

DISTRICT OF HUDSON'S HOPE SAFE PREMISES BYLAW

BYLAW NO. 890, 2017

A BYLAW TO REGULATE, PROHIBIT AND IMPOSE REQUIREMENTS RESPECTING HEALTH AND SAFETY ON PROPERTY.

WHEREAS the Council of the District of Hudson's Hope wishes to enact a bylaw to regulate, prohibit and impose requirements respecting health and safety matters on property;

AND WHEREAS the alteration of plumbing, heating, air conditioning, electrical wiring and equipment, gas piping and fittings, appliances and accessories in buildings results in risks to the health and safety of occupiers, neighbours and first responders;

AND WHEREAS the growth of mould and use of toxic chemicals in buildings results in risk to the health and safety of occupiers, neighbours and first responders;

AND WHEREAS properties used for the cultivation or production of certain controlled substances, including marijuana plants and amphetamines, are particularly susceptible for the above risks to health and safety;

AND WHEREAS inspection and bylaw enforcement with respect to properties used for the cultivation or production of controlled substances create unique risks and costs to the District and its agents;

NOW, THEREFORE, the Council of the District of Hudson's Hope in open meeting assembled enacts as follows:

PART 1 CITATION

1.1 This Bylaw may be cited as "Hudson's Hope Safe Premises Bylaw No. 890, 2017."

PART 2 DEFINITIONS

2.1 In this Bylaw:

"amphetamines" includes dextroamphetamines and methamphetamines;

"building" means any structure or construction for any use or occupancy and, in the case of a building with multiple units or occupancies, means any portion of a building held as a separate unit, but may also include additional units in the same building that are reasonably expected to be affected by a *hazardous condition* in another part of the building;

"Building Bylaw" means District of Hudson's Hope Building Bylaw No. 741, 2008;



"*Building Code*" means the British Columbia Building Code, 2012;

"*Building Inspector*" means the chief building official for the *District* and every *inspector* appointed by the *District* to inspect *buildings* and structures, including plumbing, gas, and electrical standards or components;

"*Bylaw Enforcement Officer*" means an officer or employee appointed by *Council* as such;

"*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26;

"*Controlled Substance*" means a controlled substance as defined and described in Schedules I, II, III, IV, V or VI of the *Controlled Drugs and Substances Act*, R.S.C. 1996, c.19, as amended, but does not include the trade or manufacture of a controlled substance that is permitted under that Act.

"*Council*" means the Council of the *District*;

"*District*" means the District of Hudson's Hope;

"*Electrical Code*" means the British Columbia Electrical Code, 2015;

"*Fire Chief*" means the person appointed to be the head of the *District's* fire and rescue services and every person designated by *Council* by name of office or otherwise to act in the place of the Fire Chief;

"*Fire Code*" means the British Columbia Fire Code, 2012;

"*grow operation*" means the cultivation or growth of marijuana plants or production of *amphetamines* on a parcel and includes a *licensed grow operation*;

"*hazardous condition*" means a contravention of any regulation in Part 3 of this Bylaw;

"*hazardous condition requirement list*" means a list of *hazardous conditions* present on a parcel, and any work required to address or remove those *hazardous conditions*, as prepared or compiled by the *Building Inspector* following an inspection or *special safety inspection*, and which may be in the form of Schedule B;

"*hazardous substance*" means a substance listed in Schedule E;

"*inspector*" means:

- (a) the *Fire Chief* and every person appointed by *Council* or by the *Fire Chief*, as applicable, to be an officer or employee of the *District's* fire and rescue service;
- (b) the *Building Inspector*;

- (c) a *Bylaw Enforcement Officer*;
- (d) a peace officer;
- (e) the deputy of a person, officer or employee referred to in paragraphs (a) to (d);
- (f) other persons designated by *Council* by name of office or otherwise to act in the place of the persons, officers or employees referred to in paragraphs (a) to (e);

