

PUBLIC MEETING BINDER

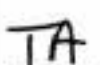


Non-Medical Retail Cannabis



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2)	Staff Report – September 25, 2019 This report provides an overview of the proposed bylaw and policy amendments needed to implement a new non-medical retail cannabis framework (Zoning Bylaw, Business Licence Bylaw, Fees and Charges Bylaw, Bylaw Notice Enforcement Bylaw, Non-Medical Retail Cannabis Policy, and Non-Statutory Public Consultation for Development Applications Policy).
3)	Bylaw 8340 , which adds definitions to the District’s Zoning Bylaw related to cannabis retailing, manufacturing, and warehousing to define these cannabis related uses and add relevant zones for future site-specific rezoning.
4)	Bylaw 8341 , which adds to the Business Licence Bylaw a cannabis retail store as an allowable licenced business and adds conditions to regulate nuisances.
5)	Bylaw 8343 , which adds a cannabis retail store business licence fee and application fee to the Fees and Charges Bylaw.
6)	Bylaw 8346 , which adds ticketable offences for breach of bylaws or operating outside of permitted hours to the Bylaw Notice Enforcement Bylaw.
7)	Notice
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8)	Minutes – Regular Meeting of Council held October 7, 2019
9)	Cannabis Legalization and Regulation Background Information <ul style="list-style-type: none"> • Cannabis Legalization and Regulation in British Columbia October 17, 2017 Council Workshop Agenda item 3.1 • Cannabis Legalization and Regulation in British Columbia Update February 26, 2018 Council Workshop Agenda item 3.2
10)	Regulating Non-Medical Cannabis in the District <ul style="list-style-type: none"> • Regulating Non-Medical Cannabis March 11, 2019 Regular Council Meeting Agenda item 3.2 • Non-medical Retail Cannabis Policy July 22, 2019 Regular Council Meeting Agenda item 9.5
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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>Oct 7, 2019</u>
<input type="checkbox"/> Other:	Date: _____

 TA Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COUNCIL

September 25, 2019
File: 13.6440.50/000.000

AUTHOR: Shazeen Tejani, Community Planner

SUBJECT: Non-Medical Retail Cannabis Bylaw and Policy Amendments

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1379, (Bylaw 8340)" is given FIRST Reading;

AND THAT "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)" is given FIRST Reading;

AND THAT "District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2019 (Amendment 59)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2019 (Amendment 40)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "District of North Vancouver Rezoning Bylaw, 1379 (Bylaw 8340)" is referred to a Public Hearing;

AND THAT pursuant to Section 59 (2)(b) of the *Community Charter*, "Business Licence Bylaw 8341, 2019 (Amendment 50)" is referred to a Public Meeting to provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND THAT pursuant to Sections 59 (2)(a) and (3) of the *Community Charter*, Council direct staff to give notice of its intention to hold a Public Meeting as follows:

1. The notice shall state the following:
 - a. the time and date of the Public Meeting;
 - b. the place of the Public Meeting;
 - c. in general terms the purpose of the bylaw; and
 - d. the place and the times and dates when copies of bylaw may be inspected.

2. The notice shall be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Meeting.

AND THAT the revised Non-Medical Retail Cannabis Policy as attached to the September 25, 2019 report of the Community Planner entitled Non-Medical Retail Cannabis Bylaw and Policy Amendments is approved;

AND THAT the revised Non-Statutory Public Consultation Policy for Development Applications as attached to the September 25, 2019 report of the Community Planner entitled Non-Medical Retail Cannabis Bylaw and Policy Amendments is approved.

REASON FOR REPORT:

At the July 22, 2019, Regular Meeting of Council, Council approved the Non-Medical Retail Cannabis Policy and directed staff to draft amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees and Charges Bylaw 6481, and, the Bylaw Notice Enforcement Bylaw 7458 to create the ability for approval of cannabis retailing, manufacturing, and warehousing.

Minor amendments to the Non-Medical Retail Cannabis Policy are proposed to clarify the application process. An amendment to the Non-Statutory Public Consultation for Development Applications Policy is also proposed to add a notification delivery area for Cannabis Retail Licence applications.

SUMMARY:

Under the Non-Medical Retail Cannabis Policy, retail cannabis stores are subject to the following regulations:

- Site must be zoned to permit a liquor store;
- Must be located at least 200 m from the property line of any elementary or high school;
- Does not exceed a maximum of one (1) business in each in the following growth centres: Maplewood Village Centre, Lions Gate Village Centre and Marine Drive, Lynn Valley Town Centre, and Lynn Creek Town Centre;
- Requires an individual rezoning of the property; and
- Complies with all the requirements of the Provincial *Cannabis Licensing Regulation*.

Implementation of the District's cannabis framework requires amendments to four bylaws and two related policies. Each is summarized below and described in more detail further in this report.

These amendments are intended to precede any rezoning applications being considered by Council for a retail cannabis store.

1. **Zoning Bylaw 3210:** to define cannabis related uses and add relevant zones for future site-specific rezoning.
2. **Fees and Charges Bylaw 6481:** to include a cannabis retail store business licence fee and application fee.

3. **Business Licence Bylaw 4567:** to include a cannabis retail store as an allowable licenced business and to regulate nuisances.
4. **Bylaw Notice Enforcement Bylaw 7458:** to add ticketable offences for breach of bylaws or operating outside of permitted hours.
5. **Non-Medical Retail Cannabis Policy:** to make minor amendments to the policy to align definitions between bylaws and policies and clarify the review process for Provincial store applications.
6. **Non-Statutory Public Consultation For Development Applications Policy:** to include a public notification area for a Cannabis Retail Store.

BACKGROUND:

Public and stakeholder consultation in 2018 informed the locational and operational guidelines to regulate cannabis retail stores in the District. While the policy approved by Council on July 22, 2019 sets out the framework for where cannabis retail stores may be considered, retail cannabis as a use is still prohibited in the District's Zoning Bylaw 3210. Council directed staff to amend the Zoning Bylaw 3210, the Business Licence Bylaw 4567, the Fees and Charges Bylaw 6481, and the Bylaw Notice Enforcement Bylaw 7458 to define cannabis and put in place the mechanisms through which retail stores could be regulated. A consequential amendment to the Non-Statutory Public Consultation for Development Applications Policy is needed to provide staff with direction on consultation associated with application review. Specifically, staff propose to amend the policy to include a minimum notification delivery area for all Cannabis Retail Licences.

EXISTING POLICY:

On October 29, 2018 Council adopted an amendment to the Smoking Regulation Bylaw 7792 in light of cannabis legalization, to ensure that smoking of cannabis would be regulated in the same way as cigarettes, cigars, or other lighted smoking equipment. These regulations prohibit smoking inside buildings (except where privately owned and not publicly accessible), in vehicles for hire, on public transit, or within close proximity to doors and windows. These regulations further prohibit smoking tobacco or cannabis within 6 metres of a park or other municipal property.

The Non-Medical Retail Cannabis Policy provides the framework to consider applications to amend the Zoning Bylaw to permit a cannabis retail stores.

ANALYSIS:

The proposed amendments to the individual bylaws and policies are described in detail below.

Zoning Bylaw 3210 Amendments (Attachment 1):

1. Adds definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse. Cannabis warehouses will be permitted in all zones that allow a warehouse use.
2. Amends ten zones where the retail sale of cannabis is specifically permitted on properties listed in a table located in Part 4: General Regulations. Specific properties may be added to this table once successfully rezoned to permit a cannabis retail store.

In accordance with Council's Non-Medical Retail Cannabis Policy, a cannabis retail store will only be considered in those zones which currently permit a liquor store use.

3. Continues a prohibition of commercial growing and harvesting.

Fees and Charges Bylaw 6481 (Attachment 2):

1. Adds a cannabis licence application fee of \$2,040. The proposed fee is the same as liquor licence applications, as it has similar costs associated with the administration, processing, and public engagement.
2. Adds an annual business licence fee of \$5,000. This fee is similar to liquor licence applications and reflects the administrative and policing costs anticipated with this new retail business, which was formerly a controlled substance prior to legalization.

Business Licence Bylaw 4567 (Attachment 3):

1. Adds definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse.
2. Adds licence conditions for a retail store including prevention of nuisances, minimizing negative impacts on neighbours, and hours of operation.
3. Outlines conditions of operating the cannabis retail store, including but not limited to not operating any other business from the cannabis retail store and only operating the store between the hours of 9:00 am to 9:00 pm, seven days a week.

Bylaw Notice Enforcement Bylaw 7458 (Attachment 4):

1. Adds offences for non-compliance with the applicable regulations in the Business Licence Bylaw 4567, the terms of conditions of the cannabis licence, operating another business from the store, or operating outside of the designated store hours.

Non-Medical Retail Cannabis Policy (Attachment 5):

1. Changes 'Retail Cannabis Business' under 'Definitions' to 'Cannabis Retail Store' to align with the Zoning Bylaw 3210 definition.
2. Adds a 15-day window, from the date a referral is received from the Provincial Liquor and Cannabis Regulation Branch (LCRB), for an applicant to submit an application to the District.
3. Adds greater clarity on the processing of Provincial applications. Provincial stores are not required to have a referral from the LCRB, as stated by the Attorney General of British Columbia. As such, the date that an application for a Provincial cannabis retail store is submitted to the District will be considered the date of the referral.

Non-Statutory Public Consultation for Development Applications Policy (Attachment 7):

1. Adds a line in the 'Procedures' table in the 'Other Permit and Approvals' category that includes 'Cannabis Retail Licence' with a notification delivery area of 100m and the

requirement to add a sign on the site, to be consistent with the notice requirements for liquor licence applications.

Timing/Approval Process:

Non-medical cannabis became legal in Canada on October 17, 2018. The District of North Vancouver began the process of reviewing non-medical cannabis regulations in June 2018, as indicated in the timeline below.

DATE	DECISION POINT	OUTCOME
JUNE 2018	START OF PROCESS	<ul style="list-style-type: none">• Cannabis use prohibited• Report to Council outlining proposed approaches to regulate businesses & land uses following legalization
JULY - SEPT 2018	COMMUNITY CONSULTATION	<ul style="list-style-type: none">• Online survey• Stakeholder consultations
OCTOBER 2018	COUNCIL APPROVAL	<ul style="list-style-type: none">• Council approved amendments to the smoking bylaw to regulate smoking of cannabis like tobacco
MARCH 2019	COUNCIL CONSIDERATION	<ul style="list-style-type: none">• Report to Council recommending an approach to regulating retail stores based on feedback received
JULY 2019	COUNCIL APPROVAL	<ul style="list-style-type: none">• Council approved Non-Medical Retail Cannabis Policy
OCTOBER 2019	COUNCIL CONSIDERATION	<ul style="list-style-type: none">• Introduction of bylaw amendments and policy amendments

**WE
ARE
HERE**

Figure 1: Planning Process for Non-Medical Retail Cannabis Regulation

On July 22nd, 2019, Council approved the Non-Medical Retail Cannabis Policy and as of July 23rd, 2019, the District began accepting referrals for cannabis retail stores from the LCRB.

As of September 25th, 2019, staff have received seven referrals for cannabis retail stores, four of which have active rezoning applications with the District. The bylaw and policy amendments proposed in this report seek to implement the administrative elements of the cannabis framework in advance of the individual rezoning applications proceeding to first reading. Each rezoning application will be forwarded to Council for consideration of Bylaw Introduction and referral to a Public Hearing.

Concurrence:

The proposed bylaw amendments have been reviewed by Legal, Development Planning, Bylaw Services and the Clerks Department. The District of North Vancouver Rezoning Bylaw 8340 affects land lying within 800m of a controlled access intersection and therefore has a signature block for the required approval by the Provincial Ministry of Transportation and

Infrastructure, which will be attained following third reading of the bylaw and prior to bylaw adoption.

Public Input:

Between July and September of 2018, District staff conducted public and stakeholder consultation on non-medical cannabis, including locational and operational requirements for cannabis retail stores. The policy adopted by Council in July 2019 reflects the public's interest in locating cannabis retail stores with appropriate buffers from schools. The public will have an opportunity to comment on the Zoning Bylaw amendments proposed in this report at the required Public Hearing and on the proposed amendment to the Business License Bylaw at a Public Information Meeting.

Each application for a new cannabis retail store will require a separate rezoning application, including notice in accordance with the Non-Statutory Public Consultation for Development Applications Process, the Development Procedures Bylaw 8144, and the *Local Government Act*.

Conclusion:

The bylaw and policy amendments proposed in this report establish a regulatory framework for non-medical cannabis retail stores and warehouses in the District of North Vancouver. These amendments are based on the Non-Medical Retail Cannabis Policy adopted by Council on July 22, 2019. The proposed amendments establish the zoning, licensing, enforcement, and notification requirements related to cannabis uses in the District. If approved, the framework will facilitate Council's review and consideration of individual cannabis retail stores through separate rezoning applications.

Respectfully submitted,



Shazeen Tejani
Community Planner

Attachment 1: District of North Vancouver Rezoning Bylaw 1379, (Bylaw 8340).

Attachment 2: District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2018 (Amendment 59)

Attachment 3: Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2018 (Amendment 50)

Attachment 4: Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2018 (Amendment 40)

Attachment 5: Proposed Non-Medical Retail Cannabis Policy

Attachment 6: Red-lined Non-Medical Retail Cannabis Policy

Attachment 7: Proposed Non-Statutory Public Consultation for Development Applications Policy

Attachment 8: Red-lined Non-Statutory Public Consultation for Development Applications Policy

			REVIEWED WITH:					
<input type="checkbox"/> Community Planning			<input type="checkbox"/> Clerk's Office			<input type="checkbox"/> External Agencies:		
<input type="checkbox"/> Development Planning			<input type="checkbox"/> Communications			<input type="checkbox"/> Library Board		
<input type="checkbox"/> Development Engineering			<input type="checkbox"/> Finance			<input type="checkbox"/> NS Health		
<input type="checkbox"/> Utilities			<input type="checkbox"/> Fire Services			<input type="checkbox"/> RCMP		
<input type="checkbox"/> Engineering Operations			<input type="checkbox"/> ITS			<input type="checkbox"/> NVRC		
<input type="checkbox"/> Parks			<input checked="" type="checkbox"/> Solicitor			<input type="checkbox"/> Museum & Arch.		
<input type="checkbox"/> Environment			<input type="checkbox"/> GIS			<input type="checkbox"/> Other:		
<input type="checkbox"/> Facilities			<input type="checkbox"/> Real Estate					
<input type="checkbox"/> Human Resources			<input checked="" type="checkbox"/> Bylaw Services					

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The Corporation of the District of North Vancouver

Bylaw 8340

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1379 (Bylaw 8340)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by:

- a) inserting the following definitions in alphabetical order in Part 2:

"Cannabis" has the meaning given to it in the *Cannabis Act*, as amended or replaced;

"Cannabis Accessory" has the meaning given to it in the *Cannabis Act*, as amended or replaced;

"Cannabis Retail Store" means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

"Cannabis Warehouse" means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the *Cannabis Distribution Act*, as amended or replaced, and does not permit the retail sale of non-medical cannabis;

"Non-Medical Cannabis" means cannabis for which no medical document has been issued;

- b) substituting the definition of "warehousing" with the following:

"warehousing" means the storage of goods or products for distribution but does not include wholesaling. This use includes cannabis warehouse.

- c) inserting the following definitions in Part 2A as a subsection to "warehouse use":

“Cannabis Warehouse” means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the Cannabis Distribution Act, as amended or replaced, and does not permit the retail sale or wholesale of non-medical cannabis;

d) deleting section 403A(1)(j) and substituting the following:

(j) the commercial growing or harvesting of cannabis;

e) inserting the following as section **405B Cannabis Retail Store**

(1) One cannabis retail store will be permitted on each the following properties:

Legal Description (PID)	Address	Town or Village Centre	Bylaw No.

f) inserting the following in alphabetical order in Section 4B89 “Uses” of the Comprehensive Development Zone 21 (CD21):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

g) inserting the following in alphabetical order in Section 4B239 “2) Principal Uses” of the Comprehensive Development Zone 45 (CD 45):

(viii) Cannabis Retail Store (where included on the table in Section 405B(1))

h) inserting the following in alphabetical order in Section 4B412 “2) Principal Uses” of the Comprehensive Development Zone 68 (CD 68):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

i) Inserting the following in alphabetical order in Section 4B80-2 “b) Conditional Uses” of the Comprehensive Development Zone 80 (CD80):

(iv) Cannabis Retail Store (where included on the table in Section 405B(1))

j) Inserting the following in Section 4B90-2 “b) Conditional Uses Defined in Part 2” of the Comprehensive Development Zone (CD90):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

- k) Inserting the following in section 4B94-2 “b) Conditional Uses Defined in Part 2” of the Comprehensive Development Zone 94 (CD94):
 - (i) Cannabis Retail Store (where included on the table in Section 405B(1))
- l) inserting the following in alphabetical order in Section 608 ‘Uses’ of the General Commercial Zone 1L (C1L):
 - (c) Cannabis Retail Store (where included on the table in Section 405B(1))
- m) Inserting the following in alphabetical order in Section 621.2 “Principal Uses” of the General Commercial Zone (C2):
 - (d) Cannabis Retail Store (where included on the table in Section 405B(1))
- n) Inserting the following in alphabetical order in Section 688.1 “Principal Uses” of the Marine Drive Commercial Zone (C9):
 - c) Cannabis Retail Store (where included on the table in Section 405B(1))
- o) Inserting the following in alphabetical order in Section 695.1 “Principal Uses” of the Main Street Commercial Zone (C10):
 - e) Cannabis Retail Store (where included on the table in Section 405B(1))

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of “Bylaw 8340” as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8343

A bylaw to amend Fees and Charges Bylaw 6481, 1992

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as “Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2019 (Amendment 59)”.

Amendments

2. The Fees and Charges Bylaw 6481, 1992 is amended by:
 - a) Adding the following to the table in Schedule B – Development and Permitting Fees – Liquor Related Applications:

Liquor and Cannabis Related Applications		
Permanent Liquor and Cannabis Licences:		
Applications for a new liquor or cannabis licence or an amendment to an existing licence	\$2,040.00	
Public Notification Fee	\$1,785.00	

- b) Adding the following to the table in Schedule E – Licencing and Film Fees – Fees for Business Licences – Schedule of Licence Fees A:

Group 6 Cannabis Retail Store		
Licence Fee	\$5,000.00	

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8341

A bylaw to amend Business Licence Bylaw 4567, 1974

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)".

