

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 **23rd** day of **May** 2019.

READ A SECOND TIME the **23rd** day of **May** 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