

Marijuana Grow Operation and Clandestine Lab Policy Township of Springwater

Approved: November 17, 2008
Effective: Date of Passing
Next Review: TBD

Department: Administration,
Building, Fire and Emergency
Services
Subject: Marijuana Grow Operation
Policy Number: A09 MA

A. Authority

Section 447.2 of the Municipal Act 2001, as amended, provides that, if the Clerk of a local municipality is notified in writing by a police force that a building located on land in the local municipality contained a marijuana grow operation, the local municipality shall ensure that an inspection of the building is conducted within a reasonable time after the Clerk has been notified.

B. Policy Statement

The Council of the Corporation of the Township of Springwater and its employees recognize the following principles for the procedure of Township staff that may be exposed to marijuana grow operations (MGO) or other clandestine labs located within the jurisdiction of the Township during their work. These sorts of operations can be highly dangerous due to hidden hazards and the possibility of explosion, exposure to mould, chemicals and other toxins.

C. Definitions

CAO means the Chief Administrative Officer of the Township of Springwater.

Chief Building Official means the Chief Building Official for the Township of Springwater Building department.

Clerk means the Clerk for the Township of Springwater.

Director of Fire and Emergency Services means the Director of Fire and Emergency Services for the Township of Springwater.

Health Unit means the Simcoe-Muskoka District Health Unit.

Police means the Huronia West Ontario Provincial Police or other applicable police force.

Property means a premise, building, structural or property within the jurisdiction of the Township of Springwater.

Township means the Corporation of the Township of Springwater.

D. Purpose

The purpose of this policy is to provide guidelines for staff that may be exposed to MGO or other clandestine lab(s) located in the Township during their work. Exposure to these operations may occur on both private and public property within the jurisdiction of the Township.

E. Scope

This policy applies to all Township employees who may be exposed to a MGO or other clandestine labs located on property within the jurisdiction of the Township during the conduct of their work.

The Township Clerk's Office will assist with the administration process of this policy.

F. Procedures for the Marijuana Grow-Operation and Clandestine Lab Policy

During the course of their work, employees (by-law enforcement officer, building inspectors, fire and emergency services, public works, parks and recreation etc.) may enter or locate suspicious properties that may be utilized for the production and/or operation of illicit substances.

General Staff Discovery of Marijuana Grow Operation or Clandestine Lab Sites:

1. Upon discovery of a MGO or clandestine lab, staff should leave the premises immediately, monitoring for people (property owners, tenants, operation workers, etc.), hidden hazards or other unsafe chemicals or toxins.
2. Staff will notify their immediate supervisor of the site discovery and actions taken as soon as possible. Using their discretion, staff or their immediate supervision will notify the police as soon as possible. Supervisors will inform the CAO and Clerk.
3. Staff member(s) who located the site must complete a health and safety incident report outlining the event in detail. This document must be kept on file within the Township.

Notification from the Police:

When a MGO or clandestine lab has been discovered to be operating on property within the jurisdiction of the Township, the police will implement the following:

1. An investigation will be conducted into the operation in accordance with the adequacy requirements in police operations as they pertain to drug investigations, the police service's Criminal Investigation Management Plan, if appropriate, and the police service's policies and procedures.
2. A notice will be placed on the principal entrance to the premises.
3. Springwater Fire and Emergency Services will be notified of the building or site located in the Township.
4. The Clerk shall be notified in writing, by fax or by email, of the site upon completion of the police investigation.
5. Appropriate agencies/personnel necessary to the police investigation at the premises may be contacted. This may include hydro suppliers, children's aid services and immigration.
6. Upon completion of the investigation, the police will complete a *Police Notification of Illicit Marijuana Grow Operations* report and forward to the Clerk's Office, the Building Department and the Fire and Emergency Services department.

Fire and Emergency Services:

1. If the Township Fire and Emergency Services department responds to a fire caused by a MGO or clandestine lab, the fire service will notify the police, the Director of Fire and Emergency Services, and the Clerk's Office as soon as possible.
2. When notified by the police that there is a possibility of the presence of combustible or volatile chemicals/liquids, Fire Services department may coordinate efforts with the Building department to investigate and follow up on any violations of the *Fire Protection and Prevention Act* (FPPA, 1997).
3. Upon notification of a MGO or clandestine lab, the Fire Services department may attend the property, for the purpose of conducting a physical inspection, to determine the environmental safety for responding personnel, and to determine offences under the FPPA, 1997.

