

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

PROPERTY SAFETY BYLAW 2010 NO. 4835

CONSOLIDATED FOR CONVENIENCE ONLY

EXPLANATORY MEMO

Bylaw No. 4835 provides the Township of Langley with the methods to help combat the problems created by, and associated with, damaged properties (including but not limited to properties with building and other structural damage) and contaminated properties (including but not limited to properties contaminated by mould or fungus growth), all of which create nuisances and health and safety risks to people and properties in the Township.

Amending Bylaw No. 4864 – adopted April 11, 2011

Bylaw 2011 No. 4864 amends the Township of Langley Property Safety Bylaw 2010 No. 4835 to include provisions to allow for the issuance of Bylaw Offence Notices.

Amending Bylaw No. 5061 – adopted February 24, 2014

Bylaw No. 5061 amends the Property Safety Bylaw 2010 No. 4835 to reflect the repeal of the Medical Marihuana Access Regulations, SOR/2001-227 and the enactment of the Marihuana for Medical Purposes Regulations, SOR/2013-119.

Amending Bylaw No. 5121 – adopted January 26, 2015

Bylaw 2015 No. 5121 amends the Property Safety Bylaw 2010 No. 4835 to address changes to the law governing medical marihuana operations and to more precisely delineate the prohibitions contained in the Property Safety Bylaw 2010 No. 4835.

THIS IS A CONSOLIDATED BYLAW PREPARED BY THE CORPORATION OF THE TOWNSHIP OF LANGLEY FOR CONVENIENCE ONLY. THE TOWNSHIP DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

Township of Langley

Property Safety Bylaw 2010 No. 4835

CONSOLIDATED FOR CONVENIENCE ONLY

Table of Contents

	Page No.
Part 1	Citation
Part 2	Severability
Part 3	Definitions and Interpretation
Part 4	Prohibitions
Part 5	Responsibilities of Owners and Occupiers
Part 6	Township Reliance
Part 7	Powers of Inspectors
Part 8	Fees and Service Costs
Part 9	Medical Marijuana Licences
Part 10	Default
Part 11	Discontinuance of Service
Part 12	Offence and Penalty
Part 13	Repeal
	SCHEDULE A
	SCHEDULE B
Part 14	Inspection of Private Residence on a Property

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

PROPERTY SAFETY BYLAW 2010 NO. 4835

CONSOLIDATED FOR CONVENIENCE ONLY

WHEREAS it is deemed necessary and desirable to enact a bylaw to regulate, prohibit and impose requirements in respect of damaged or contaminated properties;

AND WHEREAS the alteration of structures; plumbing, heating and air conditioning systems; electrical wiring and equipment; gas piping and fittings; appliances; and accessories in or on properties creates danger to occupiers and neighbours of those properties, and risks to the health and safety of the occupiers and neighbours;

AND WHEREAS the contamination of properties creates danger to occupiers and neighbours of those properties, and risks to the health and safety of the occupiers and neighbours;

AND WHEREAS properties that contravene applicable standards under the British Columbia Building Code, British Columbia Fire Code, *Safety Standards Act*, *Health Act* or other applicable enactments, including bylaw requirements of the Township, create risks to the health and safety of occupiers and neighbours, and are offensive and a nuisance;

NOW THEREFORE, under its statutory powers, including but not limited to, sections 8(3)(g), (h) and (l) of the *Community Charter*, S.B.C. 2003, c.26, the Council of the Township of Langley in open meeting assembled ENACTS AS FOLLOWS:

Part 1 Citation

1.1 This Bylaw may be cited for all purposes as "Property Safety Bylaw 2010 No. 4835".

Part 2 Severability

2.1 If any part, section, sub-section, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and the validity of the remaining provisions of this Bylaw shall not be affected.