Amendments

2. Business Licence Bylaw 4567, 1974 is amended by:

(a) In Part 1, inserting the following new definitions in the correct numerical order:

364	Cannabis	"Cannabis" has the meaning given to it in the <i>Cannabis Act</i> , as amended or replaced.
365	Cannabis Accessory	"Cannabis accessory" has the meaning given to it in the <i>Cannabis Act</i> , as amended or replaced.
366	Cannabis Retail Store	"Cannabis Retail Store" means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.
367	Non-Medical Cannabis	"Non-medical cannabis" means cannabis for which no medical document has been issued;
368	Cannabis Warehouse	"Cannabis Warehouse" means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the Cannabis Distribution Act, as amended or replaced, and does not permit the retail sale of non-medical cannabis;

(b) inserting the following as section 408A immediately after section 408:

408A LICENCE CONDITIONS

The Inspector may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence respecting the following matters:

- (1) prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on or about the licensed premises;
- (2) Reducing, eliminating, preventing, or mitigating actual or potential negative impacts on the public, the neighbourhood or other businesses in the vicinity, that, in the opinion of the Inspector, may be associated with the licenced business, including, without limitation, conditions respecting:
 - i. employee and patron behaviour at the business premises;
 - ii. types of entertainment that may be provided in or on the business premises;
- (3) employee, patron and public health, safety and security at the business premises;
- (4) physical condition of the business premises;
- (5) hours of operation; and
- (6) effective period of any licence.

(c) inserting the following as sections 409A immediately after section 409:

409A Compliance

- (1) The applicant for and any holder of a licence under this bylaw must be in compliance with all applicable federal and provincial regulatory requirements and all applicable District bylaws.
- (2) The holder of a licence under this bylaw to which terms and conditions have been attached in accordance with section 408A must comply with such terms and conditions at all times.

(d) inserting the following as section 518A immediately after section 518:

518A Cannabis Retail Store

- (1) Only the registered owner of the land or lessee of premises on the land may hold a licence under this bylaw to operate a cannabis retail store on such land.

- (2) A licence to operate a cannabis retail store cannot be transferred.
- (3) A person must not:
 - (a) Operate any other business from the premises of a cannabis retail store;
 - (b) Open a cannabis retail store for business at any time other than between the hours of 9:00 a.m. and 9:00 p.m., seven days a week.

READ a first time

NOTICE given under Section 59 of the *Community Charter* on _____ and _____

OPPORTUNITY for representations to Council provided in accordance with Section 59 of the *Community Charter* on _____

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

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The Corporation of the District of North Vancouver

Bylaw 8346

A bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2019 (Amendment 40)".

Amendments

2. Schedule A to Bylaw 7458 is amended by adding the following offences to the Business Licence Bylaw No. 4567, 1974 section, inserted in the appropriate numerical order in the table:

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty (within 14 days) (\$)	A3 Late Payment (after 28 days) (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount (\$)
Business Licence Bylaw 4567, 1974						
409A(1)	Failure to comply with applicable regulations	200	150	300	NO	N/A
409A(2)	Failure to comply with terms and conditions of licence	300	225	450	NO	N/A
518A(3)(a)	Operate any other business from the premises of a cannabis retail store	300	225	450	NO	N/A
518A(3)(b)	Open cannabis retail store outside permitted hours	400	300	600	NO	N/A

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk



The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on: July 22, 2019

Policy amended on:

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

“Council” means the Council for the District of North Vancouver.

“District” means the District of North Vancouver.

“Liquor & Cannabis Regulation Branch” means the Provincial branch which regulates British Columbia’s liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

“Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth

centres identified in the Official Community Plan*:

- a. Maplewood Village Centre;
- b. Lions Gate Village Centre and Marine Drive Corridor;
- c. Lynn Valley Town Centre;
- d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the Provincial *Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the Provincial *Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
6. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.

SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.

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The Corporation of the District of North Vancouver

CORPORATE POLICY

ATTACHMENT 6

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on: July 22, 2019

Policy amended on:

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

"Council" means the Council for the District of North Vancouver.

"District" means the District of North Vancouver.

"Liquor & Cannabis Regulation Branch" means the Provincial branch which regulates British Columbia's liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

~~"Retail Cannabis Business"~~ "Cannabis Retail Store" means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan*:
 - a. Maplewood Village Centre;
 - b. Lions Gate Village Centre and Marine Drive Corridor;
 - c. Lynn Valley Town Centre;
 - d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the *Provincial Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the *Provincial Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
6. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
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SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.

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**CORPORATE POLICY MANUAL**

Section:	Land Administration	8
Sub-Section:	Development - Applications	3060
Title:	NON-STATUTORY PUBLIC CONSULTATION FOR DEVELOPMENT APPLICATIONS	2

POLICY

It is the policy of the District to:

- encourage applicants for Official Community Plan amendments, Zoning Bylaw amendments, development permits, development variance permits, and liquor license applications to notify the public of development applications and solicit feedback prior to the proposal being considered by Council,
- encourage applicants for Official Community Plan amendments, Zoning Bylaw amendments, and certain development permits to hold one or more public information meetings prior to the proposal being considered by Council,
- provide notice of public information meetings in accordance with this policy, and
- provide Council with an information report prior to the holding of a public information meeting.

REASON FOR POLICY

1. To establish early dialogue with the community and identify specific issues of concern.
2. To expand the opportunities for public consultation.
3. To ensure that factual information is conveyed to the community.
4. To enable staff and Council to gauge public opinion on a particular application.
5. To inform Council of development applications in process.

PROCEDURE

The following table summarizes the recommended public notification:

Development Proposal	¹ Notification Delivery Area	Sign
Official Community Plan & Zoning Bylaw Amendment		
Preliminary application	100 m	No
Public Information Meeting	100 m	Yes
Major Development Permit for Commercial, Industrial & Multi-Family Form and Character		
Preliminary application	100 m	No
Public Information Meeting	100 m	Yes
Other Permit and Approvals		
Development Variance Permit	Abutting land	No
Liquor Licence (requiring a resolution)	100 m	Yes
Cannabis Retail Licence	100 m	Yes

¹ The notification delivery area includes the lands subject to the bylaw alteration, permit or approval.

The above table does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration, permit or approval. In such cases, newspaper notice will be sufficient.

AUTHORITY TO ACT

Delegated to Staff

Approval Date:	July 10, 2017	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	



The Corporation of the District of North Vancouver

CORPORATE POLICY MANUAL

ATTACHMENT 8

Section:	Land Administration	8
Sub-Section:	Development - Applications	3060
Title:	NON-STATUTORY PUBLIC CONSULTATION FOR DEVELOPMENT APPLICATIONS	2

POLICY

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- encourage applicants for Official Community Plan amendments, Zoning Bylaw amendments, development permits, development variance permits, and liquor license applications to notify the public of development applications and solicit feedback prior to the proposal being considered by Council,
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- provide notice of public information meetings in accordance with this policy, and
- provide Council with an information report prior to the holding of a public information meeting.

REASON FOR POLICY

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Other Permit and Approvals		
Development Variance Permit	Abutting land	No
Liquor Licence (requiring a resolution)	100 m	Yes
Cannabis Retail Licence	100 m	Yes

¹ The notification delivery area includes the lands subject to the bylaw alteration, permit or approval.

The above table does not apply if 10 or more parcels owned by 10 or more persons are the subject of the bylaw alteration, permit or approval. In such cases, newspaper notice will be sufficient.

AUTHORITY TO ACT

Delegated to Staff

Approval Date:	July 10, 2017	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	

The Corporation of the District of North Vancouver

Bylaw 8340

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as “District of North Vancouver Rezoning Bylaw 1379 (Bylaw 8340)”.

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended by:

- a) inserting the following definitions in alphabetical order in Part 2:

“Cannabis” has the meaning given to it in the *Cannabis Act*, as amended or replaced;

“Cannabis Accessory” has the meaning given to it in the *Cannabis Act*, as amended or replaced;

“Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

“Cannabis Warehouse” means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the *Cannabis Distribution Act*, as amended or replaced, and does not permit the retail sale of non-medical cannabis;

“Non-Medical Cannabis” means cannabis for which no medical document has been issued;

- b) substituting the definition of “warehousing” with the following:

“warehousing” means the storage of goods or products for distribution but does not include wholesaling. This use includes cannabis warehouse.

- c) inserting the following definitions in Part 2A as a subsection to “warehouse use”:

“Cannabis Warehouse” means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the Cannabis Distribution Act, as amended or replaced, and does not permit the retail sale or wholesale of non-medical cannabis;

d) deleting section 403A(1)(j) and substituting the following:

(j) the commercial growing or harvesting of cannabis;

e) inserting the following as section **405B Cannabis Retail Store**

(1) One cannabis retail store will be permitted on each the following properties:

Legal Description (PID)	Address	Town or Village Centre	Bylaw No.

f) inserting the following in alphabetical order in Section 4B89 “Uses” of the Comprehensive Development Zone 21 (CD21):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

g) inserting the following in alphabetical order in Section 4B239 “2) Principal Uses” of the Comprehensive Development Zone 45 (CD 45):

(viii) Cannabis Retail Store (where included on the table in Section 405B(1))

h) inserting the following in alphabetical order in Section 4B412 “2) Principal Uses” of the Comprehensive Development Zone 68 (CD 68):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

i) Inserting the following in alphabetical order in Section 4B80-2 “b) Conditional Uses” of the Comprehensive Development Zone 80 (CD80):

(iv) Cannabis Retail Store (where included on the table in Section 405B(1))

j) Inserting the following in Section 4B90-2 “b) Conditional Uses Defined in Part 2” of the Comprehensive Development Zone (CD90):

(i) Cannabis Retail Store (where included on the table in Section 405B(1))

- k) Inserting the following in section 4B94-2 “b) Conditional Uses Defined in Part 2” of the Comprehensive Development Zone 94 (CD94):
 - (i) Cannabis Retail Store (where included on the table in Section 405B(1))
- l) inserting the following in alphabetical order in Section 608 ‘Uses’ of the General Commercial Zone 1L (C1L):
 - (c) Cannabis Retail Store (where included on the table in Section 405B(1))
- m) Inserting the following in alphabetical order in Section 621.2 “Principal Uses” of the General Commercial Zone (C2):
 - (d) Cannabis Retail Store (where included on the table in Section 405B(1))
- n) Inserting the following in alphabetical order in Section 688.1 “Principal Uses” of the Marine Drive Commercial Zone (C9):
 - c) Cannabis Retail Store (where included on the table in Section 405B(1))
- o) Inserting the following in alphabetical order in Section 695.1 “Principal Uses” of the Main Street Commercial Zone (C10):
 - e) Cannabis Retail Store (where included on the table in Section 405B(1))

READ a first time October 7th, 2019

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of “Bylaw 8340” as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8341

A bylaw to amend Business Licence Bylaw 4567, 1974

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as “Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)”.

Amendments

2. Business Licence Bylaw 4567, 1974 is amended by:

(a) In Part 1, inserting the following new definitions in the correct numerical order:

364	Cannabis	“Cannabis” has the meaning given to it in the <i>Cannabis Act</i> , as amended or replaced.
365	Cannabis Accessory	“Cannabis accessory” has the meaning given to it in the <i>Cannabis Act</i> , as amended or replaced.
366	Cannabis Retail Store	“Cannabis Retail Store” means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.
367	Non-Medical Cannabis	“Non-medical cannabis” means cannabis for which no medical document has been issued;
368	Cannabis Warehouse	“Cannabis Warehouse” means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the Cannabis Distribution Act, as amended or replaced, and does not permit the retail sale of non-medical cannabis;

(b) inserting the following as section 408A immediately after section 408:

408A LICENCE CONDITIONS

The Inspector may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence respecting the following matters:

- (1) prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on or about the licensed premises;
- (2) Reducing, eliminating, preventing, or mitigating actual or potential negative impacts on the public, the neighbourhood or other businesses in the vicinity, that, in the opinion of the Inspector, may be associated with the licenced business, including, without limitation, conditions respecting:
 - i. employee and patron behaviour at the business premises;
 - ii. types of entertainment that may be provided in or on the business premises;
- (3) employee, patron and public health, safety and security at the business premises;
- (4) physical condition of the business premises;
- (5) hours of operation; and
- (6) effective period of any licence.

(c) inserting the following as sections 409A immediately after section 409:

409A Compliance

- (1) The applicant for and any holder of a licence under this bylaw must be in compliance with all applicable federal and provincial regulatory requirements and all applicable District bylaws.
- (2) The holder of a licence under this bylaw to which terms and conditions have been attached in accordance with section 408A must comply with such terms and conditions at all times.

(d) inserting the following as section 518A immediately after section 518:

518A Cannabis Retail Store

- (1) Only the registered owner of the land or lessee of premises on the land may hold a licence under this bylaw to operate a cannabis retail store on such land.

- (2) A licence to operate a cannabis retail store cannot be transferred.
- (3) A person must not:
 - (a) Operate any other business from the premises of a cannabis retail store;
 - (b) Open a cannabis retail store for business at any time other than between the hours of 9:00 a.m. and 9:00 p.m., seven days a week.

READ a first time October 7th, 2019

NOTICE given under Section 59 of the *Community Charter* on _____ and _____

OPPORTUNITY for representations to Council provided in accordance with Section 59 of the *Community Charter* on

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8343

A bylaw to amend Fees and Charges Bylaw 6481, 1992

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as “Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2019 (Amendment 59)”.

Amendments

2. The Fees and Charges Bylaw 6481, 1992 is amended by:
 - a) Adding the following to the table in Schedule B – Development and Permitting Fees – Liquor Related Applications:

Liquor and Cannabis Related Applications		
Permanent Liquor and Cannabis Licences:		
Applications for a new liquor or cannabis licence or an amendment to an existing licence	\$2,040.00	
Public Notification Fee	\$1,785.00	

- b) Adding the following to the table in Schedule E – Licencing and Film Fees – Fees for Business Licences – Schedule of Licence Fees A:

Group 6 Cannabis Retail Store		
Licence Fee	\$5,000.00	

READ a first time October 7th, 2019

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8346

A bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2019 (Amendment 40)".

Amendments

2. Schedule A to Bylaw 7458 is amended by adding the following offences to the Business Licence Bylaw No. 4567, 1974 section, inserted in the appropriate numerical order in the table:

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty (within 14 days) (\$)	A3 Late Payment (after 28 days) (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount (\$)
Business Licence Bylaw 4567, 1974						
409A(1)	Failure to comply with applicable regulations	200	150	300	NO	N/A
409A(2)	Failure to comply with terms and conditions of licence	300	225	450	NO	N/A
518A(3)(a)	Operate any other business from the premises of a cannabis retail store	300	225	450	NO	N/A
518A(3)(b)	Open cannabis retail store outside permitted hours	400	300	600	NO	N/A

READ a first time October 7th, 2019

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

PUBLIC MEETING & PUBLIC HEARING

RETAIL SALE OF CANNABIS

Tuesday, November 5, 2019, 7pm

Where: Council Chambers, District of North Vancouver Municipal Hall, 355 West Queens Road, North Vancouver, BC

MEETING: Amendments to the Business Licence Bylaw

A Public Meeting for Bylaw 8341, which proposes to amend the Business Licence Bylaw by:

- Adding definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse.
- Adding licence conditions for a retail store including prevention of nuisances, minimizing negative impacts on neighbours, and hours of operation.
- Outlining conditions of operating the cannabis retail store, including, but not limited to, not operating any other business from the cannabis retail store and only operating the store between the hours of 9:00 am to 9:00 pm, seven days a week.

HEARING: Amendments to the Zoning Bylaw

A Public Hearing for Bylaw 8340, which proposes to amend the Zoning Bylaw by:

- Adding definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse. Cannabis warehouses will be permitted in all zones that allow a warehouse use.
- Amending ten zones where the retail sale of non-medical cannabis may be permitted subject to a future rezoning application. In accordance with Council's Non-Medical Retail Cannabis Policy, a cannabis retail store will only be considered in those zones that currently permit a liquor store use and are located at least 200 metres from an elementary or high school. Specific properties would be added to a table proposed in Part 4: General Regulations of the Zoning Bylaw once successfully rezoned to permit a cannabis retail store.
- Continuing a prohibition of commercial growing and harvesting.

How can I provide input?

If you or your interests are affected by either bylaw, please attend this joint public meeting/public hearing. You can speak in person by signing up at the hearing, or you can provide a written submission to the Municipal Clerk at input@dnv.org or by mail to Municipal Clerk, District of North Vancouver, 355 West Queens Road, North Vancouver, BC, V 7N 4N5, before the conclusion of the hearing. *Please note that Council may not receive further submissions from the public concerning these bylaws after the conclusion of the public hearing.*

Need more info?

Relevant background material and copies of the bylaws are available for review at the Municipal Clerk's Office or online at DNV.org/public_hearing from October 22 to November 5, 2019. Office hours are Monday to Friday 8 am to 4:30 pm, except statutory holidays.

**DISTRICT OF NORTH VANCOUVER
REGULAR MEETING OF COUNCIL**

Minutes of the Regular Meeting of the Council for the District of North Vancouver held at 7:01 p.m. on Monday, October 7, 2019 in the Council Chambers of the District Hall, 355 West Queens Road, North Vancouver, British Columbia.

Present: Mayor M. Little
Councillor J. Back
Councillor M. Bond
Councillor M. Curren
Councillor B. Forbes
Councillor J. Hanson
Councillor L. Muri

Staff: Mr. D. Stuart, Chief Administrative Officer
Ms. C. Grant, General Manager – Corporate Services
Mr. G. Joyce, General Manager – Engineering, Parks & Facilities
Mr. D. Milburn, General Manager – Planning, Properties & Permits
Mr. R. Danyluk, Acting General Manager – Finance
Ms. F. Dercole, Director – North Shore Emergency Management
Mr. W. Kennedy, Deputy Fire Chief
Ms. T. Atva, Manager – Community Planning
Mr. J. Gordon, Manager – Administrative Services
Ms. J. Paton, Manager – Development Planning & Engineering
Ms. C. Archer, Confidential Council Clerk
Mr. G. Exley, Community Forester
Ms. N. Foth, Planner

Also in

Attendance: Superintendent G. Bhayani, North Vancouver RCMP Officer in Charge
Mr. B. Blackwell, B.A. Blackwell and Associates

1. ADOPTION OF THE AGENDA

1.1. October 7, 2019 Regular Meeting Agenda

MOVED by Councillor MURI

SECONDED by Councillor CURREN

THAT the agenda for the October 7, 2019 Regular Meeting of Council for the District of North Vancouver is adopted as circulated, including the addition of any items listed in the agenda addendum.