4. The Fire Services department may issue orders under the FPPA 1997 for an electrical inspection of the premises to ensure compliance with legislation, as well as additional considerations of fire and life safety issues with regard of the Ontario Fire Code.

Building Department:

1. Upon discovering the identity of the property owner from the Clerk and/or having been contacted by the police, the Building department may conduct an inspection of the property within the jurisdiction of the Township identified as a MGO or clandestine lab. This inspection will identify offences under the *Ontario Building Code Act* and applicable local Township by-laws.
2. The Building department may work with the Fire Services department to coordinate efforts to investigate and follow up on any violations of the *Fire Protection and Prevention Act, 1997*.
3. The Building department may display a notice on the premises with a copy of the applicable order, if necessary, may arrange for the order to be placed on title to the property.
4. If necessary, the Building department may commission a report from a professional engineer regarding the condition of the structure, clearly outlining any potential hazards associated with the premises and a plan for remediation of the property.
5. If necessary, the Building department may commission a report from a professional engineer or the Electrical Safety Authority regarding the condition of the electrical system. This report may outline potential hazards associated with the property and a plan for remediation.
6. If necessary, the Building department may commission a report from an environmental engineer/consultant regarding the internal conditions of the property. This report may outline any potential hazards associated with the property, the suitability for habitation, and a plan for remediation.
7. If the above reports are needed, the Building department may notify the Health Unit for the purpose of obtaining an environmental engineer/consultant report regarding health conditions.
8. The Building department may, in certain cases, issue an Unsafe Order, which may be followed by the issuance of an Order Prohibiting Occupancy pursuant to Section 15.9(6) of the *Building Code Act*, prohibiting occupancy of the building and requiring remedial action to be taken.

9. If an environmental engineer/consultant’s report has been attained, it may be forwarded to the Health Unit for review of the remediation plan.
10. Based on the review of the professional engineer/consultant’s reports, if attained, or through their own inspection, the Building department may issue an Order, pursuant to the *Building Code Act*, requiring the property owner to implement the remediation plan.
11. Upon completion of the required renovations, the Building department will complete a final inspection of the property to determine if it is compliant with the *Building Code Act* and safe for habitation.
12. Upon receipt of a compliance inspection, the Building department will notify the Clerk’s Office that the property has had all orders removed, and based on the information provided, is safe for human habitation. No clearance for entry or habitation shall be provided until such notification has been received.

Clerk’s Office:

1. Upon notification from the police or internal notification of a MGO or clandestine lab discovery within the jurisdiction of the Township, the Clerk shall collect the name(s) of the registered owner(s) of the property. This information may be forwarded to the police.
2. The Clerk may notify the following agencies via telephone or fax of the operations identified on property within the Township:

	Agency	Telephone	Fax	Contact Name
1	Huronian West OPP	(705) 429-3575	(705) 429-3616	Jason Lloyd - Drug Unit
2	Springwater Fire and Emergency Services	(705) 728-4784 ext 2031	(705) 726-7223	Tony Van Dam, Director
3	Building Department	(705) 728-4784 ext 2030	(705) 728-2759	Nick Ippolito – CBO
4	County of Simcoe	(705) 726-9300 ext 1246		Glen Knox - Clerk
5	Simcoe Muskoka District Health Unit	(705) 721-7520	(705) 721-1495	
6	Barrie and District Real Estate Board	(705) 739-4650	(705) 721-9101	
7	Electrical Safety Authority	1-800-372-7233		
8	Hydro One	1-800-434-1235		

9	Technical Standards and Safety Authority	1-877-682-8772		
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3. The Clerk's Office may notify the Barrie and District Real Estate Board based on the Unsafe Order, or based on the Environmental engineer's report.
4. The Clerk shall ensure that an inspection of the building is being conducted within a reasonable time after notification from the police.
5. As the Township is a lower tier municipality, upon notification from the police or an internal department, the Clerk may forward a copy of the notice to the County of Simcoe Clerk's department.
6. Upon the receipt of notification from the Township Clerk's department to the County Clerk's Department, the obligation to confirm the inspection of the property becomes the responsibility of both departments.
7. Upon receipt of a compliance inspection from the Building department, the Clerk may notify the Barrie and District Real Estate Board that the property has been deemed safe for human habitation.

G. General

This Policy shall be administered by the Fire and Emergency Services department, Administration department and Building department.

This Policy shall be referred to as the 'Marijuana Grow Operation and Clandestine Lab' Policy.

This Policy shall come into force and effect on the date of passing.

This Policy shall be reviewed as needed.