Part 3 Definitions and Interpretation

Definitions

3.1 In this Bylaw:

"Amphetamines" include dextroamphetamines and methamphetamines;

"Building" means any structure used or intended for supporting or sheltering any use or occupancy;

“Building Code” means the British Columbia Building Code as adopted by the Minister responsible under the *Community Charter*;

“Clandestine Drug Operation” means the growth, planting, cultivation, manufacture, transfer or storage of Controlled Substances, including Amphetamines, ecstasy, LSD (lysergic acid diethylamide), GHB (gamma hydroxybutyrate), crack cocaine, marijuana plants, marijuana oil or its derivatives, and psilocybin mushrooms, and includes all equipment associated with the growth, planting, cultivation, manufacture, transfer or storage of Controlled Substances;

“Controlled Substance” means a “controlled substance” as defined or described in Schedules I, II or III of the *Controlled Drugs and Substances Act*, S.C. 1996, c.19, but does not include a “controlled substance” permitted under that statute;

“Council” means the elected Council of the Township of Langley;

“‘Do Not Occupy’ Notice” means a notice posted or delivered by an Inspector under section 7.1 of this Bylaw;

“Fire Chief” means the Person in charge of the Township’s Protective Services Division, and his or her delegates;

“Hazardous Condition” means

- a) any real or potential risk of fire, noxious fumes or gasses, or explosion,
- b) any real or potential risk to the health or safety of Person or property, including the presence of mould or fungus,
- c) any Unauthorized Alteration, or
- d) any contravention of the Building Code, British Columbia Fire Code, *Safety Standards Act*, *Health Act* or bylaws of the Township;

“Hazardous Property” means

- a) a Property contaminated by or containing trace amounts of chemical or biological materials used in or produced by the growth, planting, cultivation, manufacture, transfer or storage of a Controlled Substance,
- b) a Building altered to grow plant, cultivate, manufacture, transfer, store, sell, trade or barter a Controlled Substance,
- c) a Property which has been or is being used for the growth, planting, cultivation, manufacture, transfer storage, sale, trade or barter of a Controlled Substance, or
- d) a Property on which a Hazardous Condition exists,

and which does not meet applicable standards under the Building Code, British Columbia Fire Code, *Safety Standards Act*, *Health Act* or other applicable enactments, including any bylaw requirements of the Township;

5061
24/02/14

“Inspector” means

- a) the Fire Chief, and every Person appointed by the Fire Chief, as applicable, to be an officer or employee of the Township service,
- b) the Manager of Bylaws,
- c) a peace officer, including a member of the Langley RCMP Detachment,
- d) the Manager, Permit, Licence and Inspection Services,
- e) a safety officer under the Safety Standards Act,
- f) a health inspector appointed by the local health authority,
- g) the deputy of a Person, officer or employee referred to in paragraphs (a) to (f),
- h) a building inspector, and
- i) other Persons designated by name or office or otherwise to act in the place of the Persons, officers or employees referred to in paragraphs (a) to (h).

“Manager of Bylaws” means the Manager of Bylaw Enforcement, and any successor in title to the position, and his or her delegates, including all bylaw enforcement officers of the Township;

“Manager, Permits, Licence and Inspection Services” means the Chief Building Inspector, and any successor in title to the position, and his or her delegates;

5061
24/02/14

“Medical Marihuana Licence” means a licence issued by the Minister of Health pursuant to the *Marihuana for Medical Purposes Regulations*, SOR/2013-119 (the “MMPR”), as amended from time to time.

5121
26/01/15

“Noxious” means harmful, poisonous or very unpleasant.

“Owner” means an owner as defined in the *Community Charter*;

“Occupier” means an occupier as defined in the *Community Charter*;

5121
26/01/15

“Offensive” means disgusting or repulsive to a reasonable Person.

“Person” means a human, corporation, partnership or party and includes an “Occupier” and an “Owner”.

“Pesticide” means a substance or mixture, including a chemical, used to destroy, prevent, repel or mitigate fungi, animal pests or microorganisms such as bacteria or viruses, and includes herbicides, fungicides, other substances used to control pests, plant regulators, defoliants and desiccants;

“Professional Cleaner” means:

- a) an individual or corporation experienced and qualified in removing from Buildings the following materials and substances: moulds, fungi and contaminants, including Pesticides, fertilizers and chemicals used to manufacture or grow Controlled Substances, and
- b) for the purposes of section 5.2(b), an individual or corporation experienced and qualified in cleaning ducts and furnaces;

“Property” means any lot, block or other area in which land is held or into which it is subdivided, and includes any Buildings or chattels located thereon, including any permanent or portable Buildings located on the land, as well as any Personal property, equipment or chattel located on the land or on or within any permanent or portable Buildings on the land;