CARRIED

With the consent of Council, Mayor LITTLE varied the agenda as follows:

4. RECOGNITIONS

4.1 Introduction of New RCMP Officer In Charge, Superintendent Ghalib Bhayani

Mr. David Stuart, Chief Administrative Officer, introduced Superintendent Bhayani, noting his career history and achievements. Superintendent Bhayani greeted mayor and council and spoke regarding his background and approach, highlighting that he is focussed on integrity, opportunities for innovation, collaboration, inclusion and positive results. He outlined his vision for the future of policing in the City and District of North Vancouver, noting alignment with the District's Strategic Plan as well as Council's priorities, including community engagement and service excellence.

2. PUBLIC INPUT

2.1. Mr. Adel Bellemlih, 700 Block Kileel Place:

- Spoke in favour of Agenda item 9.1;
- Noted that he lives in the neighbourhood and has visited the property;
- Spoke to the owners' efforts taken to engage the neighbourhood; and,
- Commented on similar guardrails in the neighbourhood.

2.2. Mr. Afshin Khazei, 200 Block Wooddale Road:

- Spoke in favour of Agenda item 9.1;
- Noted that he lives in the neighbourhood and has visited the property;
- Opined that the requested variance is minor;
- Commented on a similar guardrail in the neighbourhood; and,
- Spoke to the character of the property owners.

2.3. Mr. John Harvey, 1900 Block Cedar Village Crescent:

- Spoke regarding Wrongful Conviction Day;
- Encouraged Council to continue making proclamations; and,
- Complimented Superintendent Bhayani's presentation.

2.4. Ms. Mary Anne Parker, 400 Block West St. James Road:

- Spoke in favour of Agenda item 9.1;
- Noted that she lives in the neighbourhood;
- Commented on the length of the process; and,
- Opined that the matter is minor.

2.5. Ms. Shamina Vahedi, 3200 Block Mahon Avenue:

- Spoke in favour of Agenda item 9.1;
- Noted that she is one of the property owners;
- Thanked District staff for their work on the file; and,
- Commented on the current uses of the deck.

2.6. Mr. Masoud Malboubi, 400 Block East Queens Road:

- Spoke in favour of Agenda item 9.1;
- Noted that he was a registered architect and is now a designer;
- Commented on similar regulations in other municipalities; and,
- Noted that if there were living space below the deck, a variance would not be required.

2.7. Mr. Ramin Ardekani, 900 Block Seymour Boulevard:

- Spoke in favour of Agenda item 9.1;
- Noted he is a long-time friend of the applicants; and,
- Commented on the use of the property for community purposes.

2.8. Mr. Moojan Azizi, 4000 Block Woodbury Avenue:

- Spoke in favour of Agenda item 9.1; and,
- Spoke to the character of the applicants and their community involvement.

2.9. Ms. Yasmin Vahedi, 3000 Block Mahon Avenue:

- Spoke in favour of Agenda item 9.1; and,
- Commented on the use of the property and deck for community purposes.

2.10. Mr. Diba Majzub, 4000 Block Teviot Place:

- Spoke in favour of Agenda item 9.1;
- Commented that the garage and deck fit with the neighbourhood;
- Opined that the requested variance is minor; and,
- Noted the neighbourhood support for the application.

2.11. Ms. Christine Brooks, 1000 Block Premier Street:

- Spoke regarding Inter River Field 1;
- Commented regarding grass and artificial turf fields;
- Expressed health and safety concerns regarding artificial turf field materials;
- Noted that the field is being built next to fish habitat; and,
- Requested that Council consider other options for the field.

2.12. Mr. Chris Carter, 1100 Block Cloverley Street:

- Spoke in favour of Agenda item 9.3; and,
- Commented regarding housing affordability and the availability of different housing types.

3. PROCLAMATIONS

Nil

5. DELEGATIONS

5.1 HUB North Shore

Re: 2019 Goals Presentation

Mr. Jay Jardine and Mr. Don Piercy, HUB North Shore, reviewed 2019 HUB North Shore activities and provided an overview of planned activities for 2020, including education and awareness programs, advocacy activities, and participation in community events. Mr. Piercy reviewed HUB North Shore's recommendations for updates to the Bike Master Plan and outside funding sources for active transportation.

MOVED by Councillor MURI

SECONDED by Councillor BOND

THAT the delegation from HUB North Shore is received for information.

CARRIED

6. ADOPTION OF MINUTES

Nil

7. RELEASE OF CLOSED MEETING DECISIONS

Nil

8. COUNCIL WORKSHOP REPORT

Nil

9. REPORTS FROM COUNCIL OR STAFF

9.1. Development Variance Permit 29.19 – 3225 Mahon Avenue

File No. 08.3060.20/029.19

Mr. Bruno Vahedi, 3200 Block Mahon Avenue:

- Noted that he is the property owner;
- Opined that the variance requested is minor;
- Commented that a variance would not be required if the deck were built above a living space rather than a garage;
- Remarked on the neighbourhood support for the application;
- Advised that the garage is thirty-five feet away from the property line of the home of the neighbours in opposition to the application;
- Commented regarding steps taken to mitigate the concerns expressed by the neighbours in opposition; and,
- Noted that under the Zoning Bylaw, a new home could be constructed four feet from the property line.

MOVED by Mayor LITTLE

SECONDED by Councillor HANSON

THAT Development Variance Permit 29.19, to allow an existing guardrail on a garage roof at 3225 Mahon Avenue to remain, is ISSUED.

CARRIED

Opposed: Councillors FORBES and MURI

9.2. Community Wildfire Protection Plan Update

File No. 13.6780/Infrastructure General/File

MOVED by Councillor CURREN

SECONDED by Councillor MURI

THAT the Community Wildfire Protection Plan (CWPP) Update as attached to the September 26, 2019 joint report of the Community Forester and Section Manager – Environmental Sustainability (Operations) entitled Community Wildfire Protection Plan Update is APPROVED.

CARRIED

9.3. Bylaws 8359, 8360, 8361 and 8362: Introduction of Bylaw Amendments for a Revised Coach House Program
File No. 13.6480.30/

MOVED by Councillor MURI

SECONDED by Councillor HANSON

THAT Bylaws 8359, 8360, 8361 and 8362 are referred back to staff.

CARRIED

9.4. Bylaws 8340, 8341, 8343 and 8346: Non-Medical Retail Cannabis Bylaw and Policy Amendments
File No. 13.6440.50/000.000

MOVED by Councillor MURI

SECONDED by Councillor HANSON

THAT "District of North Vancouver Rezoning Bylaw 1379, (Bylaw 8340)" is given FIRST Reading;

AND THAT "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)" is given FIRST Reading;

AND THAT "District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2019 (Amendment 59)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2019 (Amendment 40)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "District of North Vancouver Rezoning Bylaw, 1379 (Bylaw 8340)" is referred to a Public Hearing;

AND THAT pursuant to Section 59 (2)(b) of the *Community Charter*, "Business Licence Bylaw 8341, 2019 (Amendment 50)" is referred to a Public Meeting to provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND THAT pursuant to Sections 59 (2)(a) and (3) of the *Community Charter*, Council direct staff to give notice of its intention to hold a Public Meeting as follows:

1. The notice shall state the following:
 - a. the time and date of the Public Meeting;
 - b. the place of the Public Meeting;
 - c. in general terms the purpose of the bylaw; and
 - d. the place and the times and dates when copies of bylaw may be inspected.
2. The notice shall be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Meeting.

AND THAT the revised Non-Medical Retail Cannabis Policy as attached to the September 25, 2019 report of the Community Planner entitled Non-Medical Retail Cannabis Bylaw and Policy Amendments is APPROVED;

AND THAT the proposed amendment to the Non-Statutory Public Consultation Policy for Development Applications as attached to the September 25, 2019 report of the Community Planner entitled Non-Medical Retail Cannabis Bylaw and Policy Amendments is APPROVED.

CARRIED

9.5. District-Owned Single Family Rental Housing Policy

File No. 08.3164.00/000.000

MOVED by Councillor HANSON

SECONDED by Councillor MURI

THAT the District-Owned Single Family Rental Housing Policy is APPROVED.

CARRIED

9.6. UBCM Community Emergency Preparedness Fund – Structural Flood Mitigation Application for Funding for Kilmer Creek Relocation

File No. 11.5225.01/017.000

MOVED by Councillor MURI

SECONDED by Councillor CURREN

THAT the application for grant funding through the UBCM Community Emergency Preparedness Fund - Structural Flood Mitigation for relocation and culvert upgrades related to Kilmer Creek is supported.

CARRIED

9.7. Maximum Permitted House Size for RS1 Zone and Withholding Motion

File No. 09.3900.01

MOVED by Councillor MURI

SECONDED by Councillor HANSON

THAT staff be directed to prepare a bylaw to amend the District's Zoning Bylaw 1965 No. 3210 to include a maximum house size in the RS1 Zone of 5,813 square feet;

AND THAT staff submit to Council, any building permit application received after October 14, 2019 for any development on any lot that is zoned RS1 that staff consider is in conflict with the bylaw under preparation, for consideration of a resolution that the building permit be withheld for 30 days under Section 463 of the *Local Government Act*.

CARRIED

10. REPORTS

10.1. Mayor

Mayor Little reported on his attendance at a housing co-op's mortgage burning celebration and the retirement party for the outgoing Director of North Vancouver Museum and Archives.

10.2. Chief Administrative Officer

Nil

10.3. Councillors

10.3.1. Councillor Curren reported on her attendance, with Councillors Back and Forbes, at the Squamish Nation's unveiling of their new rainbow crosswalk on October 4; the EcoCity World Summit October 7-11; and that she will be hosting the upcoming climate justice debate with Tsleil-Waututh Nation.

10.3.2. Councillor Forbes reported on her attendance at the Squamish Nation rainbow crosswalk unveiling on October 4; the Deep Cove Anchorage public meeting; the Spill Response Tour; the retirement party for the outgoing Director of North Vancouver Museum and Archives; and her upcoming attendance at the Lower Mainland Flood Forum in Vancouver.

10.4. Metro Vancouver Committee Appointees

10.4.1. Industrial Lands Strategy Task Force – Councillor Back

Nil

10.4.2. Housing Committee – Councillor Bond

Nil

10.4.3. Aboriginal Relations Committee – Councillor Hanson

Nil

10.4.4. Board – Councillor Muri

Councillor Muri reported that the Metro Vancouver Board approved sending the motions from the Housing and Parks Committees to the budget approval process for a four dollar per household increase to fund affordable housing initiatives and parks improvements.

10.4.5. Regional Parks Committee – Councillor Muri

Nil

10.4.6. Liquid Waste Committee – Mayor Little

Nil

10.4.7. Mayors Committee – Mayor Little

Nil

10.4.8. Mayors Council - TransLink – Mayor Little

Nil

10.4.9. Performance & Audit Committee – Mayor Little

Nil

10.4.10. Zero Waste Committee – Mayor Little

Nil

11. ANY OTHER BUSINESS

Nil

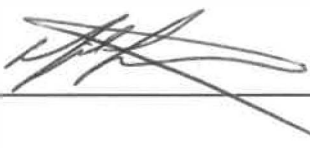
12. ADJOURNMENT

MOVED by Councillor MURI

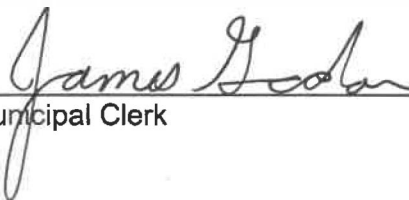
SECONDED by Councillor HANSON

THAT the October 7, 2019 Regular Meeting of Council for the District of North Vancouver is adjourned.

CARRIED
(10:05 p.m.)






Mayor



Municipal Clerk

AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop	Date: <u>OCT 17, 2017</u>
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 Director	 CAO
---	---	--

The District of North Vancouver REPORT TO COMMITTEE

October 5, 2017

File: 13.6410.01/000.000

AUTHOR: Dan Milburn, General Manager of Planning, Properties & Permits

SUBJECT: Cannabis Legalization and Regulation

RECOMMENDATION:

THAT Council receive this report for information.

AND THAT Council direct staff submit a letter to the provincial government respecting Council's feedback to the matters described in the *Cannabis Legalization and Regulation in British Columbia Discussion Paper*.

REASON FOR REPORT:

The provincial government is currently seeking input from local governments and other stakeholders regarding cannabis legalization and regulation. This report is intended to provide Council with background information in advance of a Council Workshop.

SUMMARY:

The Province has released a discussion paper titled *Cannabis Legalization and Regulation in British Columbia* (Attachment 1), and is seeking feedback from stakeholders regarding the legalization and regulation of cannabis until November 1, 2017. A Council Workshop is scheduled for October 17, 2017, to provide an opportunity for Council to discuss these issues:

- Minimum age
- Personal possession – adults
- Personal possession – youth
- Public consumption
- Drug-impaired driving
- Personal cultivation
- Distribution model
- Retail

To help facilitate this discussion, staff have prepared a presentation (Attachment 2) which includes a series of options related to each of the above-noted issues. If desired by Council, staff will synthesize Council's input and prepare a written response to the Province which reflects Council's position on cannabis legalization and regulation in BC.

BACKGROUND:

In 2015, the Federal Government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established a Task Force on Cannabis Legalization to consult and advise on the design of a new legislative framework. On April 13, 2017, the Federal Government introduced Bill C-45, the Cannabis Act and Bill C-46 (the Act to amend the Criminal Code), in the House of Commons. The Federal Government intends to bring these bills into force in July 2018, making non-medical cannabis use legal in Canada as of that date.

While the Federal Government intends to assume responsibility for licensing cannabis producers and regulating production standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdiction. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation, and amendments to safety laws.

The provincial government is currently consulting with local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis regulation.

(Excerpts from the Cannabis Legalization and Regulation in British Columbia Discussion Paper)

Additional sources of information:

- A Framework for the Legalization and Regulation of Cannabis in Canada: The Final Report of the Task Force on Cannabis Legalization and Regulation:
<https://www.canada.ca/en/services/health/marijuana-cannabis/task-force-marijuana-legalization-regulation/framework-legalization-regulation-cannabis-in-canada.html>
- The Canadian Association of Chiefs of Police (CACP) Discussion Paper – Recommendations for the Task Force on Cannabis Legalization and Regulation, Feb 8, 2017
https://www.cacp.ca/index.html?asst_id=1332
- Canadian Public Health Association, A Brief Regarding Bill C-45
<https://www.cpha.ca/brief-regarding-bill-c-45>
- Government of Ontario. Cannabis Legalization – Proposed Rules
<https://www.ontario.ca/page/cannabis-legalization>
- Government of Alberta. Alberta's approach to cannabis legalization.
<https://www.alberta.ca/cannabis-legalization.aspx>

EXISTING POLICY:

The District of North Vancouver Zoning Bylaw 1965 includes a provision stating: **the use of land or buildings or structures for...the growing, harvesting, storage, packing, dispensing or sale of marihuana and its preparations, derivatives and similar synthetic preparations whether under license through the Controlled Drugs and Substances Act, or any other applicable federal legislation, or otherwise...is prohibited**

ANALYSIS:

Timing/Approval Process:

The Province is seeking input from local governments until November 1, 2017. After receiving this input, the Province intends to prepare cannabis regulations in advance of July 2018, when the non-medical use of cannabis becomes legal.

Impacts:

Once the provincial government releases their new regulatory regime, the District will be in a better position to analyse potential financial, liability/risk, social and environmental impacts.

Public Input:

A public process (including a public hearing) occurred prior to the adoption the current District of North Vancouver Zoning Bylaw provisions respecting cannabis. Further public consultation is anticipated should Council ultimately decide to amend the Zoning Bylaw in response to new federal and provincial regulations. Staff will seek Council's direction respecting the amount and type of consultation needed prior to undertaking this work.

Conclusion:

The District of North Vancouver along with other local governments and stakeholders are invited to provide input to the provincial government regarding cannabis legalization and regulation by November 1, 2017. This report is intended to provide Council with background information in and advance of a Council Workshop on cannabis legalization and regulation scheduled for October 17, 2017.

Options:

- 1) THAT Council receive this report for information.
- 2) AND THAT Council direct staff submit a letter to the provincial government respecting Council's feedback to the matters described in the *Cannabis Legalization and Regulation in British Columbia Discussion Paper*.
- 3) THAT no further action be taken.

SUBJECT: Cannabis Legalization and Regulation

October 6, 2017

Page 4

Respectfully submitted,

Dan Milburn
General Manager of Planning, Properties and Permits

REVIEWED WITH:		
<input type="checkbox"/> Sustainable Community Dev.	<input type="checkbox"/> Clerk's Office	External Agencies:
<input type="checkbox"/> Development Services	<input type="checkbox"/> Communications	<input type="checkbox"/> Library Board
<input type="checkbox"/> Utilities	<input type="checkbox"/> Finance	<input type="checkbox"/> NS Health
<input type="checkbox"/> Engineering Operations	<input type="checkbox"/> Fire Services	<input type="checkbox"/> RCMP
<input type="checkbox"/> Parks	<input type="checkbox"/> ITS	<input type="checkbox"/> NVRC
<input type="checkbox"/> Environment	<input type="checkbox"/> Solicitor	<input type="checkbox"/> Museum & Arch.
<input type="checkbox"/> Facilities	<input type="checkbox"/> GIS	<input type="checkbox"/> Other:
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Real Estate	

Cannabis Legalization and Regulation in British Columbia

Discussion Paper



Ministry of
Public Safety and
Solicitor General

Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The [Task Force report](#) was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms*.

Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.

Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

Cannabis Smoking and Vaping

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

Other forms of consumption:

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year¹, we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a \$1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an [Immediate Roadside Prohibition](#) (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

¹ Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.²

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

² Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.