"*licensed grow operation*" means the cultivation or growth of marijuana plants with authority of a valid permit issued by the federal or provincial government agency having jurisdiction over the cultivation and growth of marijuana;

"*mould*" includes any mould or fungi, including any genus listed in Schedule F;

"*Mould Remediation Guidelines*" means s.9.0 of the Canadian Construction Association's Standard Construction Document CCA 82-2004: Mould Guidelines for the Canadian Construction Industry;

"*owner*" includes, in addition to the definition in the *Community Charter*, the lessee, licensee, tenant, caretaker, user or occupier of a *building* or a part of a *building*, or the agent of the owner;

"*qualified environmental professional*" means a person qualified with a post-secondary degree in a field related to health, biology, or environmental science, and registered as a professional in that field, and experienced and qualified in overseeing the removal of contaminants from *buildings*;

"*registered owner*" means a person who is registered in the Land Title Office as the title holder of a parcel;

"*residential premises*" means a *building* on a parcel that is used or may be used as a residence, including any *buildings* that may be accessory to a residential use, including garages and sheds;

"*special safety inspection*" means an inspection coordinated by the *Building Inspector* for the purpose of determining the presence of any *hazardous conditions*, as may be conducted or coordinated with the RCMP and other authorities;

"*unauthorized alteration*" means any change made to the structural, mechanical, electrical, or natural gas system of a *building* that requires a permit, but for which no permit has been issued pursuant to the *Building Bylaw*, and which results in an increased risk to health or safety on the parcel;

"*utility*" means a lawful provider of an electrical, water or natural gas service from a distribution system to consumers.

- 2.2 All references to an enactment in this Bylaw refer to that enactment as it is in force from time to time.

PART 3 HAZARDOUS CONDITIONS

- 3.1 No *owner* may occupy or permit the occupancy of a *building* where a meter installed for the purpose of ascertaining consumption of electricity, water, or natural gas from an electrical, water or natural gas distribution system has been disconnected or bypassed, except where such disconnection has been specifically permitted or required by the *District*, a *utility*, or a government authority.
- 3.2 No *owner* may occupy or permit the occupancy of a *building* where exhaust vents for hot water tanks or furnaces exhaust into or within a *building*.
- 3.3 No *owner* may occupy or permit the occupancy of a *residential premises* where a *controlled substance* or *hazardous substance* is present inside a *building* in an amount that exceeds the limits set out for that *hazardous substance* in Schedule E of this Bylaw.
- 3.4 No *owner* may occupy or permit the occupancy of a *building* where:
- (a) an exit or access to an exit required under the *Building Code* is blocked or obstructed;
 - (b) fire stopping provided or required under the *Building Code* has been removed; or
 - (c) the number of electrical circuits or connections to an electrical service exceeds the amount permitted under the *Electrical Code* or another enactment.
- 3.5 No *owner* may occupy or permit the occupancy of a *residential premises* where there is a visible accumulation of *mould* on the interior of any window, wall or other structural component of the *building*, or where air samples indicate a concentration of airborne *mould* levels in excess of 150 colony forming units per cubic metre of air (CFU/cubic metre).
- 3.6 No *owner* may occupy or permit the occupancy of a *building* where there is an *unauthorized alteration*.

PART 4 HEALTH AND SAFETY REQUIREMENTS

- 4.1 If an *unauthorized alteration* exists in, on, or at a *building* with a *grow operation*, no *owner* may use or occupy or permit the occupancy of the *building* until:
- (a) the *owner* has paid the *special safety inspection* fee set out in Schedule A;