“Property Safety Inspection” means an inspection conducted by the Township and coordinated with other such departments, jurisdictions, and contractors as is necessary to ascertain hazardous conditions or contraventions that may exist under the Building Code, the British Columbia Fire Code, *Safety Standards Act*, *Health Act*, bylaws of the Township or other applicable enactments;

“Qualified Professional” means an individual or corporation who:

- a) is a certified industrial hygienist (CIH), a registered occupational hygienist (ROH), a registered professional biologist (R.P.Bio.), or a Ph.D. mycologist, and
- b) carries environmental liability insurance in the minimum amount of \$1,000,000.00;

“Service Costs” means all direct and indirect costs incurred by the Township in relation to the inspection of a Hazardous Property or the removal from a Hazardous Property of activities, individuals, materials, or by-products associated with activities that are prohibited in Part 4 of this Bylaw or are otherwise related to the operation of a Clandestine Drug Operation, including:

- a) administration and overhead costs,
- b) costs incurred for the dismantling, disassembly, removal, clean up, transportation, storage, and disposal of equipment, substances, material or other paraphernalia associated with the use, trade, business, growth or manufacture of Controlled Substances,
- c) costs incurred to replace consumables used in, or to replace equipment contaminated by, the removal of activities, individuals, materials, or by-products associated with activities that are prohibited in Part 4 of this Bylaw, or are otherwise related to the operation of a Clandestine Drug Operation,
- d) costs incurred for the analysis of the materials found at the Hazardous Property, or health or safety conditions at the Hazardous Property,
- e) costs incurred in respect of the Hazardous Property under a contract for services with an independent contractor or agent, including without limitation, a

professional engineer, a consultant, a Person retained to carry out construction or demolition, a health professional, an electrical inspector, or a hazardous materials professional, with respect to the clean-up and remediation of a Hazardous Property,

- f) costs incurred by the Township, including its peace officers, for the forensic investigation and inspection of the Hazardous Property, securing of the Hazardous Property, accompanying Inspectors on or in the Hazardous Property, or otherwise lawfully attending the Hazardous Property,
- g) costs incurred to inspect the Hazardous Property in respect of, or to respond to, a fire caused by:
 - i) an Unauthorized Alteration made in relation to a Clandestine Drug Operation, or
 - ii) the growth, planting, cultivation, manufacture, transfer or storage of a Controlled Substance;
- h) costs incurred for cleaning, maintaining or repairing the Township's sanitary or storm sewers, water mains, aquifers, roadways, sidewalks or other Township property in relation to damage caused by, or other impacts of, a Clandestine Drug Operation, and
- i) legal fees on a solicitor and own client basis;

“Township” means The Corporation of the Township of Langley;

“Unauthorized Alteration” means any change made to the structural, mechanical or electrical components of a Building, except changes made in accordance with a permit issued by the Township;

“Utility” means a lawful provider of an electrical, water or natural gas service from a distribution system to consumers.

Interpretation

- 3.2 In this Bylaw, every reference to an enactment is a reference to the enactment and also to any regulation made under that enactment, all as may be amended, re-enacted or replaced from time to time.

Standard of Proof

- 3.3 Findings of fact for the purpose of determining whether all regulations, prohibitions or requirements under this Bylaw are applicable or are being met are to be made on the balance of probabilities.
- 3.4 A Clandestine Drug Operation may be found to have existed on a Property and a Property deemed to be a Hazardous Property for the purposes of this Bylaw even if:
- a) no Person has been charged with an offence relating to the Clandestine Drug Operation; or

- b) a Person charged with an offence relating to the Clandestine Drug Operation was acquitted of all charges in proceedings before a criminal court, or the charges were withdrawn or stayed or otherwise did not proceed.