Cannabis Legalization and Regulation in British Columbia



We Want to Hear From You

Discussion regarding DNV recommendations to the
Ministry of Public Safety and Solicitor General

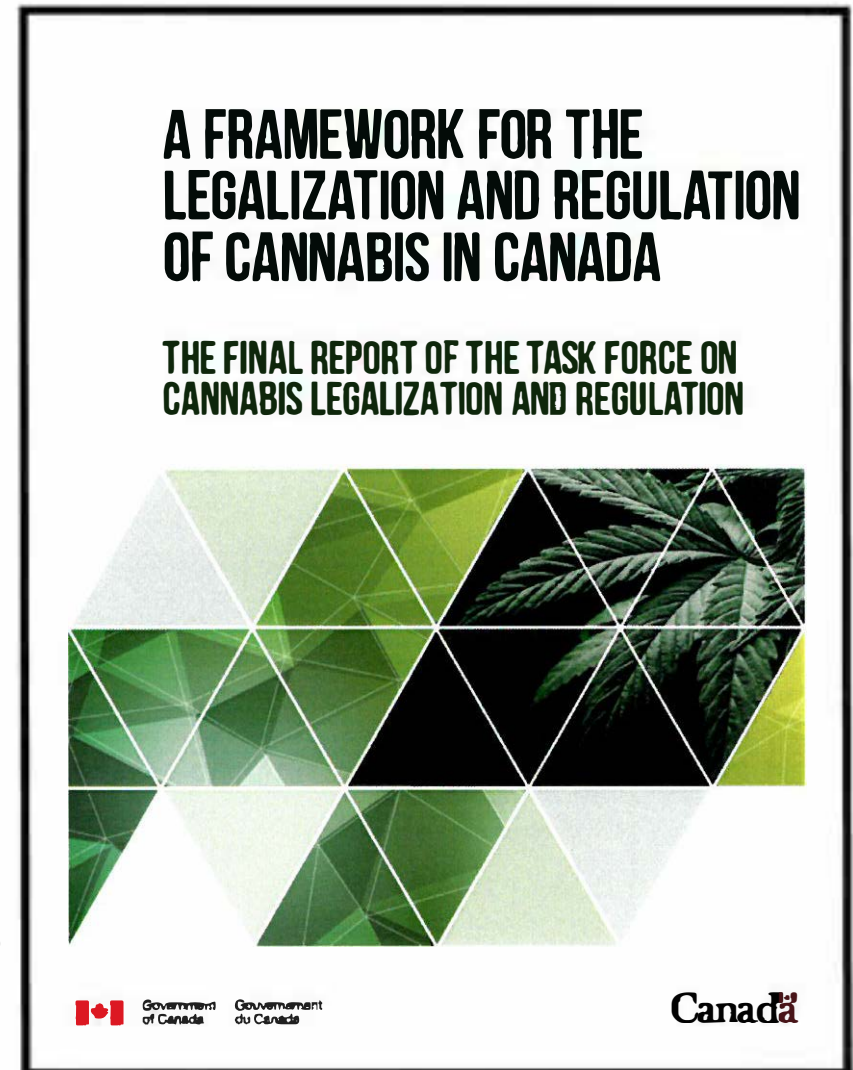
Introduction

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date.

While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions.

The Federal Government established a Task Force to consult and advise on the design of a new legislative and regulatory framework.

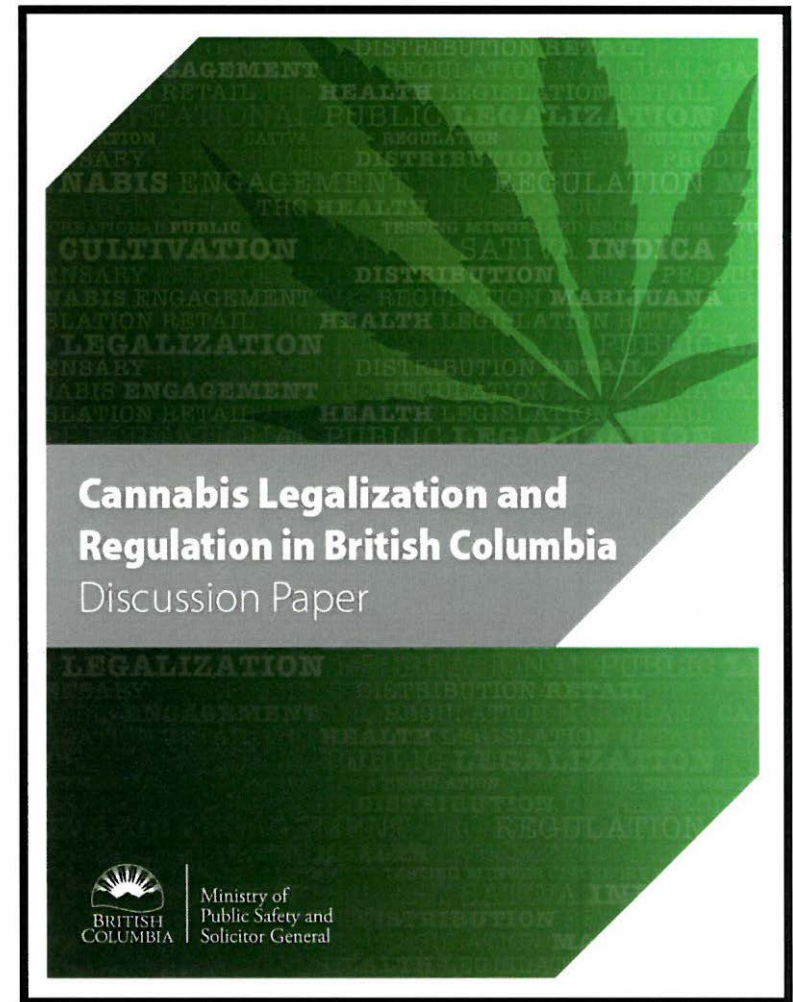
The Task Force report was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.



Introduction Con'd

Subsequently, a discussion paper was released by the BC Minister of Public Safety and Solicitor General in September 2017 which provides key policy issues for BC governments to consider in relation to non-medical cannabis.

For now, the federal government has decided to maintain a separate system for medical cannabis.



Stakeholder Submission

Stakeholders have been invited to send a formal written submission by
November 1, 2017 at 4 p.m.



Individuals are also encouraged to complete a survey online:
<https://interceptum.com/s/en/BCCannabisRegulation>

Key considerations for Cannabis Legalization and Regulation in BC

Minimum age

Drug-impaired Driving

Personal Possession – Adults

Personal Cultivation

Personal Possession – Youth

Distribution Model

Public Consumption

Retail

Key considerations for Cannabis Legalization and Regulation in BC

Minimum age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, BC can choose to establish a higher minimum age. Note that BC's minimum age for tobacco and alcohol is 19.

Do you agree with the minimum age of 18?

- ☐ Yes
- ☐ No

If no, what age do you recommend?

- ☐ 19 years
- ☐ 21 years
- ☐ Other

Key considerations for Cannabis Legalization and Regulation in BC

Personal Possession – Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis (for context, one joint typically contains between .33g to 1g of cannabis). Provinces and territories cannot increase the public possession limit, but they can set a lower limit.

Do you agree with the 30 gram limit?

- ☐ Yes
- ☐ No
- ☐ Unsure

If no, what should the limit be?

☐ _____

Key considerations for Cannabis Legalization and Regulation in BC

Personal Possession – Youth

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams (for context, one joint typically contains between .33g to 1g of cannabis). BC can establish laws that prohibit possession by persons under an established provincial minimum age.

Do you think that BC should prohibit possession by persons under an established provincial minimum age:

- ☐ Yes
- ☐ No
- ☐ Unsure / need more information

Key considerations for Cannabis Legalization and Regulation in BC

Public Consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but BC can restrict further places where non-medical cannabis can be consumed. Note that the District also regulates smoking in the *DNV Smoking Regulation Bylaw*.

Should the province regulation:

- ☐ Extend existing restrictions on tobacco smoking and vaping to cannabis.

Note: Provincially tobacco is currently restricted at workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities

- ☐ Prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed (noting that compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby)
- ☐ Prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas

Key considerations for Cannabis Legalization and Regulation in BC

Drug-impaired Driving

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment.

BC could consider a number of measures to address the risk associated with impaired driving including:

- ☐ Launch a public education and awareness campaign about the risks and potential consequences of cannabis-impaired driving
- ☐ Set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation)
- ☐ Invest in Standard Field Sobriety Test (SFST) and Drug Recognition Expert (DRE) training for more police officers
- ☐ Expand the Immediate Roadside Prohibition and Administrative Driving Prohibition programs to include drug-impaired driving
- ☐ Unsure / need more information

Key considerations for Cannabis Legalization and Regulation in BC

Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to BC to establish such restrictions. BC could:

- ☐ Support 4 plants per house hold.
- ☐ Adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- ☐ Set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- ☐ Establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement.

Key considerations for Cannabis Legalization and Regulation in BC

Personal Cultivation Con'd

Are you ok with plants being grown on District owned land which is rented:

- ☐ Yes
- ☐ No
- ☐ Unsure / need more information

Key considerations for Cannabis Legalization and Regulation in BC

Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. There are three basic models for the warehousing and distribution of cannabis to retailers in BC. Which model do you support:

- ☐ **Government distribution** – In this model, government would be responsible for warehousing and distribution of cannabis.
- ☐ **Private distribution** – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis.
- ☐ **Direct distribution** – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers.

Key considerations for Cannabis Legalization and Regulation in BC

Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction.

Should the sale of cannabis be:

- ☐ Public
- ☐ Private
- ☐ A mix of both, as currently exists for alcohol
- ☐ Unsure / need more information

Should the sale of cannabis be:

- ☐ Sold in dedicated storefronts
- ☐ Sold out of existing businesses such as liquor stores or pharmacies
- ☐ Sold direct-to-consumer via a mail-order system
- ☐ Unsure / need more information

Key considerations for Cannabis Legalization and Regulation in BC

Retail Con'd

If you believe that cannabis should be sold out of dedicated storefronts or existing businesses do you think it should be controlled by zoning:

- ☐ Yes
- ☐ No
- ☐ N/A

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop	Date: <u>Feb 26, 2018</u>
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input type="checkbox"/> Other:	Date: _____

 Dept. Manager	 GM/ Director	 CAO
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The District of North Vancouver REPORT TO COMMITTEE

February 21, 2018
File: 13.6410.01/000

AUTHOR: Dan Milburn, General Manager Planning, Properties & Permits

SUBJECT: Update on the Legalization of Non-Medical Cannabis

RECOMMENDATION:

- 1) THAT the February 21, 2018 report from the General Manager of Planning, Properties & Permits entitled Update on the Legalization of Non-Medical Cannabis be received for information; AND
- 2) THAT The Committee of the Whole recommend that Council authorize staff to prepare amendments to the Zoning Bylaw, Business License Bylaw, and Smoking Regulation Bylaw for Council's consideration at a Regular meeting of Council.

REASON FOR REPORT:

Imminent changes in Federal and Provincial government legislation regarding the legalization of non-medical cannabis necessitate the District's reconsideration of its bylaws. This report provides information relevant to the discussion around the potential regulatory changes.

SUMMARY:

The Federal government will be legalizing non-medical cannabis in July 2018. The Province of British Columbia has made a number of decisions related to non-medical cannabis regulations. Other municipalities have already, or are beginning to, formulate their own approach to the Federal and Provincial changes. This report and accompanying presentation is intended to advise Council of the changing regulations and seek input from the Committee on potential amendments to District bylaws.

BACKGROUND:

In April 2017, the Government of Canada introduced two Bills in relation to the legalization of cannabis; Bill C-45 (the Cannabis Act) and Bill C-46 (amending the Criminal Code impaired driving provisions). The Bills are currently making their way through the federal parliamentary process with the goal of bringing Bill C-45 into force in July 2018, making non-medical cannabis

legal in Canada as of that time. The federal government plans to bring into force the amendments related to drug-impaired driving as soon as Royal Assent is received.

While the federal government plans to regulate commercial production, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions including: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

In preparation for the legalization of non-medical cannabis, the Province of British Columbia conducted a public and stakeholder engagement initiative to hear the views of British Columbians on a range of issues related to the legalization and regulation of non-medical cannabis in B.C. between September 25 and November 1, 2017.

The District of North Vancouver participated in this engagement process and Mayor Walton responded on behalf of the District. The District's was one of 37 written submissions that the Province received from Local Governments and Regional Districts during the engagement period.

EXISTING POLICY:**ANALYSIS:**

Table 1 below summarizes the proposed Provincial Framework and compares it with the recommendations from District Council.

Table 1

Provincial Framework	What DNV Council recommended
Minimum age	
British Columbia's minimum age to possess, purchase and consume cannabis will be 19 years old. A minimum age of 19 is consistent with B.C.'s minimum age for alcohol and tobacco and with the age of majority in B.C.	The minimum age to buy, grow, and publicly possess non-medical cannabis should be 19.
Wholesale distribution of cannabis	
Like many other provinces, B.C. will have a government-run wholesale distribution model. The LDB will be the wholesale distributor of non-medical cannabis in B.C.	The BC government should be responsible for warehousing and distribution of cannabis to provide consistency with alcohol distributed in BC.

Retail of cannabis	
<p>British Columbians of legal age will be able to purchase non-medical cannabis through privately run retail stores or government-operated retail stores and online sales.</p> <p>The BC Liquor Distribution Branch (LDB) will operate the public retail stores, and Liquor Control and Licensing Branch (LCLB) will be responsible for licensing private stores and monitoring the retail sector.</p> <p>In urban areas, licensed retailers will not be able to sell cannabis in the same stores as liquor or tobacco.</p>	<p>The retail regime should be a mix of private and public system, as currently exists for alcohol. The sale of cannabis could either be sold out of dedicated store fronts or existing businesses such as liquor stores or pharmacies.</p> <p>Local governments should be able to control the location of sales outlets through the Zoning Bylaw.</p>
Personal public possession limits	
<p>Adults aged 19 and above, will be allowed to possess up to 30 grams of non-medical cannabis in a public place.</p>	<p>The personal possession limit should be 30 grams for people over the minimum age. Persons under 19 should be prohibited from possessing any amount of cannabis.</p>
Places of use	
<p>B.C. will generally allow adults to use non-medical cannabis in public spaces where tobacco smoking and vaping are permitted.</p> <p>However, use of non-medical cannabis will be banned in areas frequented by children, including community beaches, parks and playgrounds. Use of cannabis, in any form will also be banned for all occupants in vehicles.</p> <p>Local governments will be able to set additional restrictions, as they do now for tobacco use.</p> <p>In addition, landlords and strata councils will be able to restrict or prohibit non-medical cannabis smoking at tenanted and strata properties.</p>	<p>No comment</p>

Personal cultivation	
B.C. will allow adults to grow up to four cannabis plants per household, but the plants must not be visible from public spaces off the property. Home cultivation of non-medical cannabis will be banned in dwellings used as daycares. In addition, landlords and strata councils will be able restrict or prohibit home cultivation.	Allow small-scale home cultivation of up to four plants per household.
Drug Impaired Driving	
Drug impaired driving will continue to be illegal in B.C. The Province will increase training for law enforcement in this area and toughen provincial regulations to give police more tools to remove drug-impaired drivers from the road and deter drug-affected driving, including: <ul style="list-style-type: none">• B.C. will create a new 90-day Administrative Driving Prohibition (ADP) for drug affected driving• The current zero tolerance restrictions for the presence of alcohol for drivers in the Graduated Licensing Program (GLP) will be expanded to include zero tolerance for the presence of THC	Set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an "L" or "N" designation) and invest in Standard Field Sobriety Test (SFST) and Drug Recognition Expert (DRE) training for more police officers.

Conclusion:

The District of North Vancouver has a number of options for its regulatory framework in response to the legalization of non-medicinal cannabis. Subject to Council's direction, staff will begin to prepare amendments to the Zoning Bylaw, Business License Bylaw and Smoking Regulation bylaw for Council's consideration prior to July 2018.

Options:

- 1) THAT the February 21, 2018, report from the General Manager of Planning, Properties & Permits entitled Update on the Legalization of Non-Medical Cannabis be received for information; AND
- 2) THAT The Committee of the Whole recommend that Council authorize staff to prepare a amendments to the Zoning Bylaw, Business License Bylaw, and Smoking Regulation Bylaw for Council's consideration at a Regular meeting of Council.
- 3) That no further action be taken at this time.

Respectfully submitted,



Dan Milburn
General Manager of Planning Properties and Permits

REVIEWED WITH:

- ☐ Sustainable Community Dev. _____
- ☐ Development Services _____
- ☐ Utilities _____
- ☐ Engineering Operations _____
- ☐ Parks _____
- ☐ Environment _____
- ☐ Facilities _____
- ☐ Human Resources _____

- ☐ Clerk's Office _____
- ☐ Communications _____
- ☐ Finance _____
- ☐ Fire Services _____
- ☐ ITS _____
- ☐ Solicitor _____
- ☐ GIS _____
- ☐ Real Estate _____

External Agencies:

- ☐ Library Board _____
- ☐ NS Health _____
- ☐ RCMP _____
- ☐ NVRC _____
- ☐ Museum & Arch. _____
- ☐ Other: _____

Cannabis Legalization and Regulation in British Columbia

Council Workshop
February 26, 2018



Introduction

Jurisdiction

Federal government

- licensing cannabis producers
- regulating production and product standards

Provinces and territories

- Distribution
- Retail system
- Compliance and enforcement
- Age limits
- Restrictions of possession
- Public consumption
- Personal cultivation
- Safety laws

Local government

- Retail System
 - Zoning regulations
 - Business regulations
- Public Health
 - Smoking regulations
- Municipally owned lands

Timeline

- **2015** – Federal Government to legalize non-medical cannabis
- **2017** – Federal Government Bill C-45 (*Cannabis Act*) and C-46 (*Criminal Code Amendments*)
- **2017** - Provincial discussion paper
- **Oct. 17, 2017** – DNV Workshop
- **Dec. 5, 2017** – Province announces first decisions on framework
- **Feb. 5, 2018** – Province announces remaining framework
- **Feb. 26, 2018** – DNV Workshop
- **July 2018** – Federal Government to make non-medical cannabis use legal

Provincial Framework on Non-Medical Cannabis Legalization

Provincial Framework on Non-Medical Cannabis Legalization

- **Minimum Age of Possession** 19 years old
- **Retail Framework**
 - privately run
 - government operated stores
 - LCLB licensing and monitoring
 - Rules similar to liquor
 - In urban areas – no cannabis and liquor or tobacco sold together
- **Wholesale Distribution** – Provincial Government (LDB)

Provincial Framework on Non-Medical Cannabis Legalization

- **Personal Possession Limits**
 - Allowed where smoking and vaping allowed
 - Banned in areas frequented by children (beaches, parks, playgrounds)
 - Banned for all occupants in vehicles
- **Personal cultivation**
 - up to 4 plants per household
 - Cannot be visible from public space off property
 - Banned in dwellings used as daycares
 - Landlords and strata Councils may restrict or prohibit

Provincial Framework on Non-Medical Cannabis Legalization

- **Drug Impaired Driving**
 - Increased tools and training for law enforcement
 - New 90-day Administrative Driving Prohibition
 - Zero tolerance for drivers in Graduate Licensing Program

DNV Framework on Non-Medical Cannabis Legalization

Provincial Private Retail Framework

- LCLB licensing
- Eligibility
- Process
- Operations
- Supply
- Inspection and Compliance
- Local Government Requirements

DNV Private Retail Framework

- Zoning regulation
- Business regulation

DNV Private Retail Framework

Current Zoning

- Medical marihuana production, sale and use is lawful pursuant to Federal *Medical Purposes Regulations*
- Medical and non-medical dispensaries currently prohibited by DNV Zoning Bylaw and may be prohibited and shut down for non-compliance
- Recent enhanced enforcement

DNV Private Retail Framework

Zoning Regulation Options & Issues

- Continue to prohibit
- Review rezoning applications on case-by-case basis
- Permit in certain existing retail uses or zones
- Minimum separation from sensitive uses (schools etc.)
- Minimum separation from other cannabis stores

DNV Private Retail Framework

Business Regulation Options & Issues

- Security & safety features
- Hours of operation
- Sampling
- Cap on total number of licenses
- Store fronts, advertising, and signage
- Transfers, license per person, corporate ownership, contact information
- Shared space
- Working alone
- Food and edible products
- Good neighbour

DNV Public Health Framework

Smoking Regulation Options & Issues

- Places a person must not smoke
- Signage
- Enforcement

Recommendation

THAT the Staff report be received for information

THAT Staff prepare amendments to the

- Zoning Bylaw,
- Business License Bylaw, and
- Smoking Regulation Bylaw,

for Council's consideration at a Regular meeting of Council.