- (b) a *special safety inspection* of the *building* coordinated by the *Building Inspector* has been carried out;
 - (c) the *Building Inspector* has issued a *hazardous conditions requirement list*;
 - (d) the *owner* has obtained all building permits, approvals and authorizations required to carry out any work identified in the *hazardous conditions requirement list*;
 - (e) the *owner* has carried out or caused to be carried out all the work stated in the *hazardous conditions requirement list*;
 - (f) the *Building Inspector* has inspected the *building* and determined that the work required in the *hazardous conditions requirement list* has been completed in accordance with all requirements of this Bylaw, the *Building Bylaw*, the *Building Code*, the *Fire Code* and all other applicable enactments and that no *hazardous condition* remains in the *building*; and
 - (g) the *Building Inspector* has removed any notices under Part 5 of this Bylaw and issued a new occupancy permit for the *building* pursuant to the *Building Bylaw*.
- 4.2 Where a *Building Inspector* has reasonable grounds to believe that a *hazardous condition* exists on a parcel which affects the structural integrity of a *building* on the parcel, the *Building Inspector* may include in the *hazardous conditions requirement list* a requirement that the *owner* must obtain a report from a qualified professional engineer certifying that the *building* is safe for occupancy and complies with the *Building Code*.
- 4.3 Where a *Building Inspector* has reasonable grounds to believe that a *hazardous condition* involving a *hazardous substance* or *mould* exists in a *building*, the *Building Inspector* may include in the *hazardous conditions requirement list* any or all of the following requirements:
- (a) all carpets and curtains in the *building* must be removed and disposed of;
 - (b) if a *building* contains a forced air heating or ventilation system, the furnace, ventilation equipment, all air ducts, main distribution ducts, venting and filtering must be cleaned by a *qualified environmental professional* or by a duct cleaning company;
 - (c) all walls, floors and ceilings in the *building* must be replaced or cleaned and disinfected by a *qualified environmental professional*;
 - (d) all *mould* must be removed in compliance with this Bylaw and with the *Mould Remediation Guidelines*;
 - (e) a certificate must be provided in the form attached as Schedule C to this Bylaw from a *qualified environmental professional* along with a detailed report certifying

that the *building* has been remediated in accordance with the *Mould Remediation Guidelines* and that the level of *moulds* and *hazardous substances* are at safe levels for occupancy and meet the requirements of this Bylaw.

PART 5 POWERS OF BUILDING INSPECTOR, FIRE CHIEF AND INSPECTORS

5.1 Subject to s. 16 of the *Community Charter*, an *inspector* may enter on real property to:

- (a) inspect and determine whether there is compliance with this Bylaw;
- (b) carry out a *special safety inspection*; or
- (c) take any action authorized under Part 7 of this Bylaw.

5.2 If the *Building Inspector* or *Fire Chief* has reasonable grounds to believe that all or part of a *building* contains an *unauthorized alteration*, the *Building Inspector* may post a notice in the form of Schedule D in a conspicuous place at the entrances of the parcel or a *building* on the parcel and deliver to the *owner* of the parcel a notice that the *building* is unsafe and that no person may enter or occupy the *building*.

5.3 A person must not:

- (a) interfere with or obstruct the *Building Inspector* or the *Fire Chief* from posting a notice under this Part;
- (b) remove, alter, cover or deface a notice posted under this Part;
- (c) occupy a *building* until the *Building Inspector* or the *Fire Chief*, as applicable, has removed the notice posted under this Part, except with the express written permission of the *Building Inspector* or *Fire Chief* who issued the notice.

5.4 No action by the *District*, including without limitation:

- (a) the removal of a notice posted under this Part;
- (b) the issuance of a permit under this Bylaw;
- (c) the acceptance or review of plans, drawings, specifications or supporting documents submitted under this Bylaw;
- (d) any inspections made by or on behalf of the *District*;

will in any way relieve the *owner* from full and sole responsibility to perform work required or contemplated under this Bylaw, the *Building Bylaw*, and the *Building Code* and all other applicable enactments, nor does it constitute in any way a representation, warranty, assurance or other statement that this Bylaw, the *Building Bylaw*, the *Building Code*, or



any other applicable enactment has been complied with.