Part 4 Prohibitions

Prohibitions

- 4.1 A Person must not disconnect, tamper with or bypass, or permit another Person to disconnect, tamper with or bypass, a meter installed for the purpose of ascertaining consumption of electricity, water or natural gas from an electrical, water or natural gas distribution system. This section does not apply to a Utility.
- 4.2 A Person must not alter, or permit another Person to alter, a Building in a way that facilitates the growth, planting, cultivation, manufacture, transfer or storage of a Controlled Substance, or for the purpose of establishing or operating a Clandestine Drug Operation.
- 4.3 A Person must not divert or install, or permit another Person to divert or install, exhaust vents for hot water tanks or furnaces to exhaust into or within a Building.
- 4.4 A Person must not:
 - a) construct or install, or permit another Person to construct or install, any obstruction of an exit or an access to an exit require under the Building Code or other applicable enactment, or
 - b) remove, or permit another Person to remove, fire stopping required under an enactment to contain the spread of fire within a building.
- 4.5 A Person must not cause or allow, or permit another Person to cause or allow, a Building to become subject to the growth of mould or fungus.
- 4.6 A Person must not cause, allow or permit;
 - a) a nuisance as a result of his or her use or occupancy of a Property;
 - b) water, rubbish or Noxious or Offensive material to collect or accumulate in, on, under or around a Property owned, used or occupied by the Person; or
 - c) the discharge or emission of Noxious or Offensive odours from a Property owned, used or occupied by the Person.
- 4.7 A Person must not cause, allow or permit anywhere on a Property, including in a Building, the growth, planting, cultivation, manufacture, storage, transfer or disposal of a Controlled Substance.
- 4.8 A Person must not:
 - a) interfere with or obstruct, or permit another Person to interfere with or obstruct, an Inspector from posting a “Do Not Occupy” notice under section 7.1 and a notice under section 7.3(b); or

5121
26/01/15

- b) remove, alter, cover or mutilate, or permit another Person to remove, alter, cover or mutilate, a “Do Not Occupy” notice posted under section 7.1, except with the prior written permission of the Inspector.

4.9 A Person must not use or alter, or cause, suffer or permit the use or alteration, of the Township’s water distribution system for a Clandestine Drug Operation.

4.10 A Person must not cause, allow or permit a Hazardous Condition to exist on a Property.

Reconnection of Services

4.11 If the supply of electricity, water or natural gas to a Hazardous Property has been disconnected by a Utility, any other lawful authority, or any Person, then a Person must not reconnect, or permit another Person to reconnect, the supply of electricity, water or natural gas unless authorized to do so in writing by the appropriate government or other regulatory agency.

#5121
26/01/15

Part 5 Responsibilities of Owners and Occupiers

Remedial Measures

5.1 Unless otherwise directed to do so by the Township, the Owner or Occupier of a Hazardous Property must, in respect of that Property, as applicable:

- a) obtain a Property Safety Inspection of the Property;
- b) obtain all permits, approvals or authorizations required by the Township, and carry out or cause to be carried out all work necessary to bring the Property into compliance with this Bylaw and all other applicable bylaws and applicable provincial enactments;
- c) retain a professional engineer holding a valid licence under the *Engineers and Geoscientists Act* to certify in writing that the building safety requirements required under applicable enactments have been complied with, and provide this written certification to the Manager, Permits, Licence and Inspection Services; and
- d) pay all Service Costs and other fees or costs imposed under this Bylaw and other relevant Township bylaws in relation to the inspection of the Property and the issuance of permits.

5.2 Unless otherwise directed to do so by an Inspector, the Owner or Occupier of a Building located on a Hazardous Property must, , within fourteen (14) calendar days after the date notice advising of the requirements of this Bylaw has been posted under section 7.3(b) of this Bylaw, subject to the *Residential Tenancy Act*:

- a) remove and dispose of all carpets and curtains in the Building in a manner acceptable to the Inspector,
- b) if the Building is heated by forced air heating, have the furnace, all air ducts, main distribution ducts, venting, and filtering cleaned by a Professional Cleaner; and