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Council Workshop	Date: <u>March 11, 2019</u>
<input type="checkbox"/> Finance & Audit	Date: _____
<input type="checkbox"/> Advisory Oversight	Date: _____
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COMMITTEE

March 6, 2019
File: 13.6410.01/000.000

AUTHOR: Shazeen Tejani, Planner, Community Planning Department
Karen Rendek, Senior Planner, Community Planning Department

SUBJECT: **Regulating Non-Medical Cannabis – District of North Vancouver**

RECOMMENDATION:

THAT the March 6, 2019, report entitled “Regulating Non-Medical Cannabis – District of North Vancouver” report, from the Community Planner and Senior Community Planner be received for information.

REASON FOR REPORT:

On June 11, 2018 Council directed staff to:

Proceed with the public engagement described in the report dated May 30, 2018, entitled “Cannabis Regulation”, regarding draft amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees & Charges Bylaw 6481, Bylaw Notice Enforcement Bylaw 7458 and Smoking Regulation Bylaw 7792; and,

To bring the bylaw amendments back to Council for Introduction and First Reading after completion of the public engagement process.

On September 17, 2018, staff brought forward amendments to the District of North Vancouver Smoking Regulation Bylaw 7792 for Council consideration in advance of the other bylaw amendments as it became legal to possess and consume non-medical cannabis products as of October 17, 2018 and a regulatory approach to govern smoking/vaping in public was required by this time. The report dated, June 11, 2018, has been included for reference (**Attachment 1**).

This report summarizes the results of the public engagement on proposed cannabis regulations, held from July to September 2018, outlines the provincial process for private retail licensing, and provides options for Council to consider to regulate non-medical cannabis in the District.

BACKGROUND:

In anticipation of federal legalization, the Province passed legislation to provide for the legal, controlled access to non-medical cannabis in British Columbia. In February 2018, the Province released the B.C. Cannabis Private Retail Licensing Guide, outlining the provincial cannabis private retail framework. This framework is similar to the current licensing regime for private liquor stores in BC (**Attachment 2**).

Subsequently, the Province has released a handbook outlining the requirements of the *Cannabis Control and Licensing Act*, regulations and terms and conditions that relate to owners and operators of non-medical cannabis retail stores in B.C. It is the responsibility of the licensee to be aware of and to operate in compliance with these rules (**Attachment 3**).

Application Procedure

In B.C., the Liquor and Cannabis Regulation Branch (LCRB) is responsible for licensing private stores and monitoring the retail sector. Applicants for a non-medical cannabis store must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store is to be located. Local governments may influence the following aspects of cannabis retail stores:

- Location and separation criteria;
- Number of establishments, including prohibition of establishments;
- Store security; and,
- Hours of operation.

Online applications for private non-medical cannabis retail store licences are accepted on the Provincial Liquor and Cannabis Regulation Branch (LCRB) web site. Upon receipt of notification of a licence application, the LCRB will notify the District if an application is received within our jurisdiction. If the District chooses to provide a recommendation, the municipality must gather the views of residents. If the District recommends in favour of the application, the LCRB must consider the recommendation, however the LCRB has discretion whether or not to issue the licence. Alternatively, the LCRB cannot issue a licence unless a positive recommendation is received from the District. Only following a positive recommendation from the District will the LCRB conduct a full review of the licence application, including criminal record checks and a financial audit.

EXISTING POLICY:

The growing, harvesting, storage, packaging, dispensing, or sale of cannabis (marihuana) is prohibited in the District of North Vancouver Zoning Bylaw Part 403A. On October 17, 2018, non-medical cannabis became legal in Canada and regulations governing where and how cannabis is sold and consumed in the District of North Vancouver are needed.

PLANNING PROCESS:

The process to review and update the District's cannabis regulations began in June, 2018, as shown below:



Figure1: Planning Process for Non-Medical Cannabis Regulation

As directed by Council, the public and stakeholders were asked for their feedback on a proposed draft approach as identified in the report to Council in June 11, 2018.

Engagement Efforts

Public engagement efforts for this initiative have focussed on gathering feedback from the public and stakeholders on the proposed land use regulations, business licence regulations and public consumption of non-medical cannabis use in the District as described in the report dated May 30, 2018, entitled "Cannabis Regulation".

Engagement efforts have included:

- A dedicated web page, **DNV.org/cannabis**, to provide the public with background information on the *Cannabis Act*, roles and authority of each level of government and links to applicable Government of Canada and Province of BC web sites to find additional information;
- An online survey ran from July 20, 2018 to September 7, 2018 to collect input on proposed bylaw amendments to the District's zoning, business licence and smoking bylaws. The survey was publicized through social media and advertised in the North Shore news on July 20, 25, and August 5, 2018. A total of 363 responses were received;
- A working session with the retail sector was held on August 28, 2018 at District hall. An invitation to sign up for the retail working session was posted on the District web site on August 9, 2018. A total of 10 retail sector representatives attended the event;
- A stakeholder meeting with representatives from the City of North Vancouver, District of West Vancouver, VCH, RCMP, School District SD44, First Nations, and, Chamber of Commerce was held on September 7, 2018. A total of 10 stakeholders attended this event.

Attachment 4 provides a summary of public and stakeholder feedback received to date.

What We Heard

The following summarizes key feedback received:

- 69% of survey respondents and 69% of stakeholders and retail sector representatives agreed with allowing cannabis stores in zones that allow liquor stores, with a 200-metre buffer from elementary and high schools;
- 65% of survey respondents and 81% of stakeholders and retail sector representatives agreed with the proposed hours of operation (9 am to 9 pm) and the additional fee for cannabis business licences;
- 81% of survey respondents and 86% of stakeholders and retail sector representatives agreed with amending the District's Smoking Regulation Bylaw to add vaping and cannabis to the smoking definition, and prohibit smoking in areas frequented by children, including transit stops, parks, playgrounds, beaches, Lynn Valley Village and Maplewood Farm;

For those who disagreed with the proposed amendments, overall themes included:

- Wanting to see fewer barriers to the sale and use of non-medical cannabis, and regulations that matched the provincial guidelines for cannabis and current regulations for the sale and use of alcohol more closely
- Did not want to see the sale or use of cannabis in the District be allowed in any areas or wanted the number of locations limited
- Against the legalization of non-medical cannabis entirely
- Wanted to see more education and awareness about the new regulations and the health risks of using cannabis

Recommendation

Based on feedback received from the public and stakeholders, staff recommend Council consider case by case rezoning applications for cannabis retail stores in order to control the specific location of each store.

This option would include that Council:

1. Consider the dispensing or sale of cannabis in the District of North Vancouver on a case-by-case basis
 - a. Would continue to be prohibit except for where Council has approved a rezoning (text amendment) and a business licence for a non-medical cannabis retail store;
 - b. Eligibility criteria would limit locations to be permitted only in zones which currently permit the retail sale of liquor (CD4, CD21, CD45, CD47, Lot B at 1515 Barrow, CD68, CD80, C1L, C2, C9, C10, CD90, CD 94, but not the Public House C6 zone);
 - c. Would limit the number of stores in the District to four (4), focusing on Town and Village Centres.
 - d. Would have a minimum 200 metre buffer around elementary and high schools to provide separation and limit exposure to children and youth;

- e. Would operate only between the hours of 9am – 9pm.

Timing/Approval Process:

Non-medical cannabis became legal in Canada on October 17, 2018. The Provincial Liquor and Cannabis Regulation Branch (LCRB) are accepting online applications for private non-medical cannabis retail stores licences.

Conclusion:

Based on feedback received from this Council workshop, if Council chooses to proceed with the recommended approach, staff will return with a draft policy that outlines locational and evaluation criteria, licence requirements, application procedures and the public consultation process to regulate the distribution and consumption of non-medical cannabis.

Options:

1. Consider the dispensing or sale of cannabis (marihuana) in the District of North Vancouver on a case-by-case basis through a rezoning (text amendment) process;

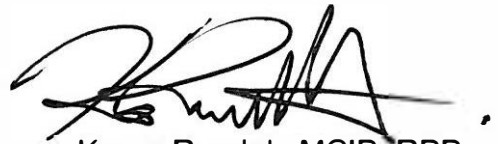
OR

2. Continue to prohibit the growing, harvesting, storage, packaging, dispensing, or sale of cannabis (marihuana) in the District of North Vancouver as per Zoning Bylaw Part 403A.

Respectfully submitted,



Shazeen Tejani
Community Planner



Karen Rendek, MCIP, RPP
Senior Community Planner

Attachment 1: Report to Council – Cannabis Regulation, June 11, 2018

Attachment 2: B.C. Cannabis Private Retail Licensing Guide

Attachment 3: Cannabis Control and Licensing Act

Attachment 4: Cannabis Regulation: Phase 2 Public Engagement Summary Report

Attachment 5: Map of Potential Cannabis Zones

Attachment 6: Non-Medical Cannabis Retail Regulation Presentation, March 11, 2019

REVIEWED WITH:					
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office	_____	External Agencies:	
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications	_____	<input type="checkbox"/> Library Board	_____
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance	_____	<input type="checkbox"/> NS Health	_____
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services	_____	<input type="checkbox"/> RCMP	_____
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> ITS	_____	<input type="checkbox"/> NVRC	_____
<input type="checkbox"/> Parks	_____	<input type="checkbox"/> Solicitor	_____	<input type="checkbox"/> Museum & Arch.	_____
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS	_____	<input type="checkbox"/> Other:	_____
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate	_____		
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Bylaw Services	_____		

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: June 11, 2018
<input type="checkbox"/> Other:	Date: _____

tl
Dept.
Manager

dm
GM/
Director

CAO

The District of North Vancouver REPORT TO COUNCIL

May 30, 2018
File: 13.6410.01/000.000

AUTHOR: Suzy Lunn, Community Planner

SUBJECT: Cannabis Regulation

RECOMMENDATION:

THAT staff is directed to proceed with the public engagement described in the report dated May 30, 2018, entitled Cannabis Regulation, regarding draft amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees & Charges Bylaw 6481, Bylaw Notice Enforcement Bylaw 7458 and Smoking Regulation Bylaw 7792; AND

THAT staff is directed to bring the bylaw amendments back to Council for Introduction and First Reading after completion of the public engagement process.

REASON FOR REPORT:

On February 26, 2018 Council directed staff to:

Prepare amendments to the Zoning Bylaw, Business License Bylaw and Smoking Regulation Bylaw for consideration at a Regular Meeting of Council.

This report is in response to this Council direction, and includes draft amendments to the above-noted bylaws. In addition, this report seeks Council's direction to engage the community on the draft bylaw amendments and return the results for Council's further consideration.

BACKGROUND:

Federal Government Legalization and Regulation

In April 2017, the Government of Canada introduced two Bills to legalize cannabis: Bill C-45 (the Cannabis Act) and Bill C-46 (amending the Criminal Code's impaired driving provisions). The Bills are currently making their way through the federal parliamentary process with the goal of bringing Bill C-45 into force in late summer 2018, to make non-medical cannabis legal in Canada as of that time. The federal government plans to bring into force the amendments related to drug-impaired driving as soon as Royal Assent is received.

While the federal government plans to regulate commercial production, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions including distribution and retail systems, compliance and enforcement regimes, age limits, restrictions on possession, public consumption, and personal cultivation; and amendments to road safety laws. See Attachment 1 for a discussion on jurisdictional responsibilities.

Province of BC's Regulation

The Province introduced two pieces of legislation on April 26, 2018. The proposed Cannabis Distribution Act (CDA) will establish the Province's exclusive jurisdiction over wholesale distribution of cannabis, and provide authority for public retail sales.

The proposed Cannabis Control and Licensing Act (CCLA) will establish provincial control over the sale, supply, and possession of non-medical cannabis, and will establish licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The Act outlines restrictions on the possession, personal cultivation, and consumption of cannabis by adults, and prohibitions for minors.

In addition, the Act includes an extensive compliance and enforcement regime to ensure legalization of non-medical cannabis protects children and youth, prioritizes public health and safety, keeps cannabis out of the hands of criminals, and keeps roads safe.

Retail and Distribution

When the Federal Act passes, British Columbians 19 years and older will be able to purchase non-medical cannabis through privately-run retail stores, government-operated retail stores, or online sales. At this time only dried cannabis, cannabis oils, and seeds that comply with federal requirements will be sold. Consumption lounges are not legalized through this Act.

The BC Liquor Distribution Branch (LDB) will purchase cannabis from licensed producers in Canada and transport it to LDB warehouses where it will be distributed to public and private retail stores. The LDB will also operate the public retail stores. The Liquor Control and Licensing Branch (LCLB) will be responsible for licensing private stores and monitoring the retail sector.

Licensed retailers will not be able to sell cannabis in the same stores as liquor or tobacco. The Province will permit local governments to decide whether they wish to have non-medical cannabis retail stores in their community (public and private). Before the Province issues a cannabis licence, municipalities must ask residents in the vicinity of the proposed location to comment on how the store will impact the community. Municipalities must consider this public input when deciding whether or not to support the application and must notify the LCLB of their decision by way of a Council resolution.

The Province will also conduct background/ criminal record checks before issuing the license. To protect youth, the federal government requires that cannabis products must not be visible from outside the store. In addition, retailers must comply with federal requirements respecting advertising and promotion.

Personal Public Possession Limits

The Province has determined that adults aged 19 and above will be allowed to possess up to 30 grams of non-medical cannabis in a public place.

Places of use

BC will generally allow adults to use non-medical cannabis in public spaces where tobacco smoking and vaping are permitted. However, use of non-medical cannabis will be banned in areas frequented by children, including community beaches, parks, and playgrounds. Use of cannabis, in any form will also be banned for all vehicle occupants. In addition, landlords and strata councils will be able to restrict or prohibit non-medical cannabis smoking in tenanted and strata properties.

Local governments will be able to set additional restrictions, as they currently do for tobacco use.

Personal Cultivation

BC will allow adults to grow up to four cannabis plants per household, but the plants must not be visible from public spaces off the property. Home cultivation of non-medical cannabis will be banned in dwellings used as child cares. In addition, landlords and strata councils will be able to restrict or prohibit home cultivation.

Drug Impaired Driving

Drug impaired driving will continue to be illegal. The Province will increase training for law enforcement in this area and toughen provincial regulations to give police more tools to remove drug-impaired drivers from the road and deter drug-affected driving.

EXISTING POLICY:

Cannabis (marihuana) growing, harvesting, storage, packaging, dispensing, or sale is currently prohibited in the District of North Vancouver Zoning Bylaw Part 403A.

ANALYSIS:

Zoning Bylaw Amendments

Staff recommend amending the Zoning Bylaw to allow non-medical cannabis retail stores in zones that allow liquor stores: CD4, CD21, CD45, CD47, Lot B at 1515 Barrow, CD68, CD80, C1L, C2, C9, C10, CD90, CD94 (but not the Public House C6 zone). Staff also recommend applying a 200 or 300 metre buffer around elementary and high schools to provide separation and limit exposure to children and youth. See Attachment 2 for maps of the school buffers and the resultant potential cannabis retail store areas.

Alternatively, Council could consider case by case rezoning applications for cannabis retail stores if Council wishes to control the specific location of each store rather than the approach recommended above.

Staff recommend amending the Zoning Bylaw to allow government “cannabis warehouses” to distribute cannabis in all zones that permit warehousing and warehouse use. See Attachment 3 for draft bylaw amendments.

Business License Bylaw Amendments

Staff recommend amending the Business Licence Bylaw to include retail cannabis stores as a new business class. The provincial hours of operation are from 9am to 11pm, but staff recommends reducing these hours from 9am to 9pm or 10pm. These limited hours of operation are intended to strike a balance between providing access to legal cannabis, and ease of monitoring and enforcement. The recommended hours of operation could be reassessed over time. See Attachment 4 for draft bylaw amendments.

Fees & Charges Bylaw Amendments

Staff recommend amending the Fees and Charges Bylaw by adding “Non-medical Cannabis Retail Store” to the list of business types. Staff recommends a business license fee that is based on the estimated cost to administer this type of business in consideration of historical enforcement costs, and could be reassessed over time. See Attachment 5 for draft bylaw amendments.

Bylaw Notice Enforcement Bylaw Amendments

Staff recommend amending the Bylaw Notice Enforcement Bylaw by adding fines for any contraventions regarding cannabis. See Attachment 6 for draft bylaw amendments.

Smoking Regulation Bylaw Amendments

Staff recommend amending the Smoking Regulation Bylaw to add cannabis and vaping under the ‘Smoking’ definition. Businesses will be required to post a sign reminding people to smoke at least 6 metres away from any point directly below any opening into their store including any door or window that opens or any air intake, as per the Smoking Bylaw. Vancouver Coastal Health (VCH) is responsible for the enforcement of the Smoking Bylaw. See Attachment 7 for draft bylaw amendments.

Timing/Approval Process:

The federal legislation regarding cannabis legalization is expected to be in place by late summer. The District will commence public engagement and report back to Council with bylaw amendments later in the year.

Concurrence:

The Communications Department, Development Planning, Legal Services, Finance and Bylaw Services have provided input into this report.

Financial Impacts:

Business license fees for cannabis stores and cannabis warehousing are proposed to cover costs for processing, inspection, and administration related to the regulation of these businesses.

Liability/Risk:

The Canadian Constitution defines criminal law as an exclusively federal power. Local governments are allowed to exercise their delegated land use and business license regulations to address local health, safety, and nuisance concerns related to non-medical cannabis. The District may risk legal challenges if the District's regulations are too restrictive. Staff believe the proposed approach strikes a balance between public health and safety concerns, and allowing non-medical cannabis sales and uses in our community.

