

CORPORATION OF THE CITY OF NEW WESTMINSTER
BUSINESS LICENCE BYLAW AMENDMENT BYLAW NO. 8044, 2018

A Bylaw to Amend Business Licence Bylaw No. 5640, 1986

WHEREAS the Council of the Corporation of the City of New Westminster has adopted Business Licence Bylaw No. 5640, 1986;

AND WHEREAS Council wishes to amend Business Licence Bylaw No. 5640, 1986 to regulate the retail sale of cannabis as defined herein within the City of New Westminster;

NOW THEREFORE the Council in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Business License Bylaw Amendment Bylaw (Cannabis Regulations) No. 8044, 2018.”
2. Business Licence Bylaw No. 5640, 1986 is hereby amended by:
 - a) adding the following definitions in appropriate alphabetical order to section 3:

“**CANNABIS** has the same meaning as in the Cannabis Act (Canada), and despite changes to the meaning in the Cannabis Act (Canada) over time, shall not include edible products.

CANNABIS ACCESSORY has the same meaning as in the Cannabis Act (Canada).

CANNABIS PRODUCTION FACILITY means a facility providing for the production, storage processing and distribution of cannabis and which is owned or operated by a licensed cannabis producer or distributor as per the Cannabis Act (Bill C-45) as amended and replaced from time to time”.

CONTROLLED SUBSTANCE means a substance as defined in the *Controlled Drugs and Substances Act* S.C. 1996, c. 19, where the possession, trafficking, production, import or export of such controlled substance is prohibited by that Act.

CONTROLLED SUBSTANCE PARAPHERNALIA means paraphernalia, equipment, supplies, merchandise or any other thing which is designed, ordinarily used or intended to be used for the purpose of or in connection with the use, possession, production, cultivation, manufacture, import, export, storage, preparation or ingestion of any *controlled substance*.

RETAIL SALE OF CANNABIS means the use of a site or portion of a site only for the retail sale or distribution of *cannabis*, including any products containing *cannabis*,

directly to a consumer for which a license has been issued under the Provincial *Cannabis Control and Licensing Act* (Bill 30) as amended and replaced from time to time.”

b) adding the following as section 13(4):

“Applications will only be deemed complete when the appropriate application fee as set out in the Development Services Fees Bylaw No. 7683, 2014 has been paid”.

c) replacing section 33(1) with the following:

“33. (1) Retail Stores

No person or individual carrying on the business of operating a retail store or other business shall set or offer for sale, trade, exchange or barter any *controlled substance, controlled substance paraphernalia, cannabis or cannabis accessories*.”

d) adding the following as section 33(5):

“33(5) Retail Sale of Cannabis

Applications for Business Licenses for the Retail Sale of Cannabis shall provide, in addition to requirements elsewhere in this bylaw, the information listed in Appendix A.

e) adding Schedule 1 of this amending bylaw as Appendix A of Business Licence Bylaw No. 5640, 1986.

f) adding the following as section 33(6):

“33.(6) A business licence for the *Retail Sales of Cannabis* shall only be issued or granted to an applicant who is the property owner of, or an applicant who holds valid lease for, the subject property.”

g) adding the following as section 33(7):

“33.(7) Every business permitted to undertake the *Retail Sale of Cannabis* shall:

- (a) be permitted to sell *cannabis* and *cannabis accessories*, despite provisions elsewhere in this bylaw;
- (b) have a cannabis retail store licence from the Liquor and Cannabis Regulation Branch;
- (c) remain closed between the hours of 11:00 p.m. and 9:00 a.m.;

- (d) operate in accordance with the security plan submitted to and approved by the City as outlined in Appendix A of this bylaw;
- (e) be required to maintain a transparent store front which is in compliance with the materials submitted by the applicant to, and approved by, the City as outlined in Appendix A of this bylaw;
- (f) provide a monitored security and fire alarm contract, including video surveillance which includes retention of video data in a secure location for at least 30 days, satisfactory to the Licence Inspector;
- (g) store all *cannabis* and other valuables in a secured location or safe when business is closed;
- (h) have a minimum of two employees on site when the business is open;
- (i) only be operated by staff who:
 - i. are at least 19 years of age;
 - ii. have provided a Vulnerable Sector Criminal Record Check to the Licence Inspector and who is supported by New Westminster Police Department;
 - iii. are registered with the Liquor and Cannabis Regulation Branch; and
 - iv. have successfully completed all training required by the Liquor and Cannabis Regulation Branch.
- (j) keep a record of, and provide to the City upon request of the Licence Inspector, all employee registration numbers with the Liquor Control and Cannabis Regulation Branch including the dates the registration numbers expire;
- (k) not permit individuals under 19 years of age on the premises;
- (l) not permit consumption of cannabis on the premises, including sampling of products;
- (m) not be permitted online sales or home delivery services; and
- (n) not be permitted to advertise in any form, or at any locations, targeted at individuals under 19 years of age.”

h) adding the following as section 33(8):

“33.(8) Cannabis Production Facility

A Cannabis Production Facility shall:

- (a) have all activities related to the production, storage and processing of cannabis occur within a completely enclosed building; and
- (b) be a licensed producer as per the Cannabis Act (Bill C-45) and operate in accordance with all conditions of that license.”

- i) making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering, ordering of alphabetical lists of the bylaw.

GIVEN FIRST READING this 27th day of August 2018.

GIVEN SECOND READING this 27th day of August 2018.

GIVEN THIRD READING this 27th day of August 2018.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this day of , 2018.

Mayor

Jacque Killawee, City Clerk