



COST RECOVERY BYLAW 5479-2015

A Bylaw of the District of Mission to impose fees in respect of municipal services and the exercise of regulatory authority associated with properties used for the manufacturing and/or processing of controlled substances

THIS DOCUMENT HAS BEEN REPRODUCED FOR CONVENIENCE ONLY and is a consolidation of "District of Mission Cost Recovery Bylaw 5479-2015" with the following amending bylaws:

Bylaw Number	Date Adopted	Section Amended
5889-2019 (a general fees & charges amending bylaw)	December 16, 2019	Schedule A

Individual copies of any of the above bylaws are available from the Corporate Administration Department of the District of Mission. For legal purposes, copies of the original bylaws should be obtained.

DISTRICT OF MISSION

COST RECOVERY BYLAW 5479-2015

A Bylaw of the District of Mission to impose fees in respect of municipal services and the exercise of regulatory authority associated with properties used for the manufacturing and/or processing of controlled substances

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 fees, including discounts, interests and penalties;

NOW THEREFORE the Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

1. SHORT TITLE

1.1 This Bylaw may be cited for all purposes as the "Cost Recovery Bylaw No. 5479-2015.

2. SEVERABILITY

2.1 If a portion of this Bylaw is held invalid by a court or competent jurisdiction, 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 Council as the Director of Development Services, including any duly appointed 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 under that Act;

"**Controlled Substance Property**" means:

- (a) a parcel of property, including any improvements on the parcel, contaminated by or that contains any amounts of chemical or biological materials used in or produced by the growing or manufacturing of a Controlled Substance; and
- (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 Mission;

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

"RCMP" means the Royal Canadian Mounted Police contracted with the District to provide the municipal service of policing.

4. FIRE SERVICES

- 4.1 If the Fire Chief or a person acting under the authority of the Fire Chief exercises his or her authority under Volunteer Fire Department Bylaw No. 2457-1992 in relation to a Controlled Substance Property, the District may bill and recover the costs from either or both 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

- 5.1 If the Building Inspector or a person acting under the authority of the Building Inspector exercises his or her authority under District of Mission Building Bylaw No. 3590-2003 in relation to a Controlled Substance Property, the District may bill and recover the costs from either or both the owner and occupier of the Controlled Substance Property in accordance with the fees and charges prescribed in Schedule "A" of this Bylaw.

6. POLICE SERVICES

- 6.1 The District may bill and recover the costs from either or both the owner and occupier of the Controlled Substance Property in accordance with the fees and charges prescribed in Schedule "A" of this Bylaw if the RCMP carry out any of the following activities at a Controlled Substance Property:
- (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; or
 - (g) attending to keep the peace.

7. COLLECTION

- 7.1 The District may recover the costs billed and unpaid 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.

READ A FIRST TIME this 2nd day of February, 2015

READ A SECOND TIME this 2nd day of February, 2015

READ A THIRD TIME this 2nd day of February, 2015

ADOPTED this this 16th day of February, 2015

(original signed by Randy Hawes)
RANDY HAWES, MAYOR

(original signed by Glen Robertson)
GLEN ROBERTSON, CHIEF ADMINISTRATIVE
OFFICER (Interim Corporate Officer)

SCHEDULE "A"
SCHEDULE OF FEES AND CHARGES

The following hourly rates will be charged for every hour which any of the following personnel work at a Controlled Substance Property or any of the following apparatus or vehicles are used or present at a 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. The minimum charge will be one quarter (1/4) of the hourly rate and increase in one quarter hour increments for the remaining portions of the hour worked or the apparatus or vehicles used or present at a Controlled Substance Property.

1) Fire Department Staff	Hourly	
Chief		
Deputy Chief		
Assistant Chief		
District Chief	Time and Materials (includes equipment) as set out in the Inter-Agency Operational Procedures and Reimbursement Rates Manual	
Captain (Suppression)		
Lieutenant		
Firefighter		
Captain (Fire Prevention)		
Inspector		
2) Fire Department Apparatus		Hourly
Engine		Time and Materials (includes equipment) as set out in the Inter-Agency Operational Procedures and Reimbursement Rates Manual
Rescue Apparatus		
Water Tenders		
Aerial Apparatus		
Special Ops Trailers		
Small Vehicles		
3) Fire Watch	Hourly	
Fire Watch	Time and Materials (includes equipment) as set out in the Inter-Agency Operational Procedures and Reimbursement Rates Manual	
4) District Staff	Hourly	
Director of Development Services	\$78.00	
Building Inspector	\$55.00	
Senior Bylaw Enforcement Officer	\$55.00	
Bylaw Enforcement Officer	\$50.00	
Engineering & Public Works Manager	\$86.00	
Public Works Foreman	\$56.00	
Water/Sewer Operator	\$52.00	
Labourer III	\$45.00	
Equipment Operator IV	\$45.00	
5) District Vehicles	Hourly	
District Cars	\$3.97	
District Trucks	\$7.10	
District Trucks - Service	\$7.10	
Other District Vehicles	per fleet rate	
6) RCMP Rates	Hourly	
Inspector		
Staff Sergeant		
Sergeant		
Corporal	Time and Materials (includes equipment)	
Constable		
Private Scene Security		
Emergency Vehicle		

Administration Costs

The hourly rates referred to above in sections 1 through 6 of Schedule "A" will be subject to a ten percent (10%) administrative charge on top of the hourly rate calculation.

Third Party Charges

In the event that, under sections 4, 5 or 6 of this Bylaw, the District retains a third party such as a hazardous materials or building demolition company to carry out work at a Controlled Substance Property, to dispose of materials or to use additional equipment or supplies at a Controlled Substance Property, the following costs will be charged:

Contract Work	Cost Plus 10%
Other Equipment and Supply Costs	Cost Plus 10%
Disposal Costs	Cost Plus 10%