.00
Total	\$4,050.00	\$5,000.00	\$5,450.00	\$5,084.00	\$4,377.00	\$4,300.00

Financial Impact

In 2008 the EFSI Program was a pilot program predicted to have the ability to fund two (2) additional RCMP officers. These two (2) positions were GAP funded due to ongoing vacancies at the detachment. For the future these two (2) officers can continue to be GAP funded. However any surpluses from the EFSI program will offset the RCMP costs. The result is that one (1) FTE police officer will be utilized for this program, the other FTE police officer has been deployed to the Marijuana Enforcement Team.

The Electrical and Safety Inspection operating budget for 2009 shows a small surplus of \$4,500 based on the old fee structure. The increase in the fees from \$3500 per inspection to \$4,200 per inspection will increase the revenues by approximately \$36,000 thereby resulting in a surplus of approximately \$40,000.

Conclusion

Grow operators still exist in Richmond; they are just discovering new methods and places to produce their product. Without a program Richmond will become a community of choice to operate. The collective effect of Surrey, Township of Langley, Mission, Port Coquitlam, Abbotsford, Vancouver and Richmond having EFSI Programs is impressive. For the benefit of Richmond citizens and the citizens of the other participating communities it is recommended that Richmond's EFSI Program become a permanent program.



Kim Howell
Deputy Chief - Administration
(604-303-2762)



**Property Maintenance & Repair (Grow-Op) Bylaw No. 7897,
Amendment Bylaw No. 8485**

The Council of the City of Richmond enacts as follows:

1. The Property Maintenance & Repair (Grow-Op) Bylaw No. 7897, as amended, is further amended by deleting the title and substituting the following:

Property Maintenance & Repair Bylaw No. 7897

2. The Property Maintenance & Repair (Grow-Op) Bylaw No. 7897, as amended, is further amended by deleting sections 1.1.4 and 1.1.5 and substituting the following:

1.1.4 The **building official** or **fire inspector** may post a notice containing the words "Unsafe – Do Not Enter or Occupy" in a conspicuous place at the entrances to a **controlled substance property** in respect of which:

- (a) the **fire inspector** or the Manager, Building Approvals has made an order to vacate, or
- (b) **Council** has made an order to vacate under the *Community Charter*.

1.1.5 A person must not:

- (a) interfere or obstruct the **building official** or **fire inspector** from posting a notice referred to in subsection 1.1.4; or
- (b) remove, alter, cover, or mutilate a notice posted under subsection 1.1.4, except with the permission of the **building official** or **fire inspector**, whichever is applicable.

3. The Property Maintenance & Repair (Grow-Op) Bylaw No. 7897, as amended, is further amended by deleting 1.2.1 and substituting the following:

1.2.1 An **owner** or **occupier** of real property must:

- (a) undertake any action directed by a **fire inspector** for the purpose of removing or reducing any thing or condition that the **fire inspector** considers is a fire hazard or increases the danger of fire; and
- (b) permit entry by an **inspector**, who attends the real property at any reasonable time, to determine whether there is compliance with this bylaw.

- 4. The Property Maintenance & Repair (Grow-Op) Bylaw No. 7897, as amended, is further amended at Part Six by adding the following definition, in alphabetical sequence:

FIRE INSPECTOR means the **Fire Chief** and every member of the Richmond Fire Department or any other person designated by the **Fire Chief** by name or office or otherwise.

- 5. The Property Maintenance & Repair (Grow-Op) Bylaw No. 7897, as amended, is further amended at Part Six by deleting the definition of **INSPECTOR** and substituting the following:

INSPECTOR means:

- (a) a **fire inspector**;
- (b) the City's Manager of Building Approvals and every employee or agent authorized by the City to inspect **buildings** in respect of building, plumbing, electrical or gas standards;
- (c) the Chief Licensing Inspector and licensing inspectors
- (d) a bylaw enforcement officer;
- (e) other persons designated by **Council** by name of office or otherwise to act in the place of persons, officers, or employees referred to in clauses (a) through (d).

- 6. The Property Maintenance & Repair (Grow-Op) Bylaw No. 7897, as amended, is further amended by repealing Schedule A and replacing it with the Schedule A attached to this Amendment Bylaw.

- 7. This Bylaw is cited as "**Property Maintenance & Repair (Grow-Op) Bylaw No. 7897, Amendment Bylaw No. 8485**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor
<i>M</i>

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. Other than an inspection for the purpose of a **re-occupancy permit**, each time an **inspector** enters on a **parcel** to inspect pursuant to section 4.1.2(a), the **owner** or **occupier** must pay to the **City**:
 - (a) \$300.00; and
 - (b) an additional \$300.00 for each subsequent inspection undertaken if the **owner** or **occupier** has failed to undertake any action ordered by a **fire inspector**, 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 to the **City** \$4,200.00.
3. Before confirmation is provided under section 2.4.1(d), the **owner** or **occupier** 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 to the **City** \$500.00 for up to two inspections by a **building official** and, if necessary, \$120.00 for each subsequent inspection.