



## DISTRICT OF NORTH SAANICH

### BYLAW NO. 1 2 3 9

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

**WHEREAS** the Council may, by bylaw, pursuant to section 194 of the *Community Charter* impose fees payable in respect of municipal services and the exercise of regulatory authority;

**AND WHEREAS** Council may, by bylaw, base the fee on any factor specified in the Bylaw, and in addition to the authority under section 12(1) of the *Community Charter*, establish different rates or levels of fees in relation to different factors;

**AND WHEREAS** Council may by bylaw establish terms and conditions for payment of a fee, including discounts, interests and penalties.

**THEREFORE BE IT RESOLVED** that the Council of the District of North Saanich, in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

#### Citation

1. This Bylaw may be cited as the "Cost Recovery Bylaw No. 1239 (2011)".

#### Severability

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

#### Definitions

3. "**Building Official**" means the person or persons appointed from time to time by the Council as the Manager of Building Inspection and includes duly authorized delegates;

"**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 to be possessed or produced under that Act or its regulations;

"**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;

**"District"** means the District of North Saanich;

**"Fire Chief"** means the person duly appointed as such from time to time by the District Council and includes any person appointed or designated by the Fire Chief to act on his behalf

**"Police"** means the Police contracted with the District to provide the municipal service of policing.

### **Fire Services**

- 4. If the Fire Chief or a person acting under the authority of the Fire Chief exercises his or her authority under the District of North Saanich Fire Protection and Regulation Bylaw (2000), in relation to a Controlled Substance Property, the District 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.

### **Building Services**

- 5. If the Building Inspector or a person acting under the authority of the Building Inspector exercises his or her authority under District of North Saanich Building and Plumbing Bylaw No. 1150, 2007, in relation to a Controlled Substance Property, the District 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.

### **Police Services**

- 6. If the Police carry out any of the following activities at a Controlled Substance Property, the District 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.

**Collection**

- 7. The District 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.

**Schedules**

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

READ A FIRST TIME THIS 18<sup>th</sup> day of July, 2011.

READ A SECOND TIME THIS 18<sup>th</sup> day of July, 2011.

READ A THIRD TIME THIS 18<sup>th</sup> day of July, 2011.

ADOPTED THIS 22<sup>nd</sup> day of August, 2011.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

## SCHEDULE "A"

### FEES AND CHARGES

The costs referred to in Sections 4, 5 and 6 of this Bylaw are to be determined in part by multiplying the following hourly rates for any of the following individuals involved in carrying out work or services in respect of a Controlled Substance Property by the time spent by those individuals carrying out the work or services and if there is more than one individual, the amounts for each individual will be added together with any equipment or vehicle costs or any third party contract costs.

The following hourly rates will be charged for every hour or ¼ hour portion thereof which any of the following District employees, RCMP or fire/rescue personnel use in carrying out a work or service in respect of a Controlled Substance Property and depending upon the day of the week, the time of day or the holiday status of when such work or services are required, the hourly rate may be increased by one and a half or two times.

| <b>City Employees</b>          | <b>Hourly Rate in Dollars</b> |
|--------------------------------|-------------------------------|
| Director                       | 79.50                         |
| Bylaw Enforcement Officer      | 49.49                         |
| Building Supervisor            | 56.44                         |
| Building Inspector             | 49.49                         |
| Superintendent of Public Works | 75.17                         |
| Foreman – Public Works         | 43.37                         |
| Lead Hand – Public Works       | 35.43                         |
| Tradesperson – Public Works    | 38.07                         |
| Labourer – Public Works        | 30.44                         |

| <b>RCMP</b>                         | <b>Hourly Rate in Dollars</b> |
|-------------------------------------|-------------------------------|
| Superintendent 3 <sup>rd</sup> Year | 70.00                         |
| Superintendent 2 <sup>nd</sup> Year | 68.26                         |
| Superintendent 1 <sup>st</sup> Year | 66.54                         |
| Inspector 3 <sup>rd</sup> Year      | 63.07                         |
| Inspector 2 <sup>nd</sup> Year      | 60.86                         |
| Inspector 1 <sup>st</sup> Year      | 58.73                         |
| Staff Sergeant 2                    | 52.66                         |
| Staff Sergeant 1                    | 51.23                         |
| Sergeant 2                          | 48.31                         |
| Sergeant 1                          | 46.91                         |
| Corporal 2                          | 44.32                         |
| Corporal 1                          | 42.70                         |
| Constable 5 -3 years                | 40.47                         |

|                                 |       |
|---------------------------------|-------|
| Constable 4 -2 years            | 37.97 |
| Constable 3 -1 year             | 35.21 |
| Constable 2 -6 months to 1 year | 32.45 |
| Constable 1 -0 – 6 months       | 24.98 |

| <b>Fire/Rescue</b>       | <b>Hourly Rate in Dollars</b> |
|--------------------------|-------------------------------|
| Fire Chief               | 86.89                         |
| Deputy Fire Chief        | 27.52                         |
| Assistant Fire Chief     | 67.03                         |
| Captain - Inspection     | n/a                           |
| Lieutenant - Inspection  | n/a                           |
| Inspector                | 49.49                         |
| Captain - Suppression    | 27.52                         |
| Lieutenant - Suppression | 27.52                         |
| Fire Fighter             | 27.52                         |
| Fire Watch               | 27.52                         |
| Fire Watch Vehicle       | 41.01                         |

The costs referred to in Sections 4, 5 and 6 of this Bylaw are to be determined in part by multiplying the following hourly rates for any equipment or vehicles used by the District in relation to a Controlled Substance Property by the time spent using the equipment or vehicles. If there is more than one piece of equipment or vehicle used in relation to the works or service in respect of the Controlled Substance Property, then the amounts for each are added together with any costs of personnel or third party costs.

The following hourly rates will be charged for every hour or ¼ hour portion thereof where any of the following equipment and vehicles are used by the District employees, RCMP or fire/rescue personnel in respect of a Controlled Substance Property.

| <b>Equipment and Vehicles</b>     | <b>Hourly Rate in Dollars</b> |
|-----------------------------------|-------------------------------|
| District Car                      | 11.00                         |
| District Truck - Light            | 16.50                         |
| District Truck - Service          | 22.00                         |
| District Vehicle - Other          | 11.94                         |
| Fire Truck - Rescue               | 269.50                        |
| Fire Truck - Pumper               | 299.20                        |
| Fire Truck - Water Tenders        | 159.50                        |
| Fire Truck - Special Ops Trailers | 598.40                        |
| Fire Truck - Arial                | n/a                           |
| Fire Truck - Other                | n/a                           |
| Fire Vehicle, Inspector           | 11.94                         |

---

|               |       |
|---------------|-------|
| RCMP Vehicles | 55.00 |
|---------------|-------|

For any work carried out by a contractor in relation to a Controlled Substance Property or additional equipment, the following costs will be charged:

|                       |                            |
|-----------------------|----------------------------|
| Consultant            | Consultant's rate<br>+ 10% |
| Contract Work         | Cost Plus 10%              |
| Other Equipment Costs | Cost Plus 10%              |