

Memo



Date: October 27, 2009
File: BL 10064
To: City Manager
From: City Clerk
Subject: Safe Premises Bylaw No. 10064

Recommendation:

THAT Council give reading consideration to Safe Premises Bylaw No. 10064;
AND THAT Nuisance Controlled Substance Bylaw No. 9510 be rescinded.

Background:

Council adopted Nuisance Controlled Substance Property Bylaw No. 9510, commonly referred to as the "Grow-Op Bylaw" in October 2005. Bylaw 9510 was based on the model UBCM bylaw. Since adoption, the bylaw has been used against approximately 100 properties.

The focus of the new bylaw is on the specific dangerous or hazardous conditions that are common in buildings that are used for marijuana cultivation or the cooking of methamphetamines. The mould levels and toxic chemical levels listed in Schedule "E" are based on common chemicals related to methamphetamine labs and maximum airborne levels in accordance with Work Safe B.C.'s requirements for workplace environments.

Also, the bylaw could be used, in particular in cooperation with the Interior Health Authority (IHA), in situations where a building has mould that was not the result of marijuana cultivation or the cooking of methamphetamines. Policy on how and when to use the bylaw under such situations needs to be developed.

The District of West Kelowna, the City of Vernon, and the District of Lake Country either have already or will be adopting bylaws based on Kelown's Safe Premises Building Bylaw No. 10064.

Internal Circulation:

The new bylaw has been drafted in cooperation with the City Solicitor and the Director, Development Services.

Legal/Statutory Authority:

Community Charter, section 8.

Legal/statutory Procedural Requirements:

The bylaw must be deposited with the Minister of Health, and the City must consult with IHA prior to adoption of the bylaw.

Existing Policy:

Nuisance Controlled Substance Property Bylaw No. 9510

External Agency/Public Comments:

Comments from IHA are attached. City staff has also consulted with representatives who are qualified to remove contaminants from buildings.

Considerations not applicable to this report:

Financial/Budgetary Considerations:

Personnel Implications:

Technical Requirements:

Communications Considerations:

Alternate Recommendation:

Submitted by:



Stephen Fleming, City Clerk

Approved for inclusion:



Rob Mayne Director, Corporate Services