- 5.5 When a *qualified environmental professional*, engineer or architect provides certification or other documentation to the *District* under this Bylaw that work required or contemplated under this Bylaw substantially conforms to the requirements of this Bylaw, the health and safety requirements of the *Building Code*, *Fire Code*, *Electrical Code* or any other health and safety requirements established by applicable enactments, the *District* may rely solely on that documentation as evidence of conformity with those requirements and not on receipt of plans, monitoring of work, acknowledgement of completion, or removal of a notice.

PART 6 DUTIES OF REGISTERED OWNERS

- 6.1 Every *registered owner* of a parcel that contains a *residential premises* subject to a tenancy agreement who is aware of or has attended the *residential premises* at a time when there is a contravention of this Bylaw must:
- (a) within 24 hours of the discovery of the contravention, deliver written notice to the *Building Inspector* of the particulars of the contravention; and
 - (b) take such action as may be necessary to bring the *residential premises* into compliance with this Bylaw.
- 6.2 Where a *registered owner* inspects and reports to the *District* a contravention under section 6.1 of this Bylaw of which the *District* or its inspectors were not previously aware, the *special safety inspection* fee arising in respect of the contravention may be waived in respect of that *building*.

PART 7 DISCONTINUATION OF SERVICE

- 7.1 A person must not use water from the *District's* water distribution system in a *grow operation*, other than a *licensed grow operation*.
- 7.2 The *District* may discontinue providing water service to a parcel if the water is being used for or in relation to a *grow operation* on the parcel, other than a *licensed grow operation*, subject to the requirement that the *District* must:
- (a) give the *owner* seven (7) days' written notice of an opportunity to make written representations to *Council* with respect to the proposed discontinuance of the water service;
 - (b) if the *owner* makes representations to *Council*, the *Council* must consider those representations and, if *Council* decides to proceed with the discontinuance of the water service, it must give the owner an additional seven (7) days' written notice of the date of that discontinuance.

- 7.3 Despite section 7.2, where the *Building Inspector* reasonably considers that there is a risk of backflow or contamination to the *District's* water distribution system from a parcel used as a *grow operation*, and there is no apparent mechanism to prevent that backflow or contamination, then:
- (a) the *Building Inspector* may discontinue the provision of water to the parcel within 24 hours of posting a notice on the front door of any *building* on the parcel that the *District* is disconnecting the water supply to the parcel until such time as a mechanism to prevent backflow and contamination is installed, inspected and approved by the *District*;
 - (b) the *District* must reconnect a water supply to a parcel that was disconnected under this section upon being satisfied that there is an adequate mechanism in place to prevent the backflow and contamination of water from the parcel into the *District's* water distribution system; and
 - (c) the *owner* may seek a reconsideration of the *Building Inspector's* decision at the next regularly scheduled meeting of *Council*.

PART 8 OFFENCE AND PENALTY

- 8.1 Every person who contravenes any provision of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine not less than \$2,000 and not more than \$10,000.
- 8.2 If an offence is a continuing offence, each day that the offence is continued constitutes a separate and distinct offence.

PART 9 SEVERABILITY

- 9.1 If a court finds any portion of this Bylaw invalid, that portion will be severed and the remainder of this Bylaw will remain in effect.

PART 10 SCHEDULES

- 10.1 The following schedules are included in and form part of this Bylaw:

Schedule A – Fees

Schedule B – Hazardous Conditions Requirement List

Schedule C – Certification Form

Schedule D – Notice

Schedule E – Hazardous Substances

Schedule F – Moulds

RECEIVED FIRST READING on the 14th day of August, 2017

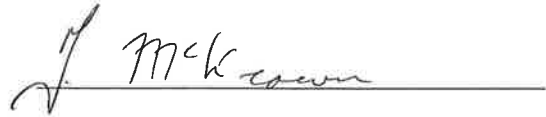
RECEIVED SECOND READING on the 14th day of August, 2017

RECEIVED THIRD READING on the 14th day of August, 2017

ADOPTED on the 28th day of August, 2017



Gwen Johansson,
MAYOR



Tammy McKeown
Corporate Officer

Certified a true copy of Bylaw No. 890
this ___ day of _____ 20_.