- c) have all walls, floors, insulation, moisture barrier and ceilings in the Building replaced or cleaned and disinfected by a Professional Cleaner.
- 5.3 After a Professional Cleaner has completed the requirements of section 5.2(b) and (c) of this Bylaw, a Qualified Professional must inspect the Building and provide written certification to the Manager, Permit Licence and Inspection Services that the requirements of section 5.2(b) and (c) have been satisfied and the Building is substantially free of any Pesticides, fertilizers, toxic chemical contamination, moulds or fungi, and is safe for occupancy.
- 5.4 Any remediation required to be done on a Property pursuant to sections 5.1, 5.2 or 5.3 of this Bylaw must be completed within sixty (60) days of the date notice advising of the requirements of this Bylaw has been posted under section 7.3(b) of this Bylaw provided, however, that where the Manager, Permit Licence and Inspection Services is satisfied that the Owner or Occupier is diligently proceeding with the required work, the Manager, Permit Licence and Inspection Services may grant an extension of time that is, in his or her opinion acting reasonably, sufficient to complete the remediation work required.
- 5.5 Where notice advising of the requirements of this Bylaw has been posted under section 7.3(b) in respect of a Building, no Person shall occupy, and no Owner or Occupier shall permit a Person to occupy, that Building until sections 5.1, 5.2 or 5.3, as applicable, have been complied with, and the Township has notified the Owner or Occupier that the Building may be re-occupied.
- 5.6 Each of the Owner or Occupier of a Hazardous Property has full and sole responsibility for performing all work required or contemplated under this Bylaw or the Building Code and all other applicable codes, standards, bylaws and enactments, and the Owner or Occupier is not relieved from this responsibility by any of the following:
- a) the removal of a "Do Not Occupy" notice posted under section 7.1;
 - b) the issuance of a building permit under this Bylaw or any other bylaw of the Township;
 - c) the acceptance or review by the Township of plans, drawings, or specifications or supporting documents; or
 - d) any inspections made by or on behalf of the Township.
- 5.7 Every Owner and Occupier of a Property must comply with all orders made by the Fire Chief under section 7.6 of this Bylaw.
- 5.8 Every Owner or Occupier of a Hazardous Property who contravenes any provision of this Bylaw must, if directed to do in writing so by the Township, remove from the Hazardous Property all Clandestine Drug Operations and remediate the Hazardous Property to bring that Property into compliance with the Township's bylaws and other applicable provincial enactments.

Relief from Requirements and Appeal to Council

- 5.9 Any Owner or Occupier of a Property who is required to take any actions under Part 5 of this Bylaw may seek relief from those requirements from the Manager, Permits, Licence and Inspection Services and may appeal any decision or refusal by the manager, Permits, Licence and Inspections to Council by submitting a written request to the Township within thirty (30) calendar days of the date that the decision or refusal was issued by the Manager, Permits, Licence and Inspections

Part 6 Township Reliance

- 6.1 None of the following constitute in any way a representation, warranty, assurance or statement by the Township that the Building Code, this Bylaw or any other applicable codes, standards, bylaws or enactments have been complied with:
- a) the issuance of a building permit;
 - b) the removal of a “Do Not Occupy” notice posted under section 7.1 under this Bylaw;
 - c) the acceptance or review of plans, drawings or specifications or supporting documents; or
 - d) any inspections made by or on behalf of the Township.
- 6.2 When a Qualified Professional, professional engineer, architect or other Person provides certification or other documentation to the Township under this Bylaw that the work required or contemplated by this Bylaw substantially conforms to the requirements of this Bylaw, and that a Property complies with the health and safety requirements of the Building Code, British Columbia Electrical Code, this Bylaw and all other health and safety requirements established by applicable enactments, the Township may rely on the documentation as evidence of conformity with these requirements.

Part 7 Powers of Inspectors

Posting and Delivery of “Do Not Occupy” Notices

- 7.1 If:
- a) an Inspector has reason to believe that all or part of a Property is a Hazardous Property;
 - b) an Inspector has ordered an Owner or Occupier of a Hazardous Property to vacate all or part of the Hazardous Property; or
 - c) Council has ordered an Owner or Occupier of a Hazardous Property to vacate all or part of the Hazardous Property under the *Community Charter*,

the Inspector may post a “Do Not Occupy” Notice in the form set out in Schedule “A” of this Bylaw in a conspicuous place at the entrances of the Property or to part of the

Property, as applicable, and send by registered mail to the Owner and Occupier of the Property a notice that the Property, or part of the Property, as applicable, is unsafe and that no Person may enter or occupy that Property or that part of the Property.

Appeal to Council

7.2 The Owner or Occupier of a Property on which a “Do Not Occupy” Notice has been posted under section 7.1 of this Bylaw may appeal the posting of that “Do Not Occupy” Notice to Council by submitting a written request to the Township within thirty (30) calendar days of the date that the “Do Not Occupy” Notice was posted by the Township.

Manager, Permits, Licence and Inspection Services and Manager of Bylaws Powers

7.3 The Manager, Permits, Licence and Inspection Services and the Manager of Bylaws may:

- a) coordinate a Property Safety Inspection of the Hazardous Property; and
- b) post in a conspicuous place at the entrances to the Property or to part of the property, as applicable, and send by registered mail to the Owner or Occupier of the Property a notice advising of the requirements of this Bylaw.

