

CORPORATION OF THE DISTRICT OF PITT MEADOWS

BYLAW NO. 2202, 2005

GROW OPERATION

Bylaw No. 2202 and amendments thereto

CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws listed below. The amending bylaws have been consolidated with the original bylaws for convenience only.

Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

---

<u>BYLAW NO.</u>	<u>ADOPTED</u>
2202	June 21, 2005
2292	August 15, 2006
2301	February 6, 2007

---

The bylaw numbers in **bold** at the end of the clause refer to the bylaws that amended the principal bylaw.

**DISTRICT OF PITT MEADOWS GROW OPERATION BYLAW**  
**Consolidated Version – Bylaw No. 2202 and Amendments**

Page 2

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

---

**WHEREAS**, the Council of the Corporation of the District of Pitt Meadows deems it expedient to provide for a bylaw to regulate, prohibit or impose requirements respecting nuisances, noxious or offensive trades, and health and safety risks.

**NOW THEREFORE**, the Municipal Council of The Corporation of the District of Pitt Meadows in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the **"District of Pitt Meadows Grow Operation, Bylaw No. 2202, 2005."**

2. **Definitions:**

**"Alterations"** means any changes made to the structural, ventilation, mechanical or electrical components of a Building that has not been made under the authority of a building permit in accordance with the District's building regulation bylaw;

**"Amphetamines"** include dextroamphetamines and methamphetamines;

**"Building"** means any structure or construction for any use or occupancy;

**"Building Official"** means the Director of Operations and Development Services for the District, and every inspector appointed by the District to inspect buildings or structures in respect of building, plumbing, safety standards;

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

**"Controlled Substance Property"** means:

- (a) a property contaminated by or that contains trace amounts of chemical or biological materials used in or produced by the trade or manufacture of a Controlled Substance; or
- (b) a property modified to trade, grow, store or manufacture a Controlled Substance; or

- (c) a property which has been, or is being used for the ingestion, use, sharing, sale, trade, manufacture, growth or barter of a Controlled Substance therein or thereon;

and which no longer meets the applicable standards under the British Columbia Building Code, Gas and Electrical Codes, as per B.C. Safety Standards Act, British Columbia Fire Code, Health Act or other applicable regulations including any bylaw requirements of the District of Pitt Meadows, all as amended from time to time;

**“Council”** means the Council of the District;

**“District”** means the Corporation of the District of Pitt Meadows;

**“Dangerous Goods”** means those products or substances regulated by the Transportation of Dangerous Goods Act and its regulations, both as amended from time to time;

**“Director”** means the Director of Operations and Development Services, and other persons designated by Council to act in the place of the Director;

**“Fire Chief”** means the person who is appointed to be Fire Chief for the District of Pitt Meadows 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;

**“Flammable and Combustible Liquid”** for the purposes of this Bylaw are as classified under the British Columbia Fire Code;

**“Grow Operation”** means the cultivation of marijuana plants or mushrooms or other Controlled substances, or laboratories for the production of Amphetamines, or other Controlled Substances;

**“Hazardous Conditions”** means:

- (a) any real or potential risk of fire; or
- (b) any real or potential risk to the health or safety of persons or property; or
- (c) any Alterations made; or
- (d) necessary repairs;

on a Controlled Substance Property;

**“Inspector”** means:

- (a) the Fire Chief, and every person appointed by Council or the Fire Chief, as applicable, to be a member of the Pitt Meadows Fire and Rescue;
- (b) the Director of Operations and Development Services, and every Building Official appointed by the District to inspect buildings or structures in respect of building and plumbing standards;
- (c) a Peace Officer, including a member of the Royal Canadian Mounted Police;
- (d) a Bylaw Enforcement Officer;
- (e) the Deputy of a person, officer or employee referred in paragraphs (a) through (f);
- (f) other persons designated by Council by name of office or otherwise to act in the place of the persons, officers or employees referred to in paragraphs (a) through (e).
- (g) persons designated by Council to inspect buildings or structures in respect of gas or electrical standards. **(Bylaw No. 2301)**

**“Occupancy Permit”** means permission or authorization in writing by the Building Official to re-occupy any building or part thereof in respect of which the Building Official has issued an order to cease occupancy because of a Hazardous Condition;

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

**“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, other substances used to control pests, plant regulators, defoliantes or desiccants;

**“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;

**“Property”** includes land and any improvement comprised on the property;

**“Residential Premises”** means any building or part of a building which 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 Pitt Meadows Fire Department;
- (b) the Ridge Meadows detachment of the Royal Canadian Mounted Police;
- (c) the District’s Development Services Division; and
- (d) the Fraser Health Authority;

associated with the inspection and removal of a Grow Operation or a Hazardous Condition 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, cleanup, 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 on 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 E”;