Clerk

SCHEDULE A

FEES

Special Safety Inspection Fee: \$2,500

SCHEDULE B

HAZARDOUS CONDITIONS REQUIREMENT LIST

Re: _____ [Property Address] (the "Property")

Pursuant to District of Hudson's Hope Safe Premises Bylaw No. 890, 2017 a *special safety inspection* has been carried out on the above Property, and the Property has been posted with a Notice that it may not be occupied due to *hazardous conditions* and *unauthorized alterations* on the Property.

No person is permitted to occupy the Property until this Notice has been removed. If you wish to reoccupy the Property, you are required to perform the following works, and provide the following certifications, as indicated:

- Provide evidence from the following utility providers that the Property has been properly connected to the following utilities:
 - Gas
 - Water
 - Electricity
- Vent all furnace/hot water tank/gas appliances in accordance with the *Building Code*
- Provide/Restore all egress points as required under the *Building Code*
- Provide/Restore all fire stopping materials as required under the *Building Code*
- Bring all electrical panels and circuits up to standards in *Building Code*
- Provide a report from a qualified professional engineer certifying that the *building* is safe for occupancy and complies with the *Building Code*
- Remove and dispose of all carpets and curtains
- Have the furnace, all air ducts, main distribution ducts, venting, and filtering cleaned by a *qualified environmental professional* or by a duct cleaning company
- Have all walls, floors and ceilings in the *building* replaced or cleaned and disinfected by a *qualified environmental professional*
- Have *mould* removed in compliance with the Bylaw, and in accordance with the *Mould Remediation Guidelines*

- Provide a certificate report in the form prescribed in Schedule C of the Bylaw, from a *qualified environmental professional*, certifying that the Property has been remediated in accordance with the *Mould Remediation Guidelines* and meets the standards of this Bylaw for the removal of substantially all *moulds* and/or *hazardous substances*

You are required to obtain building permits from the *District* prior to performing any of the above works that may require a permit under the *District's Building Bylaw*.

Until the above requirements above have been completed, and the *Building Inspector* has re-inspected the Property and removed the Notice, the Bylaw prohibits occupancy of the Property by any person.

We enclose a copy of the Bylaw for your reference. If you have any questions concerning the regulations in the Bylaw, please call the *District's* [Relevant Municipal Official] at [insert contact number].

SCHEDULE C

CERTIFICATION FORM

TO:	District of Hudson's Hope
FROM:	[insert name of <i>qualified environmental professional</i> , name of company]
RE:	residential premises located at [insert address]
This is to certify that, in accordance with District of Hudson's Hope Safe Premises Bylaw No. 890, 2017, the professional identified in this certification:	
(1)	is a <i>qualified environmental professional</i> under the Safe Premises Bylaw, with the following degrees, qualifications, and professional affiliations: [insert degrees, qualifications, certifications and professional affiliations] and
(2)	has completed an inspection of the residential premises on [Date]; and
(3)	the residential premises have been remediated in accordance with the <i>Mould Remediation Guidelines</i> and all hazardous substances, moulds or fungi, are now within safe levels for occupancy, and are in accordance with District of Hudson's Hope Safe Premises Bylaw No. 890, 2017.
The undersigned professional may be contacted at: [insert business contact information].	
CERTIFIED AS OF [insert date]	
[Insert signature of <i>qualified environmental professional</i>]	

SCHEDULE D

NOTICE

TAKE NOTICE THAT these premises have been found to contain unauthorized alterations and are in a hazardous condition.

EFFECTIVE IMMEDIATELY

Pursuant to District of Hudson's Hope Safe Premises Bylaw No. 890, 2017, no person may occupy these premises until cleaning and/or repairs have been completed in accordance with that Bylaw and the Building Inspector has confirmed that a satisfactory occupancy inspection has been completed.

It is an offence to remove or deface this notice.

Any inquiries should be directed to the [Relevant Municipal Inspector] at _____.

