

K. **BYLAWS**

K.1 **Storefront Cannabis Retailer Regulation Bylaw**

Councillor Loveday withdrew from the meeting at 12:15 a.m.

Moved By Councillor Isitt
Seconded By Councillor Potts

That the following bylaw **be given first and second readings:**

1. Storefront Cannabis Retailer Regulation Bylaw No. 19-053

CARRIED UNANIMOUSLY



Council Report

For the Meeting of May 23, 2019

To: Council
From: C. Coates, City Clerk
Subject: Storefront Cannabis Retailer Regulation Bylaw

Date: May 16, 2019

RECOMMENDATION

That the following bylaw be given first and second readings:

1. Storefront Cannabis Retailer Regulation Bylaw No. 19-053

BACKGROUND

Attached for Council's initial consideration is a copy of the proposed Bylaw No. 19-053.

The issue came before Council on May 9, 2019 where the following resolution was approved:

Storefront Cannabis Retailer Regulation Bylaw

That Council direct staff to:


1. Bring forward the Storefront Cannabis Retailer Regulation Bylaw 19-053 for first and second readings to a Council meeting.
2. Schedule an Opportunity for Public Comment at a regular Council meeting as an opportunity to make representations on the proposed bylaw in accordance with section 59 of the Community Charter.
3. Provide notice of the intention to adopt the new Storefront Cannabis Retailer Regulation Bylaw by mail to all known storefront cannabis retailers as well as through normal advertising of Council's agenda.
4. Undertake a review and analysis of business license fees once Provincial Licensing and Enforcement has stabilized.

Respectfully submitted,


Chris Coates
City Clerk

Report accepted and recommended by the City Manager:

Date:


May 17, 2019

List of Attachments:

- Bylaw No. 19-053

STOREFRONT CANNABIS RETAILER REGULATION BYLAW

A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to align the bylaw with the provincial *Cannabis Control and Licensing Act* and federal *Cannabis Act* and further minimize any adverse effects that storefront cannabis retailers may have on the safety, health and well-being of the community.

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Under its statutory powers, including section 8(6) of the *Community Charter*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

PART 1 – INTRODUCTION

Title

- 1 This Bylaw may be cited as the "Storefront Cannabis Retailer Regulation Bylaw No. 19-053".

Definitions

- 2 In this Bylaw:

"cannabis"

has the same meaning as in the *Cannabis Act* (Canada);

“storefront cannabis retailer”

means a business where cannabis is sold or otherwise provided to a person who attends the premises.

PART 2 - BUSINESS LICENCES

Business licences required for storefront cannabis retailers

- 3 (1) A person must not operate a storefront cannabis retailer unless the person holds a valid licence issued under the provisions of this Bylaw and the Business Licence Bylaw.
- (2) A person applying for the issuance or renewal of a licence to operate a storefront cannabis retailer must:
 - (a) make an application to the Licence Inspector on the form provided for that purpose; and
 - (b) pay to the City a \$5,000 annual licence fee.

Licence Inspector's authority to suspend or refuse a storefront cannabis retail licence

- 4 (1) The License Inspector may suspend a licence or refuse to issue or renew a license where the applicant does not have a provincial cannabis retail store licence.
- (2) A decision of the Licence Inspector under subsection (1) may be appealed to Council by submitting a request in writing to the City Clerk within 30 days of the decision.

PART 3 - OPERATING REGULATIONS

Regulation of storefront cannabis retailers

- 5 A person carrying on a storefront cannabis retailer must:
 - (a) install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties;
 - (b) ensure that two employees are present on the premises at all times when the business is open to the public, including one manager;
 - (c) ensure that windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements;
 - (d) not be open for business between the hours of 8 p.m. and 9 a.m. the next day;
 - (e) display any advertising or sign that is visible from outside of the premises except for a maximum of two signs which display no images and contain only:

- (i) alpha-numeric characters,
 - (ii) the business name, and
- is in a size as permitted under the *Sign Bylaw*.

PART 4 – GENERAL PROVISIONS

Offences

- 6 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the Ticket Bylaw, and the *Offence Act* if that person
- (a) contravenes a provision of this Bylaw,
 - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw, or
 - (c) neglects or refrains from doing anything required by a provision of this Bylaw.
- (2) Each day that a contravention of a provision of this Bylaw continues is a separate offence.

Severability

- 7 Each section of this Bylaw shall be severable. If any provision of this Bylaw is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed and the illegality or invalidity shall not affect the validity of the remainder of the bylaw.

Consequential Amendments

- 8 (1) Ticket Bylaw No. 10-071 is amended by:
- (a) repealing Schedule A and replacing it with a new Schedule A attached to this Bylaw as Schedule 1; and
 - (b) repealing Schedule S.1 and replacing it with a new Schedule S.1 attached to this Bylaw as Schedule 2.
- (2) Business Licence Bylaw No. 89-071 is amended by repealing section 35.

