

**Corporate** NO: R129**Report** COUNCIL DATE: June 4, 2001

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| REGULAR | | | |
| TO: | Mayor and Council | DATE: | May 15, 2001 |
| FROM: | City Solicitor | FILE: XC: | 0042-018 0023-14422 |
| SUBJECT: | Cost Recovery - Police/Fire – Prevention and Cost Recovery of Controlled Substance Manufacturing | | |

RECOMMENDATION

That Council approve the attached By-law with respect to the City preventing controlled substance manufacturing operations and recovering those costs associated with the clean up and dismantling of these facilities within the City of Surrey.

BACKGROUND

The Police and Fire Department attended over 350 grow and controlled substance manufacture operations within the City of Surrey during the year 2000. These operations not only taxed limited resources, but also wasted additional valuable time of both firefighters and police officers that could have been used on other proactive initiatives throughout the City.

Both Departments believe that these costs should not be borne by the residents generally and instead of the City those property owners who are responsible for allowing these illegal activities to be conducted on their property will be charged.

DISCUSSION

The average cost to the City of Surrey for these types of dismantling and clean up operations is approximately \$2,500.00 per operation (Fire/Police). There may be some operations that exceed estimated costs, however each property owner will be billed for those costs directly related to the equipment used and resources expended. These costs must be incurred in order to maintain the safety of the property in which controlled substances are produced and any adjoining premises. Serious property damage, personal injuries and death have resulted from the illegal operation

of controlled substance manufacturing premises.

An information bulletin will be published in the local newspapers and our City web page describing this By-law and the responsibilities of landlords to ensure their property is not being leased to controlled substance producers.

The Police and Fire shall submit their costs to By-law and Licensing Services who will then be responsible for contacting and billing the respective property owners and/or occupiers of the property. These fines will then be allocated and identified within the Public Safety budget.

The By-law

The statutory basis of the attached By-law is embodied in s. 725 of the *Local Government Act*, R.S.B.C. 1996, c. 323 (the "*Act*"). Section 725(1) of the *Act* allows Council to enact by-laws to prevent and abate nuisances and recover the costs associated with their abatement. Section 725(1)(m) permits cost recovery by a municipality for remedying unsightliness or the clearing of property of "*noxious weeds or other growths*". Section 725(2) of the *Act* permits the prohibition of the "*carrying on of a noxious or offensive trade, business or manufacture*".

The attached By-law allows for the fire and policing costs associated with abatement and clean up of the controlled substance manufacturing operation to be charged to the owner. Tenants, occupants and other persons associated with the illegal manufacturing operation may also be charged and fined up to \$5,000 under the By-law. An application shall be made to have the offences under the By-law made a municipal ticket offence.

CONCLUSION

It is recommended that Council approve the proposed form of By-law.

Craig MacFarlane

City Solicitor

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Encl.

c.c. City Manager

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