

CORPORATION OF THE CITY OF NEW WESTMINSTER



BUSINESS LICENCE BYLAW NO. 5640, 1986

EFFECTIVE DATE: December 15, 1986

CONSOLIDATED FOR CONVENIENCE ONLY
(December 16, 2020)

This is a consolidation of the bylaws listed below. The amendment bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaws on this subject.

<u>AMENDMENT BYLAW</u>	<u>EFFECTIVE DATE</u>
No. 5684(arcades-age)	July 27, 1987
No. 5732(inspection)	February 15, 1988
No. 5738(amusement ctr)	March 14, 1988
No. 6153(fees)	December 24, 1993
No. 6227(hrs. billiard/pool halls)	November 7, 1994
No. 6231 (fees)	December 19, 1994
No. 6291 (fees)	December 18, 1995
No. 6356 (fees)	October 28, 1996
No. 6398 (body-rub services)	August 25, 1997
No. 6436 (fees)	November 24, 1997
No. 6504 (fees)	November 9, 1998
No. 6555, 1999 (amusement ctrs)	September 13, 1999
No. 6563, 1999 (retail stores)	October 4, 1999
No. 6569, 1999 (cabarets)	November 8, 1999
No. 6572, 1999 (rave performances)	November 29, 1999
No. 6576, 1999(new areas,fees,filming)	December 13, 1999
No. 6602, 2000 (karaoke box bus)	August 28, 2000
No. 6617, 2000 (hrs rave perf Sec3)	June 19, 2000
No. 6645, 2000 (SchA I-IV)	December 11, 2000
No. 6650, 2001 (Sch A, Sec I)	February 19, 2001
No. 6688, 2001 (Sch A I-IV)	November 19, 2001
No. 6777, 2002 (Sch A I-IV)	November 4, 2002
No. 6784, 2002 (liq lic establishments)	October 28, 2002

No. 6882, 2003 (Sch A 1-IV)	November 17, 2003
No. 6930, 2004 (Sec VI (filming-police)	June 14, 2004
No. 6975, 2004 (Sch A I-IV)	November 8, 2004
No. 6996, 2005 (Sec 3 & Sec15)	March 14, 2005
No. 7009, 2005 (Sec VI Filming-del)	May 16, 2005
No. 7060, 2005 (Sch A; Sec 3)	November 28, 2005
No. 7127, 2006 (Sec I-IV, Sch A)	November 20, 2006
No. 7192, 2007 (Sec 14.2; Sch A)	November 5, 2007
No. 7281, 2008 (Sec I-IV, Sch A)	November 24, 2008
No. 7349, 2009 (Sec 3, Sec 21, Sch A)	December 14, 2009
No. 7424, 2010 (Schedule A)	November 29, 2010
No. 7485, 2011 (Schedule A)	October 24, 2011
No. 7544, 2012 (Schedule A)	November 13, 2012
No. 7642, 2013 (Sec I-II, Sch A)	January 1, 2014
No. 7672, 2014 (various sections)	April 28, 2014
(Consolidation by Young Anderson)	
No. 7683, 2014 (delete Sch A, delete 4(3), 7, 8 and 9, replace Section 4(2)	January 1, 2015
All amendments double-checked and minor corrections made pursuant to section 139 of the Community Charter and by authority of the Corporate Officer	
	January 25, 2016
No. 8044, 2018 (Cannabis Regulations changes throughout)	September 17, 2018
No. 8216, 2020 (removing prohibition of cannabis edibles)	September 28, 2020
No. 8229, 2020 (creating an exemption)	November 30, 2020

The bylaw numbers highlighted in this consolidation refer to the bylaws that amended the principal Bylaw No. 5640, 1986. The number of any amending bylaw that has been repealed is not referred to in this consolidation.

Obtainable from the City Clerk's Office

CORPORATION OF THE CITY OF NEW WESTMINSTER

BYLAW NO. 5640, 1986

A Bylaw to require the holding of a valid and subsisting licence for carrying-on of businesses, to fix and impose licence fees and to provide for the collection of licence fees and the granting, issuing and transferring of licenses.

THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled **HEREBY ENACTS AS FOLLOWS:**

1. This Bylaw shall be cited as "**BUSINESS LICENCE BYLAW 5640, 1986**".
2. Business Licence Bylaw 5036, 1977 and all amendments thereto are hereby repealed.
3. In this Bylaw, unless the context otherwise requires,

"Adult Entertainment Store" means any premises wherein the business of selling or offering for sale either sex paraphernalia or graphic sexual material is carried on, or wherein one or more film viewers are made available for use by the public;

(6996, 2005)

"Adult Publication" means any book, pamphlet, magazine or printed matter, however produced, which contains a visual image or representation of a person or portion of the human body depicting nudity, sexual conduct or sadomasochistic behavior.

(5738, 1988)

"Amusement Centre" means any premises containing three or more amusement machines except a premise which is validly licenced pursuant to the Liquor Control and Licensing Act;

(5738, 1988)

"Amusement Machine" means a machine on which mechanical, electrical, automatic or computerized games or contests are played for amusement or entertainment and for which a coin or token must be inserted or a fee is charged for use;

"Business" has the meaning given to it by section 1 of the Schedule to the *Community Charter*;

"Charter" or "*Community Charter*" means the *Community Charter*, S.B.C. 2003, c. 26, as amended from time to time;

(8044, 2018; 8216, 2020)

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

(8044, 2018)

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

(8044, 2018)

"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;

"City" means the geographic area over which the Corporation is the municipal government;

(8044, 2018)

"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;

(8044, 2018)

"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*;

"Corporation" means the Corporation of the City of New Westminster, a municipal corporation duly created by Letters Patent issued on December 24, 1872;

“Dating Service” means any person carrying on the business of providing information to persons desirous of meeting other persons for the purpose of social outings;

“Direct Seller” means any person or an agent for another person selling or soliciting door-to-door within the municipal boundaries of the Corporation, the sale of any goods, wares or merchandise, contracts for repairs, renovations, book, magazines or periodicals, whether or not of an educational nature;

(5738, 1988)

"Floor Space" means the total area of all floors or stories measured to the interior walls of the building occupied by the licence holder and licenced under this bylaw;

“Individual” means one human person;

(6602, 2000)

“Karaoke Box Room Business” means any business where an enclosed room or rooms are provided for the use of customers for the purpose of participating in or listening to karaoke entertainment within the enclosed room or rooms.

"Licence" means a licence granted pursuant to this Bylaw or Business Licence Bylaw No. 5036, 1977 as amended for the carrying on of a business;

“Licence Inspector” means a person appointed by the Corporation as Manager of Licensing, Licence Inspector, Business Licence Coordinator or Bylaw Officer;

Non-resident business” means a business based primarily outside of the City and licenced by another municipality, but which operates partially within the City;

"Person" has the meaning given to it by Section 29 of the Interpretation Act R.S.B.C. 1996, c.238;

“Post Box” means a box or other receptacle suitable for containing postal mail;

“Post Box Rental Agency” means any premises containing one or more post boxes made available for rent, lease, sale or possession to a person who is not normally an occupant of the premises, but does not include Canada Post;

“Professional Practitioner” means every person carrying on a professional practice including doctors, optometrists, lawyers, engineers, accountants, dentists, veterinarians and chiropractors;

(6572, 1999 & 6617, 2000)

"Rave Performance" means a commercial dance or other entertainment performance or event commonly referred to as a rave or rave party and includes, but is not limited to a commercial dance or entertainment event or performance where twenty (20) or more persons are assembled, either indoors or outdoors, at any time between the hours of 1:00 a.m. and 12:00 noon, and where:

- (a) the commercial dance or other entertainment performance or event is held for the purpose of gain or profit;
- (b) attendance fee charged for persons to attend;
- (c) security personnel are present; and
- (d) music, noise or sound of any kind or source including, but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music and live sound performances and live band music, is performed or played.

