
CITY OF KELOWNA

MEMORANDUM

Date: October 7, 2005
File No.: BL 9510
To: City Manager
From: Planning and Corporate Services
Subject: Nuisance Controlled Substance Property Bylaw

Recommendation:

THAT Nuisance Controlled Substance Property Bylaw No. 9510 be advanced for readings consideration;

AND THAT Notice of Council's intent to adopt Nuisance Controlled Substance Property Bylaw No. 9510 be advertised as indicated in the Report of Planning and Corporate Services dated October 7, 2005.

Background:

Council has instructed staff to bring forward a "Grow-Op" bylaw for Council's consideration. To this end, an inter-departmental task force was struck in March to draft a bylaw and determine how such a bylaw could be implemented. The Task Force has studied similar bylaws adopted by other British Columbia municipalities including the model bylaw presented at last month's UBCM Convention.

The bylaw would enable a "do not enter or occupy" notice to be posted on a property that had been used for the growing, manufacturing, storage, sale, trade or barter of a controlled substance. A series of re-inspections would be required to ensure that the property meets health and safety standards before the notice can be taken down.

Under section 59 of the *Community Charter*, Council must give notice of its intention to adopt this bylaw, and provide an opportunity for persons who consider themselves affected by the bylaw to make representations to Council. Staff are recommending that notice be published in the Capital News and Daily Courier, and on the City web site prior to final adoption consideration of Council on October 24th, 2005.

City staff will be bringing forward for Council's consideration amendments to the Unsightly Premises and Visual Nuisance Bylaw to further enhance the City's ability to regulate the health, safety and protection of persons and properties, in particular with respect to those properties used as "drug houses."

Planning and Corporate Services is recommending that Council give readings consideration to Nuisance Controlled Substance Property Bylaw No. 9510 and give notice as required under the Community Charter.

Stephen Fleming
Deputy City Clerk
On behalf of the City Controlled Substance Bylaw Task Force

Approved for inclusion	
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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

cc: City Controlled Substance Bylaw Task Force