



THE CORPORATION OF THE CITY OF NORTH VANCOUVER

“PROPERTIES INVOLVING CONTROLLED SUBSTANCES BYLAW, 2004, NO. 7598”

CONSOLIDATED FOR CONVENIENCE – OCTOBER 22, 2012

Amendment Bylaw, 2012, No. 8253	Part 2, Part 6, Part 9, Schedule A deleted
---------------------------------	--

THE CORPORATION OF THE CITY OF NORTH VANCOUVER

BYLAW NO. 7598

A Bylaw to remediate Hazardous Conditions on Properties involving Controlled Substances and to provide for the recovery of costs for such works.

The Council of The Corporation of the City of North Vancouver, in open meeting assembled, enacts as follows:

PART 1 – TITLE

This bylaw shall be known and cited for all purposes as the “**Properties Involving Controlled Substances Bylaw, 2004, No. 7598**”.

PART 2 – DEFINITIONS

- 2.1. “**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 that Act or otherwise lawfully permitted under the City’s Business License Bylaw.
- 2.2. “**Controlled Substance Property**” means:
- a) a Property contaminated by chemical or biological materials used in or produced by the trade or manufacture of a Controlled Substance; or
 - b) a Property modified to trade or manufacture a Controlled Substance; or
 - c) a Property which has been used for the ingestion, use, sharing, sale, trade or barter of a Controlled Substance therein or thereon; and
 - d) which no longer meets the applicable standards under the British Columbia Building Code, British Columbia Fire Code, Health Act or other applicable regulations including any Bylaw requirements of the City of North Vancouver.
- 2.3. “**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 unapproved building modifications made to the Property, or repairs needed to the Property;
- arising or resulting from the use or contamination of a Property as a Controlled Substance Property.
- 2.4. “**Inspector**” means any member of the Royal Canadian Mounted Police or City of North Vancouver Fire Department, an Environmental Health Officer of the Vancouver Coastal Health Authority, a Building Official, Electrical Safety Officer, Plumbing and Gas Inspector, Bylaw Enforcement Officer, or any other authorized employee of the City of North Vancouver.

- 2.5. **“Occupant”** includes:
- a) a person who is qualified to maintain an action for trespass, or
 - b) a person who simply occupies the land.
- 2.6. **“Owner”** means:
- a) the registered Owner of an estate in fee simple, or
 - b) the tenant for life under a registered life estate, or
 - c) the registered holder of the last registered agreement for sale;
 - d) the lessee of a residential or commercial ground lease.
- 2.7. **“Person”** includes natural persons of either sex, associations, corporations, bodies politic, partnerships, whether acting by themselves or by a servant, agent or employee, and the heirs, executors, administrators, successors and assigns or other legal representative of such persons.
- 2.8. **“Property”** means all real property, including, but not limited to, front yards, side yards, back yards, driveways, walkways, and sidewalks and shall include any building, structure, vehicle, chattel or fence located on such real property.
- 2.9. **“Re-occupancy Permit”** means permission or authorization in writing by the Chief Building Official to re-occupy any building or part thereof in respect of which the Chief Building Official has issued an order to cease occupancy because of a hazardous condition.
- 2.10. **“Registered Occupational Hygienist”** means an individual trained and accredited in accordance to the standards set out by the Canadian Registration Board of Occupational Hygienists.
- 2.11. *Deleted in its entirety {Bylaw No. 8253. Council Date: October 22/2012}*
- 2.12. **“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 regulation and Bylaw within the City of North Vancouver.

PART 3 – PROHIBITION OF CONTROLLED SUBSTANCE PROPERTY

- 3.1. No Person, Owner or Occupant of Property within the City of North Vancouver shall cause, permit or allow any Property to become or remain a Controlled Substance Property.

PART 4 – HAZARDOUS CONDITIONS

- 4.1. No Person, Owner or Occupant of a Controlled Substance Property within the City of North Vancouver shall cause, permit or allow any Hazardous Conditions to exist at that Property.

PART 5 – RIGHT OF ENTRY

- 5.1. An Inspector may enter onto any land, into any building, structure, or premises at any reasonable time for the purpose of determining compliance with this Bylaw. Entry can be made:
- a) under the authority of a warrant under the Community Charter; or
 - b) where the residence is occupied, with the consent of the Occupant, or with written notice provided to the Occupant 24 hours in advance of entry and the reasons for it; or
 - c) where an Inspector has reasonable grounds for believing that failure to enter may result in a significant risk to the health or safety of the occupier or other Persons; or
 - d) where entry is for a purpose in relation to inspecting for compliance with regulations, prohibitions or requirements applicable to the place that is being entered.