(6398,1997)

“Relaxation Body-Rub Services” means the kneading, rubbing, massaging, manipulating, touching or stimulating by any means of the human body for remuneration by any person, but does not include medical, therapeutic or cosmetic massage treatment given by:

- (a) a member in good standing of the Reflexology Association of British Columbia practicing the techniques of reflexology in accordance with the accepted practices of that Association;
- (b) a member in good standing of the British Columbia Association of Practicing Aromatherapists practicing the techniques of aromatherapy in compliance with that Association’s Code of Ethics;

- (c) a registrant of the College of Massage Therapists of British Columbia established in accordance with the *Health Professions Act* R.S.B.C. 1996, c. 183; or
- (d) any other person duly licenced or registered under any statute of the Province of British Columbia governing the above mentioned activities;

(8044, 2018)

“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;

(7060, 2005)

“Secondhand dealer” means a person who carries on the business of retailing or wholesaling used or secondhand property, including collectibles, or who operates a secondhand dealers’ premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- (a) used clothing, recycled containers, junk, furniture, knickknacks, footwear, and kitchenware items such as dishes, pots, pans, cooking utensils and cutlery;
- (b) used books, papers, magazines, vinyl records, or long-playing records (LP’s);
- (c) antiques, meaning articles, except for alcohol, produced or crafted more than 50 years before the date of the wholesale or retail transaction; or
- (d) motor vehicles under a licence from the Province of British Columbia;

“Social Escort Service” includes any person carrying on the business of providing or furnishing male escorts or female partners for social occasions;

“Vending Machine” means any machine or device used for the purpose of selling, distributing or disposing of any goods, merchandise or articles or for the purpose of providing music, games, amusement or services of any kind whatsoever, provided however, that any machine or device aforesaid shall be deemed not to be a vending machine when it is situated in any building or premises where the principal business carried on in that building or premises is the sale of goods or merchandise or the dispensing of services through the operation of vending machines;

and wording importing the singular or masculine shall be deemed to include the plural, feminine, and body politic or corporate whenever the context so requires.

(6576, 1999)

GRANTING AND ISSUING OF LICENSES

4. (1) No person, shall carry on any business within the City unless a valid and subsisting licence is issued under this Bylaw.

(7683, 2014)

(2) It shall be incumbent upon each person to renew the license and pay the fee set out in the Development Services Fees Bylaw No. 7683, 2014 prior to the beginning of each calendar year.

(7683, 2014)

Section 4(3) deleted

5. Licenses shall be issued annually so as to take effect on the first day of January and to terminate on the 31st day of December in each year.

6. Power is hereby delegated to the Licence Inspector to:

(1) grant a business license; and

(2) suspend, for reasonable cause, any licence for such period as he may determine.

(7683, 2014)

Sections 7, 8, and 9 deleted

APPLICATION FOR LICENCE

10. Application for a licence shall be made by filling out the application form supplied by the Licence Inspector and by supplying whatever additional information may be required from time to time by the Licence Inspector.

11. The application form shall be signed by the owner or the operator of the business, or a duly authorized agent and, in the case of

multiple owners or operators, one owner or operator may make application on behalf of all of them.

12. The duly completed and signed application form shall be delivered to the Licence Inspector with the sum of money required for that classification of business herein.
- 13.(1) The completion and submission of an application form is not required for the renewal of a business licence provided that the business licence is renewed before it has expired and there have been no changes in (i) the address of the business, (ii) the nature or classification of the business, (iii) the premises in which the business is being carried out, AND WHERE APPLICABLE (iv) the floor or ground area of the premises of the business or (v) the number of people engaged in the business.
- (2) No person to whom a licence has been granted under this Bylaw to conduct business from premises specified in the licence, shall change the location of that business and conduct the business from new premises without first:
 - (a) having applied to the Licence Inspector, on the form provided, to have the licence altered in respect to the location of the business; and
 - (b) having been granted a licence to conduct business from the new premises;

and the powers, conditions, requirements and procedures relating to the granting and refusal of licenses and appeals under this Bylaw shall apply to all such applications.

