



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 361-2004

Grow House Abatement By-law

Being a By-law to establish a means of recovery of costs of police attendances at marijuana Grow Houses to abate public nuisances and to amend User Fee By-law 380-2003

WHEREAS Peel Regional Police dismantled in excess of (70) indoor marijuana Grow Houses in Brampton in 2003;

AND WHEREAS Grow Houses create a public nuisance in that the occupants often bypass hydro meters, which can lead to house fires, power outages and brownouts for buildings on the same transformer, and theft of electricity;

AND WHEREAS Grow Houses are occasionally booby trapped, creating obvious danger to the inhabitants of such Grow Houses as well as visitors and emergency response personnel;

AND WHEREAS Peel Regional Police are responsible for investigating Grow Houses to abate such public nuisances; for the reconnection of hydro meters, contacting the appropriate hydro company and when necessary to removing booby traps, and seizing controlled substances as authorized by law;

AND WHEREAS Section 391(b) of the *Municipal Act, 2001*, S. O. 2001, permits a municipality to pass by-laws to impose fees or charges on any class of persons, for costs payable by it for services or activities provided by or done by any other local board, and the Peel Police Services Board is a local board;

AND WHEREAS Section 391(a) of the *Municipal Act, 2001*, permits a municipality to pass by-laws to impose fees or charges for services or activities done on behalf of the municipality;

AND WHEREAS Section 128 of the *Municipal Act, 2001*, permits a local municipality to regulate with respect to public nuisances, including matters that in the opinion of council are or could become or cause public nuisances;

AND WHEREAS Section 133 of the *Municipal Act, 2001*, permits a municipality that is responsible for the enforcement of the *Building Code Act*, to regulate in respect of the fortification and protective elements applied to land in relation to the use of the land;

AND WHEREAS Section 130 of the *Municipal Act, 2001*, permits a municipality to regulate for certain matters for purposes related to health, safety and well-being of the inhabitants of the municipality;

NOW THEREFORE the Council of the Corporation of the City of Brampton enacts as follows:

PART 1

Short Title

- 1. This By-Law may be referred to as "The Grow House Abatement By-law".

PART II

Definitions

- 2. (1) "Council" means the Council of the Corporation of the City of Brampton.
- (2) "Grow House" means a property that is used or intended to be used for the growing or manufacture of a substance included in Schedule II of the *Controlled Drugs and Substances Act*, including, but not limited to, a property containing a building in which the wiring has been altered so as to bypass the hydro meter, or a property containing a booby trap or attempted booby trap.
- (3) "Hydro meter" means a device used to measure the consumption of electricity.
- (4) "Treasurer" means the treasurer of the City of Brampton.

PART III

Opinion of Council under Section 128 of the *Municipal Act*

- 3. Council is of the opinion that the dangers and inconveniences created by Grow Houses are, could become or cause, a public nuisance to the inhabitants of the City of Brampton.

PART IV

Appointment of Inspectors

- 4. Council may appoint inspectors for the purposes of this by-law and any member of the Peel Regional Police, the Brampton Fire Department, any employee of Brampton Hydro One, or any employee of the Brampton Department of Buildings and Inspections is an inspector for the purposes of this by-law.

PART V

Costs of Attendances by Inspectors

- 5. (1) The cost of attendances by inspectors to attend at Grow Houses and render them safe, including, but not limited to, the following activities or services:
 - ensuring security for the connection, or reconnection of hydro meters, and the checking for unsafe wiring,
 - the detection and removal of booby traps,
 - any matter under the *Fire Code* or *Building Code*,
 - the removal of controlled substances and ancillary equipment for their growth and manufacture,

is a debt due to the City of Brampton by the assessed owner of the Grow House.
- (2) The costs in Section 5(1) may include an amount for overhead.

- (3) The Treasurer shall add the costs in Section 5(1) and 5(2) to the tax roll for the Grow House and collect them in the same manner as municipal taxes.

PART VI

Properties which are not Grow Houses

- 6. Costs of attendances at properties which are not Grow Houses at the time of attendance shall not be subject to Section 5.
- 7. Schedule B of By-law 380-2003, the User Fee By-law, as amended, is further amended by inserting the following in "Other Matters":

Police attendances at Grow Houses	As payable in the invoice from Peel Regional Police, plus a City of Brampton administrative fee of \$500.00
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PART VII

Validity

- 8. If any section, subsection, paragraph, sentence, clause, or provision of this by-law is declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any other reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

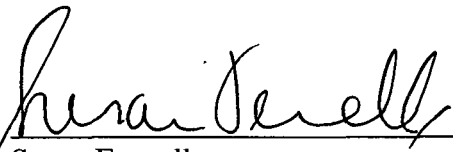
PART VIII

Enactment

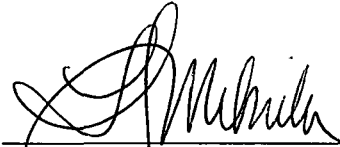
- 9. This By-Law shall come into force and effect from the date of its final passing hereof.

READ a FIRST, SECOND and THIRD time and PASSED in open Council this 22nd day, of November, 2004.

The Corporation of the City of Brampton

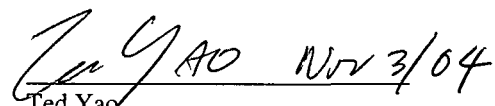


Susan Fennell Mayor



Leonard J. Mikulich Clerk

Approved as to form and content



Ted Yao Senior Legal Counsel