Social Policy Implications:

Although it is currently illegal, cannabis use among adults is common in British Columbia and across Canada. Psychoactive substances are associated with both benefits and harms to individuals and society. However, it is increasingly recognized that many harms arise from the illegal nature of the sale and use of certain psychoactive substances and the system that produces and sells them. It is also recognized that harms arise from corporate promotion and marketing of legal psychoactive substances.

Seeking to reduce harm associated with cannabis, Canada plans to legalize adult non-medicinal use of cannabis but also create regulatory systems that seek to:

- restrict youth access to cannabis
- protect young people from promotion or enticements to use cannabis
- deter and reduce criminal activity by imposing criminal penalties for those breaking the law, especially those who import, export or provide cannabis to youth
- protect public health through product safety and quality requirements
- reduce the burden on the criminal justice system
- provide for the legal production of cannabis to reduce illegal activities
- allow adults to possess and access regulated, quality controlled legal cannabis
- enhance public awareness of the health risks associated with cannabis.

Public Input:

The federal and provincial governments conducted public and stakeholder engagement on the legalization and regulation of non-medical cannabis in 2016 and 2017 (Attachment 8). The District provided input to the Province's engagement.

The District will consult with stakeholders including the City of North Vancouver, District of West Vancouver, VCH, RCMP, School District, Cannabis Business Owners, First Nations, Chamber of Commerce, and Community Associations.

Public input will be collected through an online survey alongside robust information on the DNV website. The opportunity to learn about and provide input on the draft bylaws will be publicized through social media and print advertising. Community input will be used to shape the final version of the bylaw amendments for Council consideration.

Conclusion:

This report is in response to Council direction, and includes draft amendments to five bylaws to permit and regulate non-medical cannabis. In addition, this report seeks Council's direction

to engage the community on the draft bylaw amendments and return the results for Council's further consideration.

Options:


1. THAT staff is directed to proceed with the public engagement described in the report dated May 30, 2018, entitled Cannabis Regulation, regarding draft amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees & Charges Bylaw 6481, Bylaw Notice Enforcement Bylaw 7458 and Smoking Regulation Bylaw 7792; AND

THAT staff is directed to bring the bylaw amendments back to Council for Introduction and First Reading after completion of the public engagement process.

OR

2. That staff is directed to make changes to the amending bylaws for Council consideration.

Respectfully submitted,



Suzy Lunn, Community Planner

- Attachment 1:** Jurisdictional Responsibilities
Attachment 2: Maps of Potential Cannabis Zones
Attachment 3: Draft Zoning Bylaw Amendments
Attachment 4: Draft Business License Bylaw Amendments
Attachment 5: Draft Fees & Charges Bylaw Amendments
Attachment 6: Draft Bylaw Notice Enforcement Bylaw Amendments
Attachment 7: Smoking Regulation Bylaw Amendments
Attachment 8: Federal and Provincial Engagement Processes

REVIEWED WITH:

- ☐ Sustainable Community Dev. _____
- ☐ Development Services _____
- ☐ Utilities _____
- ☐ Engineering Operations _____
- ☐ Parks _____
- ☐ Environment _____
- ☐ Facilities _____
- ☐ Human Resources _____

- ☐ Clerk's Office _____
- ☒ Communications *ML*
- ☒ Finance *DB*
- ☐ Fire Services _____
- ☐ ITS _____
- ☒ Solicitor *CS*
- ☐ GIS _____
- ☐ Real Estate _____

External Agencies:

- ☐ Library Board _____
- ☐ NS Health _____
- ☐ RCMP _____
- ☐ NVRC _____
- ☐ Museum & Arch. _____
- ☒ Other: *Bylaws* *CL*

ATTACHMENT 1

Attachment 1: Jurisdictional Responsibilities

The new legislation empowers Provincial/Territorial, and municipal governments to oversee various aspects of the new system for legalized cannabis. In BC, the Province has determined it will allow personal cultivation, some public consumption of vaped and smoked cannabis, and outlined a model for retail sales through a mix of public and private stores. Municipalities will oversee retail locations and rules, land use, and zoning. Municipalities will also support the Federal and Provincial governments on public education initiatives and the enforcement of rules and regulations. The table below provides more detail on the specific and overlapping areas of Federal, Provincial/Territorial, and municipal jurisdictional responsibilities.

Jurisdictional Responsibilities for Federal, Provincial and Municipal Governments

ACTIVITY	AUTHORITY RESPONSIBLE		
	FEDERAL	PROVINCIAL	MUNICIPAL
Possession limits **	●		
Trafficking	●		
Advertisement and packaging **	●		
Impaired driving	●	●	
Medical cannabis	●		
Seed-to-sale tracking system	●		
Production (cultivation and processing)	●		
Age limit (federal minimum) **	●	●	
Public health	●	●	
Education	●	●	●
Taxation	●		●
Home cultivation (growing plants at home) **	●		
Workplace safety		●	
Distribution and wholesaling		●	
Retail model		●	
Retail location and rules		●	●
Regulatory compliance	●	●	●
Public consumption		●	●
Land use/zoning		●	●

Source: City of Surrey Cannabis Legalization: An Evolving Framework for BC Municipalities

The Corporation of the District of North Vancouver

Bylaw 8340

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1379 (Bylaw 8340)".

Amendments

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:

- a) inserting the following definitions in alphabetical order in Part 2:

"Cannabis" has the meaning given to it in the *Cannabis Act*;

"Cannabis accessory" has the meaning given to it in the *Cannabis Act*;

"*Cannabis Act*" means *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts* (Bill C-45, 1st Sess, 42nd Parl, 2017) or as subsequently amended or adopted;

"*Cannabis Distribution Act*" means the *Cannabis Distribution Act* (Bill 31, 3rd Sess, 41st Parl, 2018) or as subsequently amended or adopted;

"Cannabis retail store" means the business of the retail sale of non-medical cannabis for off-site consumption and cannabis accessories;

"Cannabis warehouse" means a warehouse for the storage and distribution of cannabis and cannabis accessories established in accordance with the *Cannabis Distribution Act*;

"Non-medical cannabis" means cannabis for which no medical document has been issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230;

- b) deleting the definitions of "Warehouse" and "Warehousing" in Part 2 and substituting the following:

"warehousing" means the storage of goods or products for distribution and includes a cannabis warehouse, but does not include wholesaling;

"warehouse use" means the use of land, buildings and structures for the storage of merchandise which may then be sold in bulk to other businesses, institutions, government agencies or as part of a mail order or on-line business, where the warehouse floor area exceeds any floor area used for showroom or display purposes and includes a cannabis warehouse;

- c) deleting section 403A(1)(i) and substituting the following:
 - (i) the retail sale of alcohol for off-site consumption;
- d) deleting section 403A(1)(j) and substituting the following:
 - (j) the commercial growing or harvesting of cannabis;
- e) inserting the following as section 403A(1)(k):
 - (k) the retail sale of non-medical cannabis for off-site consumption except in the following zones: CD4, CD21, CD45, CD47, Lot B at 1515 Barrow, CD68, CD80, C1L, C2, C9, C10, CD90, CD94.
- f) inserting the following as section 403A(1)(l):
 - (l) the warehousing, storage, packaging, or distribution of cannabis, except in the following zones: CD16, CD18, CD19, CD27, CD40, CD45, CD50, I2, I3, EZIL, EZLI.
- g) inserting the following as section 405C ****this assumes that the short term rental zoning bylaw amendment gets adopted before this bylaw and changes the numbering accordingly. If not, this would be section 405B:*

405C Cannabis Retail Store

Cannabis retail stores are permitted in premises which are enclosed within a building in the following zones provided that the nearest property line of a site containing an elementary or high school is at least 200.00 metres away:

CD4, CD21, CD45, CD47, Lot B at 1515 Barrow, CD68, CD80, C1L, C2, C9, C10, CD90, CD94

- h) inserting the following into the table at section 1207:

1207 Ticketing

Designated Expressions	Section	Fine
Operate cannabis retail store within 200/300 metres of school	405C	\$1,000

3. The effective date of this bylaw is (**SPECIFY EXACT DATE or delete this section entirely**).

READ a first time

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of "Bylaw 8340" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk



The Corporation of the District of North Vancouver

Bylaw 8341

A bylaw to amend Business Licence Bylaw 4567, 1974

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2018 (Amendment 50)".

Amendments

2. Business Licence Bylaw 4567, 1974 is amended as follows:

(a) inserting the following definitions in numerical order:

- | | | |
|-----|------------------------------|--|
| 364 | Cannabis | "Cannabis" has the meaning given to it in the <i>Cannabis Act</i> . |
| 365 | Cannabis Accessory | "Cannabis accessory" has the meaning given to it in the <i>Cannabis Act</i> . |
| 366 | Cannabis Act | " <i>Cannabis Act</i> " means <i>An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts</i> (Bill C-45), 1 st Sess, 42 nd Parl, 2017 or as subsequently amended or adopted. |
| 367 | Cannabis Retail Store | "Cannabis retail store" means the business of the retail sale of non-medical cannabis for off-site consumption and cannabis accessories. |
| 368 | Non-Medical Cannabis | "Non-medical cannabis" means cannabis for which no medical document has been issued pursuant to the <i>Access to Cannabis for Medical Purposes Regulations</i> , SOR/2016-230. |

(b) inserting the following as section 408A immediately after section 408:

408A LICENCE CONDITIONS

The Inspector may impose terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence respecting the following matters:

- (1) prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on and about the licensed premises;
- (2) requirements that, in the opinion of the Inspector, are necessary to ensure that the licensed business does not have a negative impact on the public, the neighbourhood or other businesses in the vicinity;
- (3) employee and patron behaviour at the business premises;
- (4) employee, patron and public health, safety and security at the business premises;
- (5) physical condition of the business premises;
- (6) types of entertainment that may be provided in or on the business premises;
- (7) hours of operation; and
- (8) effective period of any licence.

(c) inserting the following as sections 409A and 409B immediately after section 409:

409A Compliance

- (1) The applicant for and any holder of a licence under this bylaw must be in compliance with all applicable federal and provincial regulatory requirements and all applicable District bylaws.
- (2) The holder of a licence under this bylaw to which terms and conditions have been attached in accordance with section 408A must comply with such terms and conditions at all times.

(d) inserting the following as section 518A immediately after section 518:

518A Cannabis Retail Store

- (1) Only the registered owner or lessee of the land may hold a licence under this bylaw to operate a cannabis retail store on such land.
- (2) A licence to operate a cannabis retail store cannot be transferred.
- (3) A person must not:

- (a) Hold more than one cannabis retail store licence;
- (b) Operate any other business from the premises of a cannabis retail store;
- (c) Sell or offer to sell edible cannabis products or concentrates at a cannabis retail store;
- (d) open a cannabis retail store for business at any time other than between the hours of 9:00 a.m. and 9/10:00 p.m.

3. The effective date of this bylaw is (**SPECIFY EXACT DATE or delete this section entirely**).

READ a first time

NOTICE given under Section 59 of the *Community Charter* on _____ and _____

OPPORTUNITY for representations to Council provided in accordance with Section 59 of the *Community Charter* on _____

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8343

A bylaw to amend Fees and Charges Bylaw 6481, 1992

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2018 (Amendment 59)".

Amendments

2. The Fees and Charges Bylaw 6481, 1992 is amended by adding the following to Schedule E – Schedule of Licence Fees A – Group 1 Miscellaneous:

Group 6 Cannabis Retail Store

Licence Fee

\$5,000.00

3. The effective date of this bylaw is (**SPECIFY EXACT DATE or delete this section entirely**).

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

ATTACHMENT 6

The Corporation of the District of North Vancouver

Bylaw 8346

A bylaw to amend the Bylaw Notice Enforcement Bylaw 7458, 2004

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2018 (Amendment 40)".

Amendments

2. Schedule A to Bylaw 7458 is amended by adding the following offences to the Business Licence Bylaw No. 4567, 1974 section, inserted in the appropriate numerical order in the table:

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty (within 14 days) (\$)	A3 Late Payment (after 28 days) (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount (\$)
Business Licence Bylaw 4567, 1974						
409A(1)	Failure to comply with applicable regulations	200	150	300	NO	N/A
409A(2)	Failure to comply with terms and conditions of licence	300	225	450	NO	N/A
518A(3)(b)	Operate other business from cannabis retail store	300	225	450	NO	N/A
518A(3)(c)	Sell edible cannabis or concentrates at cannabis retail store	400	300	600	NO	N/A
518A(3)(d)	Open cannabis retail store outside permitted hours	400	300	600	NO	N/A

3. Schedule A to Bylaw 7458 is amended by adding the following offences to the Zoning Bylaw No. 3210, 1965 section, inserted in the appropriate numerical order in the table:

Bylaw Section	Description	A1 Penalty Amount (\$)	A2 Discounted Penalty (within 14 days) (\$)	A3 Late Payment (after 28 days) (\$)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount (\$)
Zoning Bylaw 3210, 1965						
405C	Operate cannabis retail store within 200 300 metres of school	200	150	300	NO	N/A

Effective Date (IF APPLICABLE – OTHERWISE EFFECTIVE DATE IS UPON ADOPTION)

2. The effective date of this bylaw is (**SPECIFY EXACT DATE or delete this section entirely**).

READ a first time

READ a second time

READ a third time

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

The Corporation of the District of North Vancouver

Bylaw 8342

A bylaw to amend Smoking Regulation Bylaw 7792, 2010

The Council for The Corporation of the District of North Vancouver enacts as follows:

Citation

1. This bylaw may be cited as "Smoking Regulation Bylaw 7792, 2010 Amendment Bylaw 8342, 2018 (Amendment 1)".

Amendments

2. Section 2 of Smoking Regulation Bylaw 7792, 2010 is amended by:

- (a) deleting the definition of "Smoke" or "Smoking" and substituting the following:

"Smoke" or "Smoking" means to purposely inhale or exhale smoke or vapour from, or to burn, vape or carry a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns or vaporizes tobacco, cannabis or other weed or substance, but specifically excluding the ceremonial use of tobacco in connection with a traditional aboriginal cultural activity;

- (b) inserting the following definitions in alphabetical order:

"Cannabis" has the meaning given to it in the *Cannabis Act* (Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*, 1st Sess, 42nd Parl, 2017) or as subsequently amended or adopted;

"Cannabis Retail Store" has the meaning given to it in the Business Licence Bylaw 4567, 1974;

3. Section 5 of Smoking Regulation Bylaw 7792, 2010 is amended by deleting the comma at the end of subsection (d) and substituting a semi-colon, moving "or" from the end of subsection (c) to the end of subsection (d), and adding the following as subsection (e):

- (e) a Cannabis Retail Store,

Effective Date (IF APPLICABLE – OTHERWISE EFFECTIVE DATE IS UPON ADOPTION)

4. The effective date of this bylaw is (**SPECIFY EXACT DATE or delete this section entirely**).

READ a first time

READ a second time

READ a third time

Certified a true copy of "Bylaw 8342" as at Third Reading

Municipal Clerk

DEPOSITED with the Minister of Health on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk

Federal and Provincial Engagement Processes

Government of Canada Engagement on Cannabis

In 2016 the Task Force on Cannabis Regulation and Legalization engaged with provincial, territorial and municipal governments, experts, patients, advocates, Indigenous governments and representative organizations, employers and industry. They heard from many other Canadians as well, including many young people, who participated in an online public consultation that generated nearly 30,000 submissions from individuals and organizations. They looked internationally (e.g., Colorado, Washington State, Uruguay) to learn from jurisdictions that have legalized cannabis for non-medical purposes, and drew lessons from the way governments in Canada have regulated tobacco and alcohol, and cannabis for medical purposes.

Province of BC Engagement on Cannabis

The provincial government conducted public and stakeholder engagement on the legalization and regulation of non-medical cannabis through the fall 2017. Over 48,000 people provided their views on topics such as minimum age, personal possession limits, public consumption, drug-impaired driving, personal cultivation, and distribution and retail models.

The Province engaged with 141 local and Indigenous governments and a range of other interested stakeholders. The District of North Vancouver participated in this engagement process and Mayor Walton responded on behalf of the District. In addition, the Province and Union of B.C. Municipalities (UBCM) have established a Joint Provincial-Local Government Committee on Cannabis Regulation made up of 12 representatives from UBCM and provincial representatives from the Ministry of Public Safety and Solicitor General. The information on this process can be found in the link to BC Cannabis Regulation Engagement



Cannabis Regulation June 11, 2018

Regular Meeting of Council

Tom Lancaster, Manager of Community Planning

NORTH
VANCOUVER

Overview

1. Jurisdictional Responsibilities
2. Draft Bylaw Amendments
 - a) Zoning Bylaw
 - b) Business License Bylaw
 - c) Fee and Charges Bylaw
 - d) Bylaw Notice Enforcement Bylaw
 - e) Smoking Regulation Bylaw
3. Public Engagement and Next Steps

NORTH
VANCOUVER

Jurisdictional Responsibilities

ACTIVITY	AUTHORITY RESPONSIBLE		
	FEDERAL	PROVINCIAL	MUNICIPAL
Possession limits **	●		
Trafficking	●		
Advertisement and packaging **	●		
Impaired driving	●	●	
Medical cannabis	●		
Seed-to-sale tracking system	●		
Production (cultivation and processing)	●		
Age limit (federal minimum) **	●	●	
Public health	●	●	
Education	●	●	●
Taxation	●		●
Home cultivation (growing plants at home) **	●		
Workplace safety		●	
Distribution and wholesaling		●	
Retail model		●	
Retail location and rules		●	●
Regulatory compliance	●	●	●
Public consumption		●	●
Land use/zoning		●	●

Draft Zoning Bylaw Amendments

Retail Use

allow non-medical cannabis retail stores in zones that
allow liquor stores with a 200 or 300 metre buffer
around elementary and high schools

Warehouse Use

allow government "cannabis warehouses" to distribute
cannabis in all zones that permit warehousing and
warehouse uses

Potential Retail Cannabis Zones (200m school buffer)



NORTH
VANCOUVER

Potential Retail Cannabis Zones (300m school buffer)



NORTH
VANCOUVER

Draft Bylaw Amendments

- Business License Bylaw
- Fees and Charges Bylaw
- Bylaw Notice Enforcement Bylaw

Draft Bylaw Amendments

- Smoking Regulation Bylaw

Public Engagement

June to September - Consult with **stakeholders** and the **public** on draft bylaw amendments and clarify jurisdictional responsibilities



RECOMMENDATION

- THAT staff is directed to proceed with the public engagement described in the report dated May 30, 2018, entitled Cannabis Regulation, regarding draft amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees & Charges Bylaw 6481, Bylaw Notice Enforcement Bylaw 7458 and Smoking Regulation Bylaw 7792; AND
- THAT staff is directed to bring the bylaw amendments back to Council for Introduction and First Reading after completion of the public engagement process.