(6576, 1999)

- (3) A licence shall not be transferable under any circumstances. The completion and submission of an application form is required where the assets of an existing business are sold or where a majority of shares in that business are transferred.

(8044, 2018)

- (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.

GENERAL PROVISIONS

(5732, 1988)

- 14.(1) The Chief Licence Inspector may at all reasonable times enter on any property to ascertain whether the provisions of this bylaw have been and are being complied with. A person employed from time to time by the Corporation as a Licence Inspector is hereby designated to act in the place of the Chief Licence Inspector for the purposes of this section.
- (2) No person shall interfere with or obstruct the entry of the Chief Licence Inspector, or other person designated to act in his place, to any property while the chief Licence Inspector or person to act in his place is acting in the course of his duties.
- (3) Every person who is required to be licenced under this bylaw shall keep the licence prominently displayed on the premises for which the licence is issued and on demand of the Chief Licence Inspector or the Licence Inspector shall produce the licence for inspection. Where the licence relates to any vehicle, the owner of such vehicle shall at all times cause the licence to be carried in such vehicle.

(6398,1997)

15. Every person applying for a licence to carry on a business must comply with all federal, provincial and municipal laws, bylaws, regulations and rules applicable to that type or class of business.

(6572, 1999)

16. Rave performances are prohibited in every part of the City and no person shall carry on the operation of a rave performance, or permit or allow the operation of a rave performance on any lands or in any building, facility or structure located anywhere within the boundaries of the City.

(7192, 2007)

ADULT ENTERTAINMENT STORE

- 17.(1) No person or individual carrying on the business of an adult entertainment store shall permit any individual to be on the licenced premises at any time unless such individual is 19 years of age or over.
- (2) No person or individual shall open, or permit to be opened, any adult entertainment store earlier than 10:00 a.m. or later than 10:00 p.m.
- (3) No person or individual carrying on the business of an adult entertainment store shall exhibit or permit to be exhibited in any

window on or about the licenced premises any graphic sexual material or sex paraphernalia.

(6784, 2002)

LIQUOR LICENCE ESTABLISHMENTS

18. (1) No person carrying on business as a liquor licence establishment under a "Liquor Primary Licence" issued under the *Liquor Control and Licensing Act* shall, between the hours of 11:00 p.m. and 9:00 a.m., offer for sale, or permit to be offered for sale, beer, wine or any other alcoholic beverage from a Licensee Retail Store.
- (2) No person carrying on the business of a liquor licence establishment under a "Food Primary Licence with a Lounge Endorsement" issued under the *Liquor Control and Licensing Act* shall, between the hours of 12:00 midnight and 9:00 a.m., serve or offer for sale, or permit to be served or offered for sale, any liquor or alcoholic beverage within the designated lounge area.
- (3) Every person carrying on a business licenced under the *Liquor Control and Licensing Act* who proposes any change for that person's Food Primary or Liquor Primary Licence, shall pay the City an administrative fee of \$250.00 for review and consideration of the proposed licence change.

(6996, 2005)

ADULT PUBLICATIONS

19. Except where the business is an Adult Entertainment Business licenced under this Bylaw, no person carrying on any trade, business or occupation shall display or permit to be displayed an Adult Publication except as follows:
 - (1) no Adult Publication may be located on any shelf, the bottom edge of which is less than 47 inches from the floor;
 - (2) every Adult Publication must be placed behind a sheet of opaque plastic or other opaque substance which extends for the full length of the shelf on which such Adult Publication is placed and which extends vertically for at least 8 inches from the bottom of the shelf.