**“Structure”** means an erection, repair, alteration, addition, demolition, excavation or other construction which supports a use or occupancy;

**“Special Safety Inspection”** means an inspection coordinated with other such departments, jurisdictions, and contractors as is necessary to review hazardous conditions that may exist and to issue such orders as are applicable pursuant to the British Columbia Building Code, British Columbia Fire Code, Health Act and other such regulations and bylaw within the District;

**“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 premises, including Residential Premises.

**3. Building and Safety Standards**

- 3.1** (a) No person may disconnect from an electrical or water distribution system a meter installed for the purpose of ascertaining consumption of electricity or water.
- (b) If as a result of the use of a property as a Controlled Substance Property:
- (i) the supply of electricity, water or natural gas to a property has been disconnected by the District or any other lawful authority;
  - (ii) Alterations or repairs have been made to structural, electrical, water or gas systems, equipment, appliances or other accessories of any kind; or
  - (iii) a hazardous condition exists on the property;

then no person may reconnect the supply of electricity, water or natural gas, subject to the Residential Tenancy Act; and no person may use or occupy the property until:

- (c) the property has been inspected by a 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;
- (d) the property has been subject to a Special Safety Inspection by a 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 property complies with the remediation requirements imposed by the Environmental Management Act S.B.C.2003 c.53, and any of its related regulations, as amended from time to time;
- (f) the owner or occupant has obtained all permits, approvals or authorizations required to carry out the work necessary to bring the property into compliance with the District's bylaws and all provincial statutes and regulations;

- (g) all of the work referred to in this section has been completed and inspected by a Building Official or Inspector and all other lawful authorities having jurisdiction and the Property is in compliance with the District's bylaws and all applicable provincial statutes and regulations as amended from time to time; and
- (h) the owner or occupant has paid all fees imposed by Schedule "A" of this Bylaw and other relevant District Bylaws in relation to the inspection of the property and the issuance of permits, and the Building Official has issued an Occupancy Permit for the property.

**3.2** No person may divert or install exhaust vents of hot water tanks or furnaces to exhaust into or within a Building instead of by way of an exhaust vent constructed or installed in compliance with applicable enactments.

**4. Storage of Dangerous Goods**

**4.1** No person may store or use Dangerous Goods in a residential building or a residential accessory building in quantities greater than permitted under the British Columbia Fire Code, as amended from time to time.

**5. Obstruction**

**5.1** No person may construct or install:

- (a) In a Building or Structure a trap or other device which could have the effect of causing death or bodily harm to a person entering the Building or Structure, including an Inspector or Building Official under this bylaw.
- (b) Any obstruction of an exit or an access to an exit required under the British Columbia Building Code (or other enactment), as amended from time to time or remove fire stopping that is provided or required under an enactment to contain the spread of fire within a Building.

**6. Posting of Unsafe Do Not Enter or Occupy Notice**

- 6.1**
- (a) A Building Official 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.
  - (b) No person may:
    - (i) interfere with or obstruct an Building Official from posting a notice referred to in paragraph (a); or
    - (ii) remove, alter, cover or mutilate a notice posted under paragraph (a), except with the permission of an Inspector.

**7. Health**

- 7.1** 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 the production of amphetamines or other controlled substances in the building.

**8. Nuisance**

- 8.1** No person may cause or permit:

- (a) a nuisance as a result of his or her use of occupancy of a parcel;
- (b) water, rubbish or unsightly matter to collect or accumulate in, on, under or around property owned, used or occupied by him or her, where (unsightly) has the meaning by the Property Maintenance Bylaw No. 1400, 1991, as amended or replaced.

**9. Noxious or Offensive Trade**

- 9.1** No person may cause or permit a noxious or offensive trade in premises including the production, storage, transfer or disposal of substances that emit offensive odours, fumes or particulate matter.

**10. Fire Protection**

- 10.1** The Fire Chief or designate may:

- (a) Enter on real property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from a fire;
- (b) Take measures to prevent and suppress fires, including the demolition of Buildings and other Structures to prevent the spreading of fires;
- (c) Order an owner or occupier of real property to undertake any actions directed by the Fire Chief or other person authorized by the Fire Chief for the purpose of removing or reducing any thing or condition that person considers is a fire hazard or increases the danger of fire;
- (d) Exercise some or all of the powers of the Fire Commissioner of B.C. under Section 25 of the Fire Services Act, and for these purposes that section applies.



## **11. Tenancies**

### **11.1** Every owner of Residential Premises or other premises that are subject to a Tenancy Agreement:

- (a) Must inspect the premises at least once every 2 months to ascertain whether this bylaw has been contravened; and
- (b) Who has knowledge of a contravention of this Bylaw, in relation to the Residential Premises or other premises, must:
  - (i) within 24 hours of the discovery of the contravention, deliver written notice to the District of the particulars of the contravention; and
  - (ii) 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 premises into compliance with this Bylaw.