355 West Queens Road
North Vancouver, BC
V7N 4N5

604-990-2311



MUNICIPALITY OF
**NORTH
VANCOUVER**

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B.C. Cannabis

PRIVATE RETAIL LICENSING GUIDE

Applications and Operations



**BRITISH
COLUMBIA**

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B.C. Cannabis

PRIVATE RETAIL LICENSING GUIDE

Applications and Operations

In B.C., the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor Control and Licensing Branch (LCLB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

The rules governing retail stores will be similar to those currently in place for liquor, and public and private retailers will have similar operating rules. Note that while this document sets out Government's intentions for B.C.'s retail framework, it is subject to legislation yet to be passed at both the federal and provincial levels.

Who is this guide for?

This guide provides information for those who are considering applying for a provincial licence to retail non-medical cannabis. It contains preliminary information to help applicants make business decisions and describes the application process. This information will also assist local governments in preparing for potential retail store applications within their communities.

The Province recognizes that retail access in rural areas will require a different approach than the one employed in urban communities. There is a separate section related to rural areas at the end of this document.

Engagement with Indigenous governments and organizations is an important element in the development of the provincial regulatory framework for non-medical cannabis. To ensure the retail model appropriately addresses the unique considerations that must be taken into account with respect to Indigenous peoples, the Province remains committed to working in partnership with Indigenous peoples, governments and organizations. These discussions are ongoing and will continue beyond the initial date of federal legalization of cannabis.

Who is eligible?

All applicants will be assessed using the same evaluation criteria, which includes obtaining local government support and background checks of police/criminal records which will be examined on a case by case basis.

Application Process

In spring 2018, the Province will launch an online application portal for individuals and businesses who are interested in applying for a non-medical cannabis retail licence. Additional information on applicant registration will be posted on the website <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/cannabis-regulation> as it becomes available.

■ What is the process for applying for a non-medical cannabis retail licence?

When the application portal opens, you may start the application process by entering the required information and documents. This will allow you to provide the required information early so that the assessment of your application can begin as soon as possible once the applicable legislation is passed.

■ How long will the application process take?

The Province is committed to conducting thorough reviews of applicants and applications in order to ensure that licensed retailers will operate in a safe and lawful manner. A significant number of applications are anticipated, and plans are being put in place to enable the applications to be processed as efficiently as possible.

■ Will there be an application fee?

Yes, each applicant will be required to pay an application fee and a licensing fee. The amount of the fees has not yet been determined. Once the fees have been determined, they will be posted here <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/cannabis-regulation>.

Eligibility

■ If I operated an illegal dispensary prior to legalization, am I prohibited from receiving a licence to operate legally?

Having operated an illegal dispensary will not, on its own, exclude you from being considered for a licence. All applicants will be assessed using the same evaluation criteria, including background checks and local government support. Persons who have operated dispensaries prior to legalization will not receive preferential treatment in the provincial application process.

■ Does having a record of criminal activity exclude me, or a shareholder in my company, from obtaining a non-medical cannabis retail licence?

Having a record of criminal activity will not necessarily exclude you from obtaining a licence. As part of the required background check, police/criminal records will be examined on a case by case basis and evaluated in relation to their relevance to the application and the recentness of the activity or offence(s) committed. For example, low risk criminal activity may not exclude a person from becoming a licensee whereas associations with organized crime will exclude a person from becoming a licensee.

■ **I already have a liquor and/or tobacco licence. Am I automatically allowed to sell non-medical cannabis at my liquor store?**

No, you must apply for a non-medical cannabis retail licence. In addition, if you are granted a licence, you will be required to operate the non-medical retail cannabis store in a completely separate business location from any liquor and/or tobacco sales.

■ **If I, a family member, or a business partner, have an interest in a federally licensed producer or processor, can I be considered for a retail licence?**

Yes, a person or company may have an interest in both a producer and a retailer. However, the LCLB will place restrictions on the business relationship between the producer and the retailer. Where there is a close association (financial or otherwise) between a licensed producer and a non-medical cannabis retail business, the retail business will be prohibited from selling any products from the licensed producer. This restriction ensures that the market remains diverse and larger participants do not consolidate and control the market. The Province may create exceptions in the future to support micro-producers.

Application: Required Information

■ **Will I have to undergo a background check?**

Yes, you will be required to consent to a background check in order to be considered for a licence. Policy work is currently underway to determine which members of a corporation, partnership, or other legal business will be required to undergo a background check.

■ **What kind of information do I need to supply to the Province about my company?**

Depending on the type of entity your company is (corporation, partnership, society, etc.) the application system will prompt you to supply the related documents and names of partners, shareholders, directors, officers, and/or senior management.

■ **What information do I have to provide about my proposed location?**

You will need to provide the parcel identifier number (PID), proof of ownership or a copy of a fully executed lease that does not expire for at least 12 months from the date of licence approval, and a floor plan. If additional information is necessary it will be requested during the application process.

■ **Does my store have to be a certain distance from schools or other retailers?**

The Province will not impose distance requirements for non-medical cannabis retailers. However, local governments will have the authority to impose additional requirements. Therefore, you should inquire with your local government about local requirements before committing to a location.

■ **Are there any rules about what I can name my store?**

Your store name must be approved by the LCLB. The name of your store cannot be misleading as to what type of business you operate. As a non-medical cannabis retailer, you cannot choose a name that would lead people to believe you are a provider of medical cannabis. For example, the words “pharmacy”, “apothecary”, and “dispensary” all have meanings linked to the selling of medicines, so these words cannot be used in association with a non-medical cannabis store.

You must also comply with federal legislation and regulations respecting advertising and promotion.

Application: Local Government Requirements

The Province will permit local governments to decide whether they wish to have a non-medical cannabis retail store in their community. For the Province to issue a licence, applicants must have the support of the local government in the community where the proposed store would be located.

■ **What is the process for obtaining local government support?**

The local government must ask residents in the vicinity of the proposed retail location to comment on how the store would impact the community. The local government must consider this public input when deciding whether or not to support the application and must notify the LCLB of their decision by way of a council resolution.

■ **Can I get local government support in advance of the provincial application?**

The Province is working with local governments and the Union of B.C. Municipalities to develop the application process, including what information local governments will need to have in order to provide informed comments on the application. Further details will be announced once they are available. In the interim, it is recommended you check with your local government to ensure that you meet any criteria that are specific to your jurisdiction and to ensure that proper zoning is in place.

■ **Do public stores have to go through the local government process?**

Yes, public stores must also have local government support.

Licences

To sell non-medical cannabis in British Columbia, retailers will be required to obtain a licence from the Province. There will be two types of retail licences for:

- ▶ self-contained cannabis stores, and
- ▶ stores in rural communities.

■ **Will there be a cap on the number of non-medical cannabis retail licences issued in B.C.?**

The Province is not capping the number of licences issued. However, local governments will have the authority to make local decisions based on the needs of their communities. This means that some local governments may choose not to allow retail cannabis stores, while others may choose to cap the number of stores that are permitted to operate within their jurisdiction.

■ **I only want to sell medical cannabis; can I apply for a medical cannabis retail licence?**

No, medical cannabis will continue to be sold online by federally licensed producers only. However, like other Canadians, medical users will be able to buy cannabis from retailers of non-medical cannabis.

The federal government has committed to conducting a review of the medical cannabis system in five years.

■ **Will there be any restrictions on where a non-medical cannabis retail outlet can be located?**

The Province is not regulating the location of stores. However, local governments may choose to do so. For example, local governments may set requirements about the proximity of a store to another cannabis store, schools, daycares or other places.

■ **Will the Province be licensing consumption lounges?**

No, not at this time. The Province is focussed on introducing a safe and responsible retail non-medical cannabis sector; consideration will be given to other types of licences at a later date.

■ **Will sales of non-medical cannabis be permitted at outdoor festivals and other events?**

Initially, non-medical cannabis sales will only be permitted at the licenced retail site. Offsite sales may be considered in the future.

Operations

Provincial and federal governments are committed to ensuring that non-medical cannabis is sold in a lawful, responsible manner. To this end, a range of requirements will be put in place; from who a retailer can buy product from, to who may enter a store, to what type of products may be sold.

Operations: Physical store

■ **Are there any rules about the physical layout or construction of my store?**

To protect youth, the federal government requires that cannabis products must not be visible from outside your store. There will be many different ways for you to achieve this requirement (e.g. window designs). In addition, please remember that you must comply with federal requirements respecting advertising and promotion.

■ **Are there any security requirements for my location?**

You have a strong incentive to secure your premises both during and after operating hours to protect your inventory from theft. The Province is considering what security requirements will be necessary. In addition, local governments may also choose to impose security requirements.

■ **Can I sell non-medical cannabis as part of another business such as a liquor store or pharmacy?**

Not at this time. The Province may consider exceptions in the future, but for now, your non-medical cannabis retail store must be a self-contained business.

There will be exceptions for rural stores, similar to rural liquor stores. The criteria for determining rural areas are currently under development.

Operations: General

■ Can minors enter my store?

No. Unlike liquor stores, where minors are permitted if they are accompanied by a parent or guardian, minors must not enter your cannabis retail store.

There will be exceptions for rural stores to allow entrance by minors. The criteria for determining rural areas are under development.

■ What hours can I be open?

Cannabis retail stores can operate between 9 am to 11 pm unless further restrictions are put in place by your local government.

■ Are there any rules around pricing?

Policy work is ongoing and information on pricing will be made available as soon as possible.

■ Is there a limit on how much non-medical cannabis I can sell to a person?

The proposed federal *Cannabis Act* prohibits an individual from possessing in a public place a total amount of non-medical cannabis, in any authorized form, that is equivalent to more than 30 grams of dried cannabis. Non-medical cannabis must not be sold in amounts greater than this.

This means that if you sell different forms of non-medical cannabis to a single customer, the combined total amount sold must not exceed the equivalent amount of 30 grams of dried cannabis.

Equivalent amounts to 30 grams of dried non-medical cannabis for other cannabis products are listed in Schedule 3 of the proposed federal *Cannabis Act*.

■ Can I sell products online?

No, only the public retailer will be permitted to sell non-medical cannabis products online at this time. Consideration may be given to allowing private online sales in the future.

■ Can people consume non-medical cannabis in my store?

No. Consumption of any kind will not be permitted in the store, and providing samples will not be permitted.

■ Can I deliver my products?

No, retailers will not be permitted to offer a delivery service.

■ Do my employees and/or I need any special training or background checks?

In collaboration with industry, the Province will develop a mandatory training program for non-medical cannabis retail employees, which will be implemented over time. The Province will also be developing a registration requirement for employees which will include background checks. Details of this program are still being developed. Information will be provided as soon as that work is complete.

■ **Where do I have to store my inventory?**

All cannabis products will be required to be stored at your retail site. No offsite storage will be permitted.

■ **Will I be required to have a certain product tracking/inventory control system?**

The federal government has committed to creating a national seed-to-sale tracking system. This is currently under development and more information on retailers' responsibilities in relation to this system will be announced as it becomes available.

■ **Can I advertise my product?**

The federal government is regulating the advertisement of cannabis under the proposed *Cannabis Act* (Bill C-45). See the "Further Resources" section at the end of this document for a link to the Bill.

■ **Can my store sponsor events or teams?**

The federal government is regulating sponsorship under the proposed *Cannabis Act* (Bill C-45). See the "Further Resources" section at the end of this document for a link to the Bill.

Supply

■ **How do I obtain non-medical cannabis to sell in my store?**

The LDB will be the only source of legal wholesale non-medical cannabis. Retailers will not be permitted to purchase any cannabis products directly from licensed producers or any other source.

■ **Can I make financial arrangements with federally licensed producers?**

You cannot accept or request any inducement from a producer. This means you must not:

- ▶ pay money to secure access to a supplier's product;
- ▶ request money from a supplier in return for providing benefits such as preferential shelf space;
- ▶ accept money in exchange for agreeing not to stock a competitor's product.
- ▶ make agreements that give a retailer exclusive access to a producer's product, or product line.

■ **What types of non-medical cannabis can I sell?**

You can sell dried cannabis, cannabis oils and seeds that comply with federal requirements.

■ **Can I sell edibles?**

No, the proposed federal *Cannabis Act* does not permit the commercial production of edibles at this time. Therefore, you cannot legally sell them. The federal government has stated that edibles will be regulated within 12 months of legalization.

■ **What else can I sell besides dried cannabis and cannabis oil?**

You may sell “cannabis accessories,” as defined in the proposed federal *Cannabis Act*:

“Cannabis accessory” means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis.

You cannot sell snacks, tobacco or other non-cannabis related items.

■ **What format will cannabis products be distributed in?**

LDB will distribute pre-packaged product only, with labelling compliant with federal standards, in ready-to-sell formats (no bulk products). The product brands belong to the licensed federal producers.

Retailers will not be authorized to re-package the product with their own branding. Information about specific size formats will be confirmed at a later date.

Inspections and Compliance

To ensure that non-medical cannabis is being sold in a lawful and responsible manner, the Province will establish a compliance program that will include education, inspection and enforcement activities. The focus will be on encouraging voluntary compliance.

■ **How often will I be inspected?**

Your store will be inspected at least once annually and any time the LCLB investigates a complaint about your store.

■ **What happens if I am found to be out of compliance?**

If an inspector observes a contravention of the provincial legislation at your establishment, you will be issued a Contravention Notice and the inspector may recommend enforcement action. Penalties for contraventions are under development, but could include a monetary penalty or a licence suspension or cancellation. There will be a reconsideration process for licensees that wish to challenge the result of an enforcement hearing.

■ **Can the police enter and inspect my store?**

Yes, police can enter and inspect your store to ensure you are operating in compliance with the legal requirements.

■ **What should I do with any product I have obtained from unlicensed sources?**

Once you have been issued your licence you must not sell cannabis obtained from a source other than the LDB.

Rural Areas

The Province is aware that it may be necessary to introduce special provisions for rural areas in order to provide access to non-medical cannabis to rural populations.

- **Can an existing business in a rural area be authorized to sell non-medical cannabis, like they are for liquor?**

The Province is considering this possibility because a self-contained non-medical cannabis retail store may not be a viable business in some rural areas.

- **Will the rural agency store model (RAS) used for liquor be used for cannabis?**

Many of the operational requirements of the RAS model used for liquor may be applied to non-medical cannabis. However, the Province is still evaluating how to best meet the need for rural access.

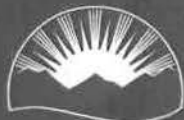
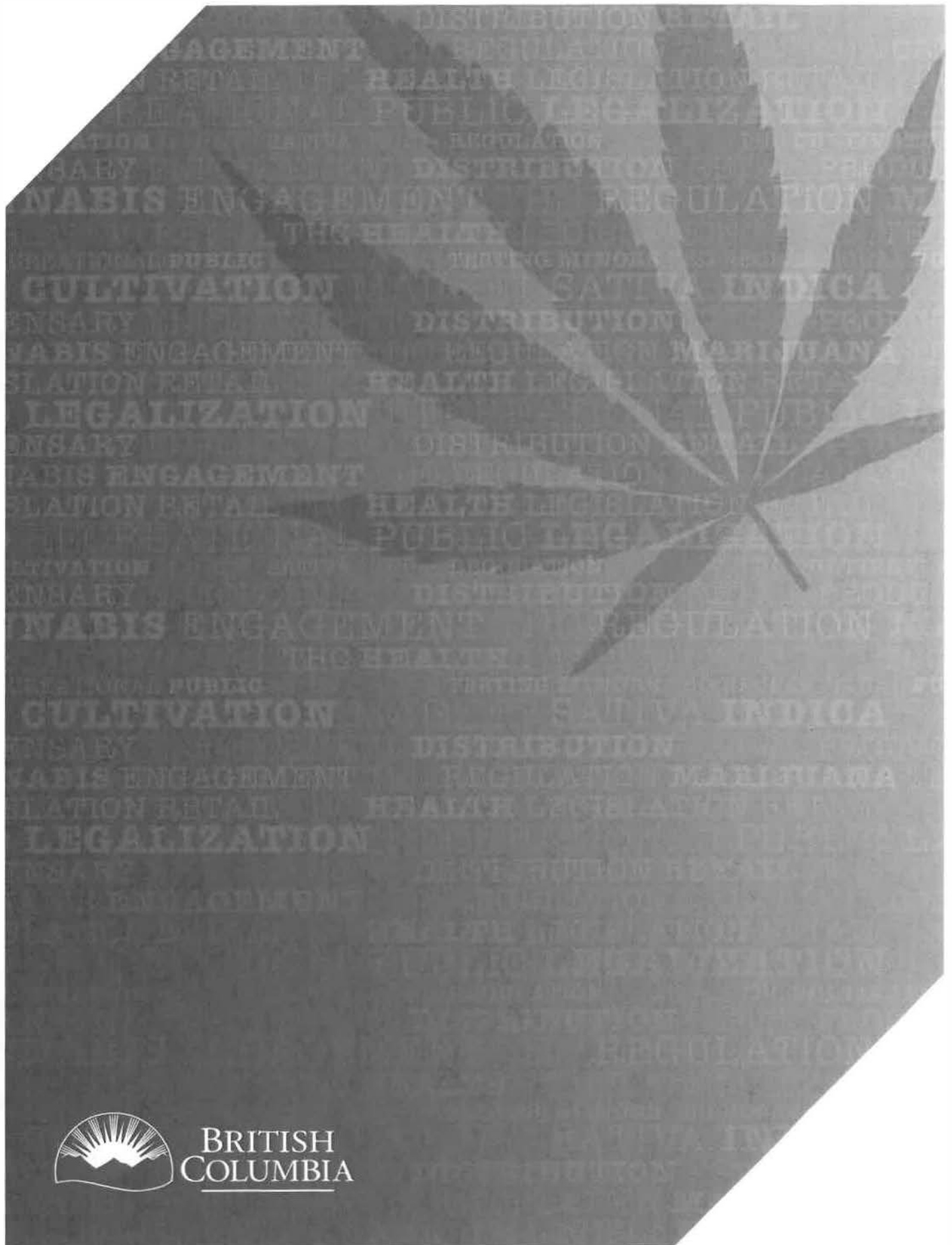
- **If I operate a RAS, will I automatically be able to sell non-medical cannabis?**

No, if a current RAS operator is interested in retailing non-medical cannabis, they will be required to apply for a licence specifically for non-medical cannabis.