AMUSEMENT CENTER/BILLIARD ROOMS, POOL HALLS

20.(1) Every person or individual carrying on the business of an amusement centre shall:

- (a) not permit more than 12 amusement machines in the amusement centre at any one time;
- (b) provide one designated area consisting of a minimum of 100 square feet of floor space for each amusement machine;

(6555, 1999) (c) repealed

- (d) not use the designated area for any purpose other than the location and use of amusement machines;
- (e) clearly separate the designated area from other areas of the premises not used exclusively for the location and use of amusement machines; and
- (f) not open for business earlier than 10:00 a.m. or later than 10:00 p.m.

(8229, 2020)

- (2) The property known as 457 East Columbia Street is exempt from the requirements of Section 20.(1).

(8229, 2020)

- (3) Every person or individual carrying on the business of a billiard hall or pool room shall:

(6227,1994)

- (a) remain closed for business between the hours of 1:00 a.m. and 8:00 p.m.

DATING SERVICE

21. Every person or individual carrying on the business of or operating a dating service shall:

- (1) supply the Licence Inspector with the name, age, address and description of every individual proposed to be employed or engaged in the said business.
- (2) notify the Licence Inspector within seventy-two hours of any change in the personnel employed or engaged in the business.

- (3) maintain a written record of all individuals registered with the dating service showing their name and address and the individual to whom they have been referred for a social engagement and shall upon request make such list available for inspection by the Licence Inspector or the Chief Constable.

HOME REPAIR CONTRACTORS

22. No individual shall, without authorization from the owner or occupier of the premises, attend upon or canvass at any residential premises for the purpose of soliciting business that is any way connected with home repairs or alterations.

POST BOX RENTAL AGENCY

23. (1) Every person or individual carrying on the business of or operating a post box rental agency shall maintain a list containing the name and residential address of every person or individual who rents, leases, owns or has possession of a post box on the premises and an indication of whether or not that person intends to use the post box for business purposes, and shall upon request make such list available for inspection by the Licence Inspector or the Chief Constable.
- (2) No person or individual carrying on the business of or operating a post box rental agency shall rent, lease, sell or otherwise deliver possession of a post box to any person unless that person has first indicated in writing whether or not he intends to use the post box for business purposes.

RELAXATION BODY-RUB SERVICES

24. Every person providing relaxation body-rub services to the public must:

(6398,1997)

- (1) remain open for business only between the hours of 9:00 a.m. and 9:00 p.m;
- (2) ensure that all persons hired to provide relaxation body-rub services are at all times, while in any common public area of the business premise, attired in clean non-transparent clothing, which fully covers the body from no less than six inches above the knee to three inches below the neck;

- (3) supply to the Chief Constable, a list containing the names, addresses, telephone numbers, date of birth and gender of all persons hired to provide relaxation body-rub services;
 - (4) permit the Chief Licence Inspector, the Chief Public Health Inspector, their designates and Members of the New Westminster Police Service to enter any premises where relaxation body-rub services are provided to the public, at any time to ascertain whether the provisions of this bylaw are being complied with;
 - (5) display in a prominent location within any premises where relaxation body-rub services are provided, a list of rates and prices payable by the public for such services; and
 - (6) maintain the premises where relaxation body-rub services are provided to the public in a clean and sanitary condition to the standards prescribed by the City or other lawful authority; and
 - (7) ensure that all persons hired to provide relaxation body-rub services have not been convicted of an offense under sections 210, 211, 212, or 213 of the Criminal Code of Canada.
25. No person under 19 years of age shall provide relaxation body-rub services.
26. No person carrying on the business of providing relaxation body-rub services shall exhibit or allow to be exhibited in any window, or elsewhere on the licenced premises open to public view, a sign or other depiction or rendering in any form showing a nude male or female body or any part thereof, nor any printed words that might indicate that the licenced premises is a place that offers any form of sexual or nude entertainment.