Inspection Powers

7.4 Subject to the *Community Charter and Part 14 of this Bylaw*, an Inspector may enter a Property to:

- a) inspect and determine whether all regulations, prohibitions or requirements under this Bylaw or other enactments are being met in relation to any matter for which the Council, a municipal officer or employee, or a Person authorized by Council has exercised authority under this or another enactment to regulate, prohibit or impose requirements;
- b) carry out a Property Safety Inspection;
- c) take action authorized under this Bylaw; or
- d) inspect, disconnect or remove a service under Part 11 of this Bylaw.

7.5 Subject to the *Community Charter*, an Inspector may attend at a Property from time to time during the course of work required by or contemplated under this Bylaw to ascertain that the work required of the Owner or Occupier is taking place and to monitor the progress of the work done by the Owner or Occupier.

Fire Chief Powers

7.6 Subject to the *Community Charter and Part 14 of this Bylaw*, the Fire Chief may:

- a) enter on a Property and inspect it for conditions that may cause a fire, increase the danger of a fire or increase the danger to Person or property from a fire;
- b) take measures to prevent the starting and spreading of fires and to suppress fires, including the demolition of Buildings to prevent the spreading of fires;

5061
24/02/14

5061
24/02/14

- c) order the Owner or Occupier of a Property to undertake any actions for the purpose of removing or reducing anything or condition that the Fire Chief considers to be a fire hazard or considers will increase the danger of fire;
- d) order every Owner or Occupier of a Hazardous Property to vacate the Property until the “Do Not Occupy” notice posted under section 7.1 has been removed by an Inspector under this Bylaw; and
- e) without limiting paragraphs (a) to (d) of this section, exercise the powers of the Fire Commissioner under sections 21 and 25 of the *Fire Services Act*.

Removal of “Do Not Occupy” Notice

7.7 When an Owner or Occupier has complied with the requirements listed in Part 5 and section 7.6 of this Bylaw, as applicable, the Inspector must remove the “Do Not Occupy” notice posted under section 7.1.

Notice to Prospective Occupants

7.8 If a “Do Not Occupy” Notice was posted on a Property in relation to the existence on that Property of a Clandestine Drug Operation the Owner must, before that Property is re-occupied after the removal of the “Do Not Occupy” Notice pursuant to section 7.7, notify any prospective Occupiers from that time forward in writing that a Clandestine Drug Operation was removed and that the requirements of this Bylaw have been met.

Part 8 Fees and Service Costs

Fees

8.1 Every Owner of a Hazardous Property must pay to the Township the administration and inspection fees stipulated in Schedule “B” of this Bylaw.

8.2 For a Property Safety Inspection, the Owner of a Hazardous Property must pay to the Township the Property Safety Inspection fee stipulated in Schedule “B” of this Bylaw prior to the inspection being conducted.

Service Costs

8.3 In addition to the fees described in sections 8.1 and 8.2, every Owner of a Hazardous Property must pay to the Township all Service Costs incurred by or on behalf of the Township in respect of that Property, as stipulated in Schedule “B” of this Bylaw.

Part 9 Medical Marijuana Licences

9.1 Part 9 “Medical Marijuana Licences” is removed in its entirety

5121
26/01/15

Part 10 Default

10.1 Subject to Part 14 of this Bylaw, if an Owner or Occupier of a Property fails to comply with a requirement of the Township under this Bylaw or another enactment, within the

5061
24/02/14

required time, the Township, by its officers, employees or agents, may enter on the Property and take such action as may be required to correct the default, remove a Clandestine Drug Operation, or remediate the Property or bring it up to a standard specified in the Bylaw or in an enactment, at the expense of the Owner or Occupier who has failed to comply.

- 10.2 The Township may recover the costs it incurs under section 10.1 as a debt against the Owner or Occupier and in the same manner with the same remedies as property taxes.
- 10.3 If an Owner or Occupier has failed to pay to the Township the Township's costs incurred by taking action under section 10.1, or failed to pay any other fee imposed under this Bylaw or another enactment for work or services provided to a Property, before the 31st day of December in the year that the correction of the default was effected or the fee imposed, the costs will be added to and form part of the taxes payable on the Property as taxes in arrears.