## **12. Remediation Requirements**

### **12.1** If Residential Premises have been used for a Grow Operation, the Owner of the Residential premises must, within thirty (30) days after the Grow Operation has been removed, subject to the Residential Tenancy Act:

- (a) Either remove and dispose of all carpets, rugs and curtains in the Residential premises, or have all carpets, rugs and curtains in the Residential premises cleaned by a Professional Cleaner;
- (b) If the Residential premises are heated by forced air heating, have all air ducts cleaned and disinfected by a Professional Cleaner or by a duct cleaning company; and
- (c) Have all walls and ceiling in the Residential premises cleaned and disinfected by a Professional Cleaner.
- (d) If Residential Premises have been used for a Grow Operation, the District may deliver to the Owner and Occupier of the Residential premises a letter in the form of Schedule “D” attached hereto and forming part of this Bylaw.

**13. Inspection and Certification Requirement**

- 13.1** After a Professional Cleaner has been engaged by the Owner and has completed requirements of Part 12, an individual or corporation certified by the Canadian Registration Board of Occupational Hygienists must inspect the Residential Premises and provide written certification in the form of Schedule “C” attached hereto and forming part of this Bylaw, to the Director that the requirements of Part 12 have been satisfied and that the Residential Premises are substantially free of any pesticides, fertilizers and any toxic chemicals, moulds or fungi.

**14. Occupancy**

- 14.1** After a Grow Operation has been removed from Residential Premises and until the remedial measures prescribed by Part 12 of this Bylaw have been completed and written certification has been provided to the Director as required by Section 13.1, the Residential Premises must not be occupied by any person.
- 14.2** Before Residential Premises are 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.

**15. Alterations**

- 15.1** If there has been an Alteration to the Residential Premises, the Residential Premises must not be re-occupied after the removal of a Grow Operation until:
- (a) A building permit has been obtained for any existing Alteration and proposed alteration work which requires a permit under the District’s Building Bylaw, in force from time to time;
  - (b) The Residential Premises comply with the health and safety requirements of the British Columbia Building Code, the B.C. Electrical Code, this Bylaw and all other health and safety requirements established by bylaw; and
  - (c) The Director has confirmed that a satisfactory occupancy inspection of the Residential Premises by the District’s Building Department has been completed.

**16. Fees**

**16.1** The following fees apply under this Bylaw:

- (a) Each time an Inspector of Building Official 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 other enactment, the Owner must pay the District the administration and inspection fee stipulated in Schedule “A”, attached hereto and forming part of this Bylaw;
- (b) 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”;
- (c) To obtain a Re-occupancy Permit, the owner must pay the District the fee stipulated in Schedule “A”;
- (d) Every Owner whose real property is used as a Controlled Substance Property must pay the District all Service Costs incurred by or on behalf of the District.

**17. Notices and Inspections**

**17.1** Subject to section 16 of the *Community Charter*, an Inspector may enter on real property for the following purposes:

- (a) To inspect and determine whether all regulations, prohibitions and requirements under this Bylaw or other 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 Part 17 of this Bylaw;
- (c) To inspect or to disconnect or remove a water service under Part 22 of this Bylaw.

**18. Posting of Notice**

**18.1** The Director or a person acting under the direction of the Director may post a notice in the form of Schedule “B”, attached hereto and forming part of this Bylaw, on any Residential Premises which have been used for a Grow Operation, advising of the regulations in this Bylaw.

**18.2** No person may interfere with an inspection or proposed inspection under Part 3 of this Bylaw and no person shall remove or deface any notice posted under Part 6 of this Bylaw.

**19. Offence and Penalty**

- 19.1** Every person who violates a provision of this Bylaw, or who consents, allows or permits an act or thing to be done in violation of a provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by a provision of this Bylaw, is guilty of an offence and is liable to the penalties imposed under this Bylaw, and is guilty of a separate offence each day that a violation continues to exist.
- 19.2** Every person who commits an offence is liable on summary conviction to a fine not exceeding \$10,000.00 or to imprisonment, or to both a fine and imprisonment.
- 19.3** If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

**20. Default**

- 20.1** If an Owner or occupier of real property fails to comply with a requirement of the District under this Bylaw or another enactment, the District, within the time specified in the order or notice may enter the real property and take such action as may be required to correct the default, including to remediate the real property or bring it up to a standard specified in an enactment, at the expense of the Owner or occupier who has failed to comply and may recover the costs incurred as debt.
- 20.2** If the Owner or occupier has failed to pay the District's costs of acting in default under Part 21 before the 31<sup>st</sup> day of December in the year that the correction of the default was affected, the costs must be added to and form part of the taxable payable on the property as taxes in arrears.

