

CITY OF NANAIMO

BYLAW NO. 7029

A BYLAW TO IMPOSE FEES IN RESPECT OF MUNICIPAL SERVICES
AND THE EXERCISE OF REGULATORY AUTHORITY

The Municipal Council of the City of Nanaimo, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This Bylaw may be cited as the "CONTROLLED SUBSTANCE PROPERTY COST RECOVERY BYLAW 2006 NO. 7029".

2. Severability:

If a portion of this Bylaw is held invalid, it should be severed and the remainder of the bylaw should remain in effect.

3. Definitions:

"BUILDING OFFICIAL" means the person or persons appointed from time to time by the City Council as the Manager of Building Inspection and includes duly authorized delegates.

"CITY" means the City of Nanaimo.

"CONTROLLED SUBSTANCE" means a controlled substance as defined and described in Schedules "I", "II" or "III" of the *Controlled Drugs and Substances Act, R.S.C. 1996, c. 19*, as amended from time to time, but does not include a controlled substance permitted under that *Act*.

"CONTROLLED SUBSTANCE PROPERTY" means:

- (a) a parcel, including any improvements on the parcel, contaminated by or that contains trace amounts of chemical or biological materials used in or produced by the growing or manufacturing of a Controlled Substance;
- (b) a building or structure which has been or is being used for the manufacturing or growing of a Controlled Substance.

“FIRE CHIEF” means the person duly appointed as such from time to time by the City Council and includes any person appointed or designated by the Fire Chief to act on his behalf.

“RCMP” means the Royal Canadian Mounted Police contracted with the City to provide the municipal service of policing.

4. Fire Services

If the Fire Chief or a person acting under the authority of the Fire Chief exercises his or her authority under the "FIRE PROTECTION AND CONTROL BYLAW 1991 NO. 3879" in relation to a Controlled Substance Property, the City may bill and recover the costs from either or both of the owner and occupier of the Controlled Substance Property in accordance with the fees and charges prescribed in Schedule “A” to this Bylaw.

5. Building Services

If the Building Inspector or a person acting under the authority of the Building Inspector exercises his or her authority under “BUILDING BYLAW 2003 NO. 5693” in relation to a Controlled Substance Property, the City may bill and recover the costs from either or both of the owner and occupier of the Controlled Substance Property in accordance with the fees and charges prescribed in Schedule “A” to this Bylaw.

6. RCMP

If the RCMP carry out any of the following activities at a Controlled Substance Property, the City may bill and recover the costs from either or both of the owner and occupier of the Controlled Substance Property in accordance with the fees and charges prescribed in Schedule “A” of this Bylaw:

- (a) inspection;
- (b) investigation;
- (c) dismantling, disassembly, removal, clean up, transportation, storage and disposal of equipment, substances, materials and other paraphernalia associated with the use of the property as a Controlled Substance Property;
- (d) replacement of consumables used or replacement of equipment following exposure to contaminants used at a Controlled Substance Property;
- (e) evidence collection and analysis;
- (f) securing the property;
- (g) attending to keep the peace; or
- (h) obtaining Inspection Warrants.

7. Collection

The City may recover the costs billed under sections 4, 5 and 6 in one or more of the following manners:

- (a) in accordance with section 258 of the *Community Charter* as property taxes; and,
- (b) in accordance with section 231 of the *Community Charter* as a debt due and recoverable in any court of competent jurisdiction.

8. Schedules

8.1 The Schedule to this Bylaw forms a part of this Bylaw and is enforceable in the same manner as this Bylaw.

8.2 Council authorizes that Schedule "A" may be established by resolution.

PASSED FIRST, SECOND AND THIRD READINGS 2006-MAY-29.
ADOPTED 2006-JUN-12

G. R. KORPAN
MAYOR

I. HOWAT
DIRECTOR,
LEGISLATIVE SERVICES

SCHEDULE "A"**FEES AND CHARGES**

The following hourly rates will be charged for every hour or ¼ hour portion thereof which any of the following personnel work in respect of Controlled Substance Property and depending on the day of the week and the time of day which such services are required, the hourly rate may be increased by one and a half or two times.

Fire Department	Hourly
Fire Chief	\$ 68.75
Deputy Fire Chief	\$ 65.55
Assistant Fire Chief	\$ 62.50
Former Platoon Captain	\$ 50.28
Captain (Suppression)	\$ 47.51
Lieutenant	\$ 43.55
10 Year Firefighter	\$ 39.59
4 Year Firefighter	\$ 38.83
Captain (Fire Prevention)	\$ 50.57
10 Year Inspector	\$ 42.14
4 Year Inspector	\$ 41.31
Captain (Preplan)	\$ 50.57
Fire Department Apparatus	Hourly
Engine	\$100.00
Structure Engine	\$250.00
Rescue Apparatus	\$100.00
Water Tenders	\$175.00
Aerial Apparatus	\$650.00
Special Ops Trailers	\$ 50.00
Small Vehicles	\$ 10.85
Fire Watch	Hourly
Fire Watch	\$ 14.10
Fire Watch with Vehicle	\$ 16.17
City Staff	Hourly
Building Inspection Supervisor	\$ 40.61
Building Inspectors	\$ 36.03
Bylaw Manager	\$ 46.38
Bylaw Enforcement Officer	\$ 31.98
Engineering & Public Works Manager	\$ 49.92
Public Works Foreman	\$ 43.66
Utility Worker	\$ 40.93
Labourer	\$ 32.78

City Vehicles	Hourly
City Cars	\$ 5.25
City Trucks	\$ 6.15
City Trucks – Service	\$ 7.95
Other City Vehicles	Per Fleet Rate

RCMP Rates	Hourly
Superintendent	\$ 58.53
Inspector	\$ 51.76
Staff Sergeant	\$ 43.86
Sergeant	\$ 40.24
Corporal	\$ 36.92
Senior Constable	\$ 34.39
Constable	\$ 33.72

RCMP rates set out above will be reduced by 10% to reflect the cost sharing agreement between the City of Nanaimo and the Federal Government for Police Services.

In the event that the City requires the work of a third party or additional equipment, the following costs will be charged:

Contract Work	Cost Plus 10%
Other Equipment Costs	Cost Plus 10%