SOCIAL ESCORT SERVICE

27. Every person or individual carrying on the business of or operating a social escort service shall:
- (1) supply the Licence Inspector with the name, age, address and description of every individual proposed to be employed or engaged in the said business together with such additional information as the Licence Inspector may require;

- (2) notify the Licence Inspector within seventy-two hours of any change in the personnel employed or engaged in the said business;
- (3) maintain to the satisfaction of the Licence Inspector and Chief Constable a written record of every request to provide or furnish an escort or partner giving the name and address of the individual requesting the service together with the name of the escort or partner recommended and the function to be attended.

28. No person or individual carrying on the business of or operating a social escort service shall employ or engage any individual in the same business without obtaining the approval of the Licence Inspector or Chief Constable prior to the employment or engagement of that person.

KARAOKE BOX ROOM BUSINESSES

(6602, 2000)

29. No person shall carry on, or cause or permit the carrying on of the business of Karaoke Box Room Business anywhere within the boundaries of the City.

VENDING MACHINES

(6576, 1999; 7349, 2009)

30. In addition to all other methods by which Council of the Corporation by bylaw has classified each type of business, each business is hereby classified on the basis of the number of vending or other dispensing machines or other machines, appliances, or things used in the carrying-on of the business (all of which are called herein the "vending machines") and each type of vending machine shall be classified according to Schedule "A", Section III to this Bylaw and the licence fees as set out therein from time to time are hereby affixed and imposed for licenses for each such vending machine.

(6576, 1999)

31. No person or individual shall use a vending machine in the carrying-on of a business in the City without first obtaining from the Corporation a licence for it and each application shall be written in the appropriate form set out in Schedule "A", Section III hereto and each licence hereby granted shall apply only to the vending

machine described therein at the location set out therein and that the vending machine cannot be used at any other location for the carrying-on of the business without the applicant first obtaining either the consent of the Licence Inspector endorsed on the licence or the issue of a second licence.

32. No person or individual shall use a vending machine located on property owned by or vested in the Corporation for the sale or distribution of newspapers without maintaining insurance:

- (1) for the benefit of the Corporation against claims for loss or damage to the vending machines by any and all perils; AND
- (2) maintain insurance for the benefit of the Corporation in the amount of not less than two million dollars (\$2,000,000) for personal injury, death, property damage and third party public liability claims arising from any accident or occurrence.

(6563, 1999; 8044, 2018)

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*.

(5738, 1988)

- (2) every owner or operator shall prohibit more than (2) two players or individuals from occupying any space at or near a coin operated amusement vending machine.
- (3) repealed.
- (4) every owner or operator shall clearly indicate in sign form that each coin operated amusement vending machine:
 - (a) repealed.
 - (b) may not be operated before 10:00 a.m. or later than 10:00 p.m.
 - (c) shall be limited to the play or use of a maximum of (2) two players or spectators.

(8044, 2018)

(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.

(8044, 2018)

(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.

(8044, 2018)

(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.

(8044, 2018)

(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.

OFFENCES

- 34. Every owner or operator of a business who by this Bylaw is required to hold a valid and subsisting licence and who:
 - (1) violates any provision of this Bylaw;
 - (2) permits a violation of any provision of this Bylaw; or
 - (3) refuses or otherwise to do anything required to be done by him by any provision of this Bylaw;

is guilty of an offense and is liable upon summary conviction to a fine of not less than Fifty Dollars (\$50.00) and, where conviction is for failure to pay the required licence fee, the amount which should have been paid for the licence shall be added to the penalty and shall form a part of the penalty.
- 35. If any part of this Bylaw is for any reason held invalid by any Court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.