**21. Remedial Action**

- 21.1** Division 12 of Part 3 of the *Community Charter* applies.

**22. Discontinuance of Service**

- 22.1** The District may discontinue providing water service to real property if the water is being used for or in relation to the Grow Operation, subject to the requirements that the District must:
- (a) give the Owner and occupier of the real property 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.

## **23. Severability**

- 23.1** If a portion of this bylaw is held invalid, it shall be severed and the remainder of the Bylaw shall remain in effect.

### **Schedules**

- Schedule “A” – Fees
- Schedule “B” – Notice
- Schedule “C” – Certification Form
- Schedule “D” – Letter to Property Owner
- Schedule “E” – Labour/Equipment Costs
- Schedule “F” – Re-Occupancy Certificate

## SCHEDULE “A”

### Fees

The following fees apply under this Bylaw:

- (1) Each time the District enters on a property to inspect, in the exercise of the District’s authority to regulate or impose requirements under this Bylaw or another enactment, the Owner must pay the District an administration and inspection fee of:
  - (a) \$300.00;
  - (b) 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.
- (2) The following fees are payable under this Bylaw (***Bylaw No. 2292***):

(a) Special Safety Inspection	\$3000.00
(b) Shutting off a water distribution system	\$150.00
(c) Reconnecting a water distribution system	\$150.00
(d) Re-inspection of water distribution system after alteration or tampering	\$500.00

## SCHEDULE “B”

### NOTICE

TAKE NOTICE THAT these **Residential Premises** have been used as a marijuana grow operation (or to manufacture other Controlled Substances).

Pursuant to the District of Pitt Meadows “**Grow Operation Bylaw No. 2202, 2005**”, no person may occupy these premises until cleaning and remediation have been completed in accordance with that Bylaw and the Director 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 the Director of Operations and Development Services at 604-465-2420.

---

Director of Operations and Development Services  
District of Pitt Meadows

## **SCHEDULE “C”**

### **Certification Form**

TO: The District of Pitt Meadows

FROM: \_\_\_\_\_

RE: Residential Premises located at: \_\_\_\_\_

This is to certify that in accordance with Section 13 and 14 of “District of Pitt Meadows Grow Operation Bylaw No. 2202, 2005, the professional identified in this certification:

- (1) Meets the certification requirements for an inspector under Part 14 of this Bylaw; and
- (2) Has completed an inspection of the Residential Premises on: \_\_\_\_\_ ; and
- (3) The Residential Premises are free of any pesticides, fertilizers and toxic chemicals, moulds or fungi.

The undersigned professional may be contacted at: \_\_\_\_\_

CERTIFIED AS OF: \_\_\_\_\_

BUILDING OFFICIAL: \_\_\_\_\_

AUTHORIZED REPRESENTATIVE: \_\_\_\_\_



## **SCHEDULE “D”**

### **LETTER TO PROPERTY OWNER**

RE: Grow Operation Bylaw No.2202, 2005

This letter is to notify you that the District of Pitt Meadows “Grow Operation Bylaw No. 2202, 2005” establishes regulations concerning the cleaning and remediation of Residential Premises that have been used for Grow Operations or to manufacture other Controlled Substances.

The District has been advised by the RCMP that the Residential Premises located at: \_\_\_\_\_ were in use as a marijuana grow operation or to manufacture other controlled substances which have been removed by the police.

The Bylaw requires that within 30 days of the removal of the Grow Operation, 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 licence to carry on business in Pitt Meadows.

After the cleaning is completed, a qualified professional must certify that the premises are free from pesticides, fertilizer, toxic moulds, chemicals and fungus.

Until the cleaning and certification have been completed, Section 14 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 of Pitt Meadows at 604-465-2430.

## **SCHEDULE “E”**

### **LABOUR/EQUIPMENT COSTS**

Staff Costs (Two hour minimum)

Corporal R.C.M.P.	\$ 64.59 / hr.
Constable R.C.M.P.	\$ 61.36 / hr.
Bylaw Enforcement	\$ 82.87 / hr.
Building Official	\$ 82.87 / hr.
Health Office	\$100.00 / hr.
Fire Fighter	\$ 30.00 / hr.

Equipment Costs

Fire Truck	\$300.00 / hr.
Replacement of Equipment exposed to contaminants	Cost to District of Pitt Meadows
Replacement of consumable equipment	Cost to District of Pitt Meadows
Analysis and Tests of materials or conditions found on property	Cost to District of Pitt Meadows
Any other Services required Under this Bylaw.	Cost to District of Pitt Meadows

Administration

Administration and Overhead Costs	15%
-----------------------------------	-----

## **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 Pitt Meadows “Grow Operation Bylaw No. 2202, 2005” 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.

Building Official:\_\_\_\_\_

Date: \_\_\_\_\_