Repeal

9. Cannabis-Related Business Regulation Bylaw No.16-061 is repealed.

READ A FIRST TIME the _____ day of _____ 2019.

READ A SECOND TIME the _____ day of _____ 2019.

READ A THIRD TIME the day of 2019.

ADOPTED on the day of 2019.

CITY CLERK

MAYOR

Schedule 1

Schedule A**Bylaws & Enforcement Officers**

Item Number	Column 1 - Bylaws	Column 2 - Bylaw Enforcement Officers
1	Abandoned Properties Bylaw	Bylaw Officer; Police Constable
2	Animal Control Bylaw -sections 17, 36, 37, 38, 39, 48 and 49	Animal Control Officer; Bylaw Officer; Police Constable
3	Animal Control Bylaw -all provisions except those listed in Item 2	Animal Control Officer; Manager of Bylaw and Licensing Services; Police Constable
4	Bicycle Courier Bylaw	Bylaw Officer; Police Constable
5	Blasting (Construction) Operations Bylaw	Building Inspector; Bylaw Officer
6	Boulevard Tree Lighting Bylaw	Bylaw Officer; Electrical Inspector
7	Building Bylaw	Building Inspector; Bylaw Officer
8	Business Licence Bylaw	Bylaw Officer
9	Commercial Vehicle Licensing Bylaw	Bylaw Officer; Police Constable
10	Dance (All-Night Event) Bylaw	Bylaw Officer; Police Constable
11	Dance (Club) Bylaw	Bylaw Officer; Police Constable
12	Electrical Safety Regulation Bylaw	Bylaw Officer; Electrical Inspector
13	Escort and Dating Service Bylaw	Bylaw Officer
14	Fence Bylaw	Bylaw Officer
15	Fire Prevention and Regulation Bylaw	Bylaw Officer; Fire Prevention Officer; Police Constable
16	Fireworks Bylaw	Bylaw Officer; Fire Prevention Officer; Police Constable
17	Idling Control Bylaw	Bylaw Officer; Police Constable
18	Litter Prohibition Bylaw, 1977	Bylaw Officer
19	Storefront Cannabis Retailer Regulation Bylaw	Bylaw Officer, Police Constable
20	Noise Bylaw	Bylaw Officer; Police Constable
21	Nuisance (Business Regulation) Bylaw	Bylaw Officer
22	Outdoor Market Bylaw	Bylaw Officer
23	Parking Lot Bylaw	Bylaw Officer
24	Parks Regulation Bylaw -sections 6(j), 6(k), 12(3), 12(4) and 17	Animal Control Officer; Bylaw Officer; Police Constable
25	Parks Regulation Bylaw - all provisions except those listed in Item 23	Bylaw Officer; Police Constable
26	Pesticide Use Reduction Bylaw	Bylaw Officer
27	Plumbing Bylaw	Bylaw Officer; Plumbing Inspector

28	Property Maintenance Bylaw	Bylaw Officer; Police Constable
29	Residential Properties Parking Bylaw	Bylaw Officer; Police Constable
30	Ross Bay Cemetery Bylaw	Bylaw Officer; Police Constable
31	Sanitary Sewer and Stormwater Utilities Bylaw	Bylaw Officer

32	Second Hand Dealers Bylaw	Bylaw Officer; Police Constable
33	Sidewalk Cafes Regulation Bylaw	Bylaw Officer
34	Sign Bylaw	Bylaw Officer
35	Solid Waste Bylaw	Bylaw Officer
36	Street Collections Bylaw	Bylaw Officer; Police Constable
37	Street Vendors Bylaw	Bylaw Officer; Police Constable
38	Streets and Traffic Bylaw - sections 20 to 44 inclusive	Manager of Bylaw and Licensing Services; Police Constable
39	Streets and Traffic Bylaw - all provisions except those listed in Item 36	Bylaw Officer; Police Constable
40	Towing and Immobilizing Companies Bylaw	Bylaw Officer; Police Constable
41	Tree Preservation Bylaw	Bylaw Officer
42	Vehicles For Hire Bylaw	Bylaw Officer; Police Constable
43	Zoning Regulation Bylaw	Bylaw Officer

Schedule 2

Schedule S.1
Storefront Cannabis Retailer Regulation Bylaw
Offences and Fines

Column 1 – Offence	Column 2 – Section	Column 3- Set Fine	Column 4 – Fine if paid within 30 days
Operate without a valid licence	3 (1)	\$1000	\$1000
Failure to install and maintain air filtration system	5 (a)	\$500	\$500
Failure to provide required staff	5 (b)	\$500	\$500
Cover windows contrary to regulations	5 (c)	\$250	\$250
Operate outside of permitted hours	5 (d)	\$250	\$250
Display or advertise prohibited sign	5 (e)	\$250	\$250