BYLAW NO. 7642, 2013

BYLAW NO. 7683, 2014 – SCHEDULE “A” DELETED

BYLAW NO. 8044, 2018

Appendix A: Application Submission Requirements for the Retail Sale of Cannabis

1. Name of applicant(s); and,
 - a. Where the applicant is a corporation:
 - Contact information (mailing address, email, phone number);
 - Incorporation number;
 - Date of incorporation;
 - Business Number (nine-digit number issued by the Canada Revenue Agency);
 - Register of current directors and officers by:
 - Full legal name;
 - Contact information;
 - Photo identification;
 - Position; and
 - Date of appointment;
 - List of voting shareholders by:
 - Full legal name;
 - Contact information;
 - Photo identification; and
 - Number of voting shares
 - Central Securities Register;
 - If one of the shareholders is a private corporation, a public corporation, a society or a partnership, you must submit all the required information for that type of organization; and
 - Where the applicant is a public corporation, all Shareholders with a 10% or greater interest in the company.
 - b. Where the applicant is sole proprietor:
 - Full legal name;
 - Contact information (mailing address, email, phone number);
 - Photo identification;
 - Date of birth; and
 - Business Number (nine-digit number issued by the Canada Revenue Agency).
 - c. Where the applicant is a partnership:
 - Name of the partnership
 - Contact information (mailing address, email, phone number)
 - Business Number (nine-digit number issued by the Canada Revenue Agency)

- Partnership Agreement
- List of partners identifying:
 - Type of partner;
 - Full legal name;
 - Photo identification;
 - Contact information;
- If one of the partners is a private corporation, public corporation or society, you must submit all of the required information for that type of organization

d. Where the applicant is a society:

- Contact information (mailing address, email, phone number);
- Business Number (nine-digit number issued by the Canada Revenue Agency);
- Register of all current directors, officers and senior management by:
 - Full legal name;
 - Contact information;
 - Photo identification;
 - Position; and
 - Date of appointment;
- Society incorporation number;
- Date of incorporation; and
- Society's membership lists.

2. Vulnerable Sector Criminal Record Check for all individuals listed in the subsection relevant to the proposed business in Section 1;
3. A detailed description of the applicant's current business undertakings, including a description of the applicant's experience in retail sales in a commercial sector regulated by Canada or Provinces and Territories (i.e. age restricted sales and/or controlled substance sales);
4. A detailed description of any enforcement actions or proceedings brought by Canada, Provinces or Territories, a local government, or an agent or branch of either of them against the applicant in relation to the past or current business undertakings of all individuals listed in the subsection relevant to the proposed business in Section 1.
5. A listing and detailing of current and previous businesses licenses held or applied for by all individuals listed in the subsection relevant to the proposed business in Section 1 with the City of New Westminster;

6. Proof of application to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Licence;

Property Information

7. A current title search, including a copy of any 'legal notations' or 'legal encumbrances' documents registered on title which may affect the development of the site such as restrictive covenants, right of ways, easements, and other documentation;
8. if an applicant has been assigned to apply on behalf of the owner, [a Letter of Authorization](#) signed by the owner(s) is required;
9. Proof and declaration of ownership or of an interest in the subject property including that the applicants either:
 - own the property or have an agreement to buy it if a rezoning is approved;
 - have a lease on the property or have an agreement to lease it if a rezoning is approved; or
 - have a different property arrangement in place (for example, a sublease or a property owned or leased in the name of one of the applicant's business partners)

Business Operation Details

10. A detailed description of the applicants proposed business plan for undertaking the retail sale of Cannabis Products for non-medicinal use including a detailed description of the following:
 - a. Proposed hours of operation;
 - b. Staffing roles and responsibilities;
 - c. Proposed plan for ensuring that the retail sale of Cannabis Products for non-medicinal use is in compliance with Federal, Provincial and City regulatory requirements, and any applicable City bylaws; and
 - d. a detailed description of how nuisance behavior, such consumption outside the store, odors from ventilations, etc. is to be mitigated;
11. A security plan as outlined in Section 6 of the Cannabis Retail Rezoning Application Policy prepared by trained security professional who is either:
 - a. a Certified Protection Professional (CPP); or
 - b. Physical Security Professional (PSP);

12. A Crime Prevention Through Environmental Design (CPTED) analysis prepared by a qualified practitioner.
13. Evidence of the applicant's ability to obtain bonding and insurance coverage.