PART 6 – ALTERATION REPAIR AND RECONNECTION OF ELECTRICAL, WATER OR GAS SUPPLY

- 6.1. If, as a result of the unlawful use of a Property as a Controlled Substance Property, where:
- a) the supply of electricity, water or natural gas to a Property has been disconnected by the City or any other lawful authority; or
 - b) unauthorized alterations or repairs have been made to electrical, water or gas systems, equipment, appliances or other accessories of any kind; or
 - c) Hazardous Conditions exist on the Property.

Then the supply of electricity, water or natural gas shall not be permanently reconnected and the Property shall not be used or occupied until:

1. the Owner or Occupant has applied to a Building Inspector for a Special Safety Inspection pursuant to this section;
2. the Property has been inspected by the Inspector 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 City's Bylaws and any Provincial statute or regulation relating to building, electrical, water, health, gas, or fire safety;
3. 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 City's Bylaws and all Provincial statutes and regulations referred to in subsection 6.1.2;
4. all of the work referred to in subsection 6.1.3 has been completed and inspected by the Inspector and all other lawful authorities having jurisdiction and the Property is in compliance with the City's Bylaws and all Provincial statutes and regulations referred to in subsection 6.1.2; and
5. "the Owner has been issued a Re-occupancy Permit for the Property".
{Bylaw No. 8253. Council Date: October 22/2012}

PART 7 - SIGNS

- 7.1. The Inspector may post an "**UNSAFE DO NOT ENTER OR OCCUPY**" notice, as set out in Schedule "B", in a conspicuous place at the entrances of a Controlled Substance Property. No Person shall:
- a) interfere with or obstruct an Inspector from posting the notices; or
 - b) remove, alter, cover, or mutilate a posted notice except by permission of the Inspector.

PART 8 – NON-COMPLIANCE AND REMEDIATION

- 8.1. If an Owner or Occupant fails to comply with a written notice of an Inspector, the City, by its employees or other Persons, at a reasonable time and in a reasonable manner, may enter the Property and effect compliance at the expense of the Owner or Occupant who has failed to comply.

PART 9 – Deleted in its entirety {Bylaw No. 8253. Council Date: October 22/2012}

PART 10 – OFFENCES AND PENALTIES

10.1. Every Owner or Occupant, who contravenes, suffers or permits any act or thing to be done in contravention of, or neglects or refrains from doing anything required by this Bylaw, or any notice issued under this Bylaw, commits an offence punishable on summary conviction, and shall be liable to a fine not less than \$500 but not exceeding the sum of \$5,000.00.

PART 11 – CONTINUING OFFENCES

11.1. Where an offence is a continuing offence, each day that the offence is continued shall constitute a separate and distinct offence.

PART 12 – PROSECUTION OF A PERSON

12.1. Prosecutions pursuant to Section 10.1 of this Bylaw do not exempt or relieve the Owner or Occupant from the remediation provisions of Part 6, Section 8.1 and Section 9.1 of this Bylaw.

PART 13 - SEVERABILITY

13.1. If a court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force.

READ a first time by the Council on the 5th day of July, 2004.

READ a second time by the Council on the 5th day of July, 2004.

READ a third time and passed by the Council on the 5th day of July, 2004.

RECONSIDERED and finally adopted by the Council, signed by the Mayor and City Clerk and sealed with the Corporate Seal on the 12th day of July, 2004.

“Barbara A. Sharp”

MAYOR

“Bruce A. Hawkshaw”

CITY CLERK

PART 14 – SCHEDULES

SCHEDULE “A”

Deleted in its entirety {Bylaw No. 8253. Council Date: October 22/2012}

UNSAFE

**DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)**

This structure has been inspected, found to be seriously damaged and is unsafe to occupy, as described below:

Do not enter, except as specifically authorized in writing by jurisdiction. Entry may result in death or injury.

Facility Name and Address:

Date _____
Time _____

This facility was inspected under emergency conditions for:

(Jurisdiction)

Inspector ID / Agency

**Do Not Remove, Alter, or Cover this Placard
until Authorized by Governing Authority**