[Relevant Municipal Official]
District of Hudson's Hope

[Date]

SCHEDULE E

HAZARDOUS SUBSTANCES

Hazardous Substance	Maximum Stored in Container designed for storage of that substance	Maximum ppm in air
Acetic Acid	0.5 Litres	10 ppm
Acetone	1.0 Litres	250 ppm
Ammonia Solution (>50% ammonia)	0.0 Litres	25 ppm
Ammonia Solution (35%-50%)	0.125 Litres	25 ppm
Ammonia Solution (10%-35%)	5.0 Litres	25 ppm
Ammonia, Anhydrous	0.0 Litres	25 ppm
Carbon Monoxide	0.0 Litres	25 ppm
Chloroform	5.0 Litres	2 ppm
Ethanol	1.0 Litres	1000 ppm
Ethyl Ether	0.0 Litres	400 ppm
Hexane	1.0 Litres	20 ppm
Hydrochloric Acid	1.0 Litres	2 ppm
Iodine Azid (Dry)	0.0 Litres/Kilograms	0 ppm
Iodine Monochloride	1.0 Kilograms	0.1 ppm
Iodine Pentafluoride	0.0 Kilograms	0.1 ppm
Isopropyl Alcohol	1.0 Litres	220 ppm
Methanol	1.0 Litres	200 ppm
Methylamine, Anhydrous	0.125 Litres	5 ppm
Methylamine, Aqueous Solution	1.0 Litres	5 ppm
Methylamine Dinitramine	0.0 Litres	0 ppm
Methylamine Perchlorate (dry)	0.0 Litres/Kilograms	0 ppm
Methyl Ethyl Ketone	1.0 Litres	50 ppm
Nitroethane	5.0 Litres	100 ppm
Phosphine	0.0 Litres	0.3 ppm
Propane	1.0 Litres	1000 ppm
Thionyl Chloride	0.0 Litres	1 ppm
Toluene	1.0 Litres	20 ppm
Xylene	1.0 Litres	100 ppm



SCHEDULE F
CLASSES OF MOULD AND FUNGI

Absidia sp.
Acremonium sr. (Cephalosporium sp.)
Acrodonium salmoneum
Alternaria sp.
Ascomycete
Aspergillus sp.
Aspergillus candidus
Aspergillus flavipes
Aspergillus flavus
Aspergillus fumigatus
Aspergillus glaucus
Aspergillus niger
Aspergillus ochraceus
Aspergillus oryzae
Aspergillus penicilloides
Aspergillus restrictus
Aspergillus sydowi
Aspergillus versicolor
Aureobasidium pullulans
Basidiomycetes
Bipolaris sr.
Bipolaris australiensis
Bipolaris hawaiiensis
Bipolaris spicifera
Blastomyces sp.
Botrytis sp.
Chaetomium sp.
Chaetomium atrobrunneum
Chaetomium globosum
Chaetomium strumarium
Chrysosporium spp.
Cladophialophora spp.
Indoor Cladosporium sp.
Cladosporium cladosporioides
Cladosporium herbarum
Cladosporium macrocarpum
Cladosporium sphaerospermum
Conidobolus sp.
Cunninghamella sp.
Curvularia sp.
Emericella nidulans
Emericella quadrilineata
Emericella rugulosa
Epidermophyton sp.
Fusarium solani
Fusarium sp.
Geotrichum sp.
Gliocladium sr
Helminthosporium sp.
Humicola sp.
Hyaline Mycelia
Myxomycetes
Nigrospora sr
Paecilomyces sp.
Papulospora sr.
Penicillium sp.
Phoma sr.
Rhizomucor sr
Rhizopus sp.
Rhodotorula sp.
Saccaromyces sp.
Scopulariopsis sp.
Serpula lacrymans
Sporobolomyces sr.
Sporothrix sp.
Sporotrichum sr.
Stachybotrys sr.
Stemphylium sp.
Syncephalastrum sp.
Trichoderma sp.
Trichothecium sp.
Tritirachium sr.
Ulocladium sr