Part 11 Discontinuance of Service

- 11.1 The Township may, on 24 hours written notice, or such other period of time as may be reasonable in the circumstances, discontinue water service to a Property if the water was, or is, used for a Clandestine Drug Operation. The Owner and Occupier of such Property and any other Person affected by the discontinuance of the water service will, upon written request, be provided with an opportunity to make representations to Council regarding such discontinuance.
- 11.2 The Township may request that electrical service to a Property be discontinued if an Inspector determines that the electrical system has been compromised and a complete inspection of the electrical system has been denied, or the Owner or Occupier has not responded to a notice of an electrical inspection.
- 11.3 The Township may request that natural gas service to a Property be discontinued if the heating system has been altered or if natural gas is used for the production of electricity for a Clandestine Drug Operation.

Appeal to Council

- 11.4 The Owner or Occupier of a Property may appeal to Council the discontinuance of a service effected under Part 11 of this Bylaw, by submitting a written request to the Township within thirty (30) calendar days of the date that the discontinuance of the service occurred.

Part 12 Offence and Penalty

- 12.1 Every Person who contravenes any provision of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine of not less than \$500, but not exceeding \$10,000, except that a Person who contravenes a provision of this Bylaw does not commit an offence if:

- a) the contravention is expressly permitted by law;
- b) the contravention is expressly permitted by the terms of a Medical Marihuana Licence; or

- c) if compliance with the relevant provision of this Bylaw would clearly cause the Person to violate an applicable federal or provincial enactment.

12.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

12.3 All Persons who commit an offence against this Bylaw shall be subject to a Bylaw Offence Notice in the amount and for offences prescribed in the Township of Langley Bylaw Notice Enforcement Bylaw 2008 No. 4703 as amended.

4864
11/04/11

Part 13 Repeal

13.1 Township of Langley Controlled Substance Property Bylaw 2006 No. 4537 and all amendments thereto, are hereby repealed.

Part 14 Inspection of Private Residence on a Property

14.1 In the absence of exigent or emergency circumstances, an Inspector (including the Fire Chief) or an officer, employee or agent of the Township may only enter and inspect a private residence on a Property if the occupier of the private residence has consented to such entry and inspection or the Inspector (including the Fire Chief) or officer, employee or agent of the Township has obtained an entry warrant to do so pursuant to section 275 of the Community Charter.

5061
24/02/14

If any part, section, sub-section, clause or sub-clause of this Bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and the validity of the remaining provisions of this Bylaw shall not be affected.

READ A FIRST TIME the 19 day of July , 2010
READ A SECOND TIME the 19 day of July , 2010
READ A THIRD TIME the 19 day of July , 2010
RECONSIDERED AND ADOPTED 13 day of September , 2010
the

 "W. RICK GREEN" Mayor "SUSAN PALMER" Township Clerk

SCHEDULE A
“Do Not Occupy” Notice



TOWNSHIP OF LANGLEY
PUBLIC SAFETY INSPECTION TEAM

**DO NOT
OCCUPY**

ADDRESS: _____

**Removal of this placard by any Person other than a Township of Langley
Inspector is Liable to conviction and penalty.**

Date: _____ Time: _____ Posted by: _____

SCHEDULE B

Fees and Service Costs

Fees

The following fees apply under this Bylaw:

1. Property Safety Inspection, including initial property research, the posting of a notice of inspection and the initial inspection	\$3,500.00
2. After the initial Property Safety Inspection, each additional inspection, per inspection	\$500.00
3. For a subsequent inspection if the Owner or Occupier has failed to undertake an action ordered by an Inspector, the Council or a Person authorized under this Bylaw, or another applicable Township bylaw, to order the action	\$500.00
4. Shutting off a water service	\$500.00
5. Re-connecting a water service	\$100.00
6. Re-inspecting and re-sealing a water service after alteration or tampering	\$500.00
7. All applicable permit fees payable under applicable Township bylaws	As provided for in the applicable bylaw
8. Removal of posted "Do Not Occupy" sign or notice	\$1,000.00
9. Extension of time period to complete work	\$100.00
10. Register Land Title Notice	\$150.00
11. Discharge a Land Title Notice	\$150.00
12. Title search	\$30.00

Service Costs

The following service costs apply under this Bylaw:

1.	Item (a) in the definition of Service Costs – administration and overhead	\$300.00
2.	Items (b) through (i) in the definition of Service Costs	Actual cost to the Township