

**THE CORPORATION OF THE CITY OF NELSON
BYLAW NO. 3415, 2018**

**A BYLAW TO AMEND "THE CORPORATION OF THE CITY OF NELSON
BUSINESS LICENCE BYLAW NO. 3347, 2016"**

The Council of the Corporation of the City of Nelson considers it desirable and expedient to amend "THE CORPORATION OF THE CITY OF NELSON BUSINESS LICENCE BYLAW NO. 3347, 2016" (hereinafter called "the said Bylaw");

The Council of the Corporation of the City of Nelson, in open meeting assembled enacts as follows:

1. That the said Bylaw be amended by replacing the words "Manager of Development Services" in every occurrence in the said Bylaw with the words "Director of Development Services".
2. That the said Bylaw be amended by adding definitions to Part 2 - DEFINITIONS as follows:

"Cannabis" means Cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing Cannabis;

"Cannabis Retail Store" means a retail establishment licensed under provincial authority for the sale of cannabis for consumption off-premises.

3. That the said Bylaw be amended by adding section 9.6 to Part 9 – GRANTING AND REFUSAL OF LICENCES as follows:

9.6 The Licence Inspector may suspend or refuse to issue or renew a licence for a Cannabis Retail Store where Cannabis is kept on the premises if the applicant or licensee, or a shareholder, officer, director or on-site manager of the applicant or licensee:

- a) was convicted anywhere in Canada of an offence involving dishonesty;
- b) was convicted, found guilty of, or liable for any contravention or offence relating to the conduct of a business similar to that to which the licence relates;
- c) was convicted, found guilty of, or liable for any contravention or offence, in Nelson, against this bylaw or against any bylaw authorizing the issuance of a business licence or regulating the conduct of a business; or
- d) was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the licence or required to be stated in, the application.

4. That the said Bylaw be amended by creating a new Part 22, “Part 22 – CANNABIS RETAIL STORE LICENCE REGULATIONS”, as follows:

PART 22 – CANNABIS RETAIL STORE LICENCE REGULATIONS

- 22.1 A requirement of this Bylaw pertaining to Cannabis Retail Stores does not abrogate the application of any other requirements contained herein that are generally applicable to all businesses.
- 22.2 A Cannabis Retail Store must not:
- a) advertise or promote the use of cannabis to a person under the age of 19;
 - b) allow a person to smoke, vape, consumer or otherwise ingest Cannabis or products containing Cannabis on the premises;
 - c) display signage that is in contravention to Provincial and Federal legislation and the City’s Sign Regulation Bylaw No. 2027 including all amendments and replacements thereto;
 - d) place any sandwich board signs outside of the premises.
- 22.3 A Cannabis Retail Store must:
- a) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times;
 - b) retain video camera data for at least 21 days after it is gathered;
 - c) install a security and fire alarm system that is, at all times, monitored by a licenced third party
 - d) not allow Cannabis, products containing Cannabis or other valuables to remain on the premises when the business is not open to the public, unless the Cannabis, products and other valuables are securely locked in a safe on the premises;
 - e) ensure that no odour is detectible from public property, neighbouring properties, or other premises within the same building;
 - f) ensure that two employees are present on the premises at all times when the business is open to the public, including one manager;
 - g) not use the premise to carry on business other than the Cannabis Retail Store;
 - h) ensure that windows on street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements.
- 22.4 A Cannabis Retail Store must promptly bring to the attention of the Licence Inspector:
- a) the name of any new on-site manager, officer, director or shareholder of the licensee,
 - b) any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee.
- 22.5 A Cannabis Retail Store must promptly provide to the Licence Inspector a current police information check for any new on-site manager, officer, director or shareholder of the licensee.

- 22.6 Without limiting the generality of section 4.4, every person operating a Cannabis Retail Store must comply with, and will be subject to Zoning Bylaw No. 3199, 2013 and the Land Development Applications Procedures Bylaw No. 3243, 2012, as each of those may be amended or replaced from time to time.
- 5 That the said Bylaw be amended by creating a new Part 23, "Part 23 – CANNABIS RETAIL STORE LICENCE APPLICATIONS", as follows:
- PART 23 – CANNABIS RETAIL STORE LICENCE APPLICATIONS**
- 23.1 An application for a Cannabis Retail Store licence shall be made on a form prescribed by the City.
- 23.3 Any person making application for a Cannabis Retail Store licence shall at the time of making such application, in addition to the general requirements under this Bylaw, must:
- a) hold a valid licence issued by the Province to sell cannabis and be in compliance with all conditions and requirements of said licence;
 - b) provide proof of a security alarm contract that includes monitoring at all times during the licence period;
 - c) provide proof of ownership or legal possession of the premises, and
 - d) provide a current police information check for:
 - i. the applicant
 - ii. if the applicant is a corporation, each shareholder, officer and director, and
 - iii. each on-site manager; and
 - e) any other documents required by the Licence Inspector.
6. That the said Bylaw be amended by renumbering Part 22 through Part 26 as Part 24 through Part 28 respectively.
7. The City of Nelson "Medical Cannabis Business Licence Bylaw No. 3363, 2017" is hereby repealed in entirety.
8. This Bylaw may be cited as the Corporation of the City of Nelson "**Business Licence Amendment (Recreational Cannabis) Bylaw No. 3415, 2018**"

READ A FIRST TIME the day of 2018
READ A SECOND TIME the day of 2018
READ A THIRD TIME the day of 2018

FINALLY PASSED AND ADOPTED the day of 2018

Mayor

Corporate Officer

DRAFT