Further Resources

Bill C-45 the draft federal Act can be found here <http://www.parl.ca/LegisInfo/BillDetails.aspx?billId=8886269>

Contact information: cannabisreqs@gov.bc.ca



BRITISH
COLUMBIA

Cannabis Retail Store

Terms and Conditions

A handbook for the sale of
non-medical cannabis in
British Columbia

February 2019

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Cannabis Retail Store Licence

Terms and Conditions

A handbook for the sale of non-medical cannabis in British Columbia

Please note: This handbook was last updated on 25 February 2019. Updated content is highlighted by notes in the left margin.

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Introduction

The purpose of the **cannabis retail store licence** is to authorize sale of dried cannabis, cannabis oil, cannabis seeds and cannabis accessories for non-medical purposes in a private retail store for patrons to purchase and consume offsite.

This handbook outlines the requirements of the *Cannabis Control and Licensing Act*, Regulations and terms and conditions that relate to owners and operators of non-medical cannabis retail stores in B.C. It is the responsibility of the licensee to be aware of and to operate in compliance with these rules.

Licensees must follow provincial laws and these terms and conditions at all times, as well as any further terms and conditions that might be printed on their licence or in letters issued to them by the general manager of the Liquor and Cannabis Regulation Branch (Branch). Failure to comply with the provincial laws or terms and conditions set out in this handbook or those printed on the licence or other direction from the general manager may result in enforcement action against the licensee including, but not limited to, a monetary penalty, suspension or cancellation of the licence.

Licensees are also responsible for knowing and complying with any federal, local government and/or Indigenous nation laws, bylaws and requirements.

Licence terms and conditions may change from time to time. Stay up to date by referring to this handbook, which is posted online and updated from time to time, and periodically checking the branch's [policy directives page](#).

A range of helpful information is found here: www.gov.bc.ca/cannabisregulationandlicensing

Contact Information

If you have any concerns or questions, please contact your local liquor and cannabis inspector or the branch at:

Mailing Address
PO Box 9292 Stn Prov Govt,
Victoria, BC V8W 9J8

Office Address
400-645 Tye Road
Victoria, BC
V9A 6X5

E-mail
cannabisregs@gov.bc.ca

Phone
250-952-5787 in Victoria

Licensing Help Desk
250 952-7049 in Victoria or call our toll-free number

Toll Free Phone
1-866-209-2111

Providing Safe and Responsible Service

Responsible Service Training

In the future, people involved in the sale of non-medical cannabis will be required to complete a mandatory course. Licensees will receive notice when this training becomes available.

Worker Qualification

Effective November 30, 2018, licensees must ensure that workers in retail stores obtain a security verification from the province. This includes any adult performing work-related activities in a retail store as an employee, independent contractor or volunteer on a full-time or part-time basis. This process is separate and distinct from the licensing process.

Security guards in a retail store who hold a valid licence under the *Security Services Act* and perform security work authorized under that licence do not need to obtain a security verification under this process.

Effective November 30, 2018, licensees must keep a record of all every worker's security verification for inspection by inspectors, including when the worker's security verification expires.

Worker security verification is fully portable within British Columbia (e.g. if a worker obtains a security verification, they may work for any non-medical cannabis retail licensee in British Columbia until the security verification expires or is revoked by the general manager).

For more detailed information regarding worker security verification, please see [Worker Information](#).

Display of Social Responsibility Materials

In the future, social responsibility materials will be developed. Once created, these materials will be mailed to licensees and they will be required to display the materials in a prominent location in their stores. Updated materials will be provided to licensees at regular intervals, free of charge. Additional copies will be available from a licensee's local liquor and cannabis inspector (inspector) or on the branch's website.

Minors

A licensee must not allow minors to enter or be in the retail store and minors cannot be employed in the retail store. In addition, cannabis, cannabis accessories and any transactions involving these products must not be visible to minors from outside the store. As a means to minimize unlawful entry by minors, it is recommended that licensees post signage at the entrance to their stores indicating that minors are not permitted.

A licensee must not sell non-medical cannabis or cannabis accessories to a minor (in B.C., those under the age of 19). Licensees and their employees must be proactive about meeting this legal requirement and must ensure that reasonable steps are taken to prevent youth access and exposure. If a licensee or an employee allows a minor to enter their store or to purchase cannabis or cannabis accessories, the licensee's licensing privileges could be jeopardized and they risk prosecution under provincial legislation.

Identification (ID) Requirements

A licensee is responsible for ensuring that minors do not enter their retail store and are not sold non-medical cannabis or cannabis accessories. If there is any doubt whether a patron is 19 or over, licensees and their employees must take reasonable steps to verify age by requesting two pieces of ID, examine both pieces carefully, and act on the authenticity of the identification. If a licensee or employee cannot demonstrate that they have done this, the licensee could be held responsible for allowing a minor to enter their store and/or for selling cannabis or cannabis accessories to a minor.

Primary ID

- Must be issued by a government agency; and
- Must include the holder's name, date of birth and picture.

Examples of primary ID include:

Revised
January
2019

- Province or State driver's licence
- Passport
- Photo BC Services Card
- Citizenship card
- Certificate of Indian Status
- Federal Firearms Possession and Acquisition licence

Note that the B.C. Driver's Licence and Services Card, which combines the B.C. Driver's Licence and Services cards (formerly CareCard), counts as only one piece of ID.

Secondary ID

Used to verify the authenticity of the first piece, and:

- Must include the holder's name; and
- Must include either the holder's signature OR picture.

Any acceptable piece of primary ID can be used as secondary ID. Examples of other acceptable secondary ID include:

Revised
January
2019

- BC CareCard/BC Services Card (separate to a BC Driver's licence)
- Interim driver's licence (issued by ICBC)
- BC Transit ProPASS
- University or college student card
- Credit card
- Canadian Blood Services donor card
- Transport Canada's Pleasure Craft Operator's Card
- Many bank cards and rewards cards
- National Defence ID

A licensee or employee can accept expired and foreign ID, as long as it is readable and the customer can be recognized from the picture.

A licensee and their employees must decide on a case-by-case basis if the ID presented proves that the person is not a minor. If the person cannot produce two pieces of acceptable identification, service must be refused. A licensee and their employees must cooperate with an inspector or peace officer if asked to determine whether a person is a minor.

Controlling the Store

A licensee and their employees are responsible for controlling the behaviour of their patrons.

Revised
Oct. 2018

If security has been hired for a retail store, a licensee must ensure that the individual is licensed under the *Security Services Act*. Please visit <http://www2.gov.bc.ca/gov/content/employment-business/business/security-services/security-industry-licensing> for more information.

Cannabis use must not be permitted in-store.

A licensee must ensure that no weapons are brought into the store without lawful excuse (lawful excuse does not include having personal possession of a weapon for self-protection), and that no criminal activity takes place in the store. If employees, patrons or members of the community have reason to be concerned that there is a threat to their safety, a licensee must act on these concerns.

If there is an imminent threat to people's safety, the general manager can suspend a cannabis licence for 24 hours and order the immediate removal of patrons. In this situation, a licensee is required to take all reasonable steps to ensure that patrons vacate the premises and the store is closed immediately. In extraordinary circumstances, the general manager may suspend a licence or impose terms and conditions for up to 14 days without a hearing.

A licensee must ensure that any person who works on a temporary basis to repair, inspect or construct something in the establishment is supervised by a manager or supervisor.

Preventing Disturbances in the Vicinity of the Store

Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:

- Installing adequate lighting outside the store and in the parking lot
- Supervising parking areas
- Posting signs asking patrons not to disturb the neighbours

Intoxicated Patrons

Licensees and employees must not let a person who is intoxicated (liquor, cannabis or other drugs), or exhibiting signs of intoxication, enter or remain in the store. Licensees and employees must refuse the intoxicated person service, request that they leave the store and ensure they depart safely.

Violent or Disorderly Conduct

Licensees and employees must not allow violent or disorderly conduct or unlawful activities to take place in the store. This includes behaviour that might cause a reasonable person to believe their safety is threatened. If a licensee or employee knows or suspects this kind of behaviour has taken place, is currently taking place, or may take place, they must notify a peace officer immediately.

A person who has been asked to leave or has been barred from entering the store must not return for at least 24 hours. If they return within 24 hours, notify a peace officer; they are committing an offence and may be arrested.

Incident Log

When an incident occurs in or adjacent to a retail store, the details must be recorded in an incident log. All incidents that adversely affect patrons, staff, people who live or work in adjacent buildings, or that affect the operation of the store must be recorded in the log and be available to an inspectors or peace officers.

Examples of these incidents include:

- Refusing entry at the door to a potentially troublesome person or anyone who is causing a disturbance
- Refusing entry of an intoxicated person
- Removing an intoxicated person
- An injury or accident on the premises, including a fight
- Any incidents where emergency personnel were called (police, fire, or ambulance)
- Any illegal acts

An incident report should include key details such as the date, time and description of events, the parties involved, any action taken, and any relevant sales records. Other details such as the names of the employees on shift and witness accounts are also important.

The records in an incident log must be kept for at least six years.

The Cannabis Licence

Availability of the Licence and Floor Plans

A licensee must post their non-medical cannabis retail licence in a prominent location in the sales area of their store. They must also ensure it is immediately available for inspection by inspectors and peace officers. A licensee's LCRB approved floor plans must also be immediately accessible on request, but they do not need to be posted.

Licence Renewal

A licensee must renew their non-medical cannabis retail licence before the licence expiry date each year and pay an annual licence fee.

Please note: the licence renewal fee must be paid each year, regardless of any other applications (for example, transfer of ownership) that may be in progress at the time.

A link to more detailed information regarding licence renewal will be available soon. Please check back for details.

Making Changes to the Licence

The details of a licensee's non-medical cannabis retail licence application were the basis for granting them the licence. Licensees must inform the Branch of any changes that alter the original information they provided, or of a change in circumstance related to their licence.

Some changes require the Branch's prior approval, while others require the licensee to report the change within 10 days. This is important because failure to obtain approval or report changes is a licensing contravention and subject to penalty. Below is a table of changes that need prior approval and those that require reporting. These are in addition to any items that are addressed elsewhere in this handbook.

Type of Change	How to Report	When Approval Required
Transfer of Location- this change requires a positive recommendation from local government/Indigenous nation for the area where the new store will be located	Application	Before relocation occurs
Structural Change*	Application	Before structural change occurs
Permanent Change to Licence: <ul style="list-style-type: none">• Store/business or licence name change• Request for change in terms and conditions• Hours of sale	Application	Before permanent change to cannabis licence occurs
Permanent Change to Licensee: <ul style="list-style-type: none">• Change of directors, officers, or senior manager (corporation, society)• Name change of licensee, person or sole proprietor• Addition of receiver or trustee• Addition of executor or administrator	Application	Within 10 days of permanent change
Transfer of Ownership (including sale of cannabis business and its assets)	Application	Before transfer of ownership occurs

Table
Revised
Oct. 2018

Share Transfers or Changes** <ul style="list-style-type: none"> • Licensee issues new shares to existing shareholder or existing shareholder transfer shares to existing shareholders (internal transfer of shares) • Licensee issues new shares to persons who are not existing shareholders or existing shareholders transfer shares to persons who are not existing shareholders. • Amalgamation of corporate licensee, holding company or subsidiary 	Application	Within 10 days of share transfer or changes
Loss of Valid Interest <ul style="list-style-type: none"> • Licensee no longer owns and runs store • Licensee does not have certificate of title or lease/sub lease for store location 	Letter	Within 10 days of loss of valid interest
A producer or marketer obtains a financial interest in the retail licence or a person with a financial interest in the licensee obtains a financial interest in a producer, or an immediate family member of the retail licence holder obtains a financial interest in a producer.	Letter	Within 10 days
Convictions (applicable to any individual licensee, or partner, shareholder, director, or officer of the licensee) <ul style="list-style-type: none"> • Criminal Code offence • Drug and liquor-related offence under Motor Vehicle Act or similar legislation elsewhere (in or outside of Canada) 	Letter	Within 10 days of conviction and confirmation at renewal
Court Action Involving Disposition of Cannabis Licence	Letter	Within 10 days of notice received
Dormancy***	Form	Within 10 days of dormancy occurring

*Structural Change

If a licensee is making changes to the current approved floor plan, other than cosmetic changes, a structural alteration application is required. Some examples are:

- Physical expansion
- A change in the position of access and exit (including addition of a vestibule) points leading to or from a sales area
- A change in the position of a wall, floor or ceiling surrounding a sales area

A licensee does not need approval for cosmetic changes such as flooring, countertops, painting.

** Share Transfers or Changes

A licensee must report an internal transfer of shares respecting the licence or the licensee if the removal of the shareholder or redemption or dissolution of shares results in any of the remaining shareholders moving from owning less than 10% of voting shares to owning 10% or more of voting shares in the licensee. Additionally, a licensee must report issuing new shares, or transferring shares, to persons who are not existing shareholders if, as a result, the new shareholders hold more than 10% or more of the voting shares in the licensee.

***Dormancy

If a licensee is planning to close their store for an extended period of time (for example, during extensive renovations), they must report this closure to the branch and they must also notify the branch when they plan to restart regular operations (this notification requirement does not apply to seasonal closures). All licences are permitted to be dormant for a period of two years. If the store is dormant because of extensive renovations caused by a fire, flood or other event beyond a licensee's control, they may apply for an extension to dormant status. The extension may be granted if a licensee can provide evidence of the incident and their efforts to rebuild. If the licensee cannot provide such evidence and their efforts to rebuild their licence may be cancelled after two years of dormancy.

Selling the Business

If a licensee is selling their business and wants to transfer their licence to a new owner, the new owner must apply to transfer the licence to their name. If a new owner is acquiring the business by buying some or all of the shares in the company, the existing licensee must notify the branch. Please note that the person acquiring an interest in a licence may be subject to a security screening and financial integrity assessment.

The current licensee must continue to operate and be responsible for the retail store in compliance with the Act, Regulation and terms and conditions of the licence until successful completion of the licence transfer. If the current licensee does not want to operate the store during the transfer process, the store must remain closed until the transfer application has been approved.

Store Relocation

A licensee may apply to relocate their store anywhere within the province. In order for the LCRB to consider the application, the local government and/or Indigenous nation for the area in which the store is proposed to be located or is located will, in most cases, be required to provide a recommendation that the licence be issued or amended.

Providing Information to the Branch

A licensee must be forthright in providing information to the Branch. Making a misleading statement or failing to disclose a material fact (such as shares being transferred or that the lease on the property is about to expire, etc.) are licensing contraventions. Submitting false or misleading information or failing to disclose a material fact are offences.

A licensee must keep the following records, as applicable, for a period of at least six years from the date the records were created:

- a. Non-medical cannabis purchase records
- b. Non-medical cannabis sales records, including quantity of non-medical cannabis sold and prices charged
- c. Non-medical cannabis disposal records
- d. Sales records respecting cannabis accessories and prepaid purchase cards (gift cards) sold by the licensee in the store
- e. Contracts with other licensees
- f. Invoices and purchase receipts for all equipment and other inventory that is used in the operation of the store
- g. Leases or other property agreements that are related to the store
- h. Records of court orders and judgments against a licensee respecting the sale, service or production of cannabis and
- i. Employee records including names, addresses, salaries, qualification information, responsible training information (when this becomes available), primary job responsibilities, shift schedules and dates of employment.

The Store

Associations with Other Businesses

A licensee must not sell non-medical cannabis as part of another business (co-location).

A licensee's business must not appear to be associated with another business, with the exception of another licensed non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.

A licensee must not:

- Use a name or other visual identifier (e.g. trademarks) of another business (other than another licensed non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.),
- Jointly advertise with another business,
- Offer discounts in the store based on purchases in another business, or
- Operate a patron loyalty program, whether or not it is in association with another business, or
- Operate a gift card program with another cannabis retail store or non-cannabis business.

Store Layout

A cannabis retail store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent. Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store. Displays must not permit self service by patrons (including dispensing devices). All patrons must be assisted by a store employee, as all cannabis and cannabis accessories must be displayed in a way that products are not accessible to patrons.

If the general manager has approved a shared common area (e.g. vestibule) licensees are not permitted to advertise or erect displays within the shared common area. There must be floor to ceiling walls that are not transparent separating the store from the shared common area and non-medical cannabis, cannabis accessories and transactions involving cannabis and cannabis accessories must not be visible from the shared common area. If a shared common area is approved by the general manager, a licensee must notify the Branch if the adjoining business changes during the term of their licence.

Store Security Requirements

A cannabis retail store must, at a minimum, have the following security requirements:

1. Intruder and fire monitoring alarm systems
2. Locked retail product display cases
3. Locked cannabis storage room
4. Secure perimeter door locks
5. Security cameras with full unobstructed view of:
 - a. the retail sales area
 - b. any product storage area
 - c. both the interior and exterior of all store entrances/exits.

The cameras must be active and recording at all times, including when your store is not open for business. Licensees must store security camera footage for at least 30 days after recording.

Licensees must post a written notice in the retail sales area informing their patrons that video surveillance is being used on the premises. This notice must be visible at all times.

Licensees must provide a copy of security camera footage to LCRB at any time for use in investigating possible contraventions of the *Cannabis Control and Licensing Act*, its regulations, and/or these terms and conditions.

Security camera footage may also be used by LCRB at enforcement hearings held under the CCLA.

Please see the following guide from the Office of the Information and Privacy Commissioner for additional guidance on using video surveillance and privacy considerations: <https://www.oipc.bc.ca/guidance-documents/2006>

A licensee must also meet any security requirements imposed by the local government and/or Indigenous nation for the area where their store is located.

If necessary, the general manager may impose further security requirements by way of additional terms and conditions on a licence.

Drive-throughs

No drive-through sales are permitted from a retail store.

Online Sales

Online sales of non-medical cannabis are not permitted. In addition, a licensee must not list any cannabis products online.

Online sales of cannabis accessories and gift cards are permitted if the website has an age verification tool that restricts website entry to adults only.

Delivery Service

A licensee cannot operate a non-medical cannabis delivery service or enable one to be operated in association with their store. A licensee must not sell cannabis to someone who intends to deliver cannabis to another person for compensation.

Gift Cards

The sale of gift cards is permitted from a non-medical cannabis retail store location or online. The gift card must be licence specific and cannot be redeemed at another cannabis retail store or other business. Gift cards must not be sold to minors.

The denomination of a gift card must not exceed \$100. A license may not sell more than \$300 in gift cards to an individual on a single day.

Note: if a non-medical cannabis retail store licensee also holds a liquor licence, they must not sell gift cards that can be used at both stores.

Shopping Bags

Licensees are permitted to provide or sell shopping bags to their patrons. A licensee must ensure that the bags comply with advertising and promotional requirements.

Smell Jars

Licensees may only allow their patrons to smell and view the types of cannabis product they have available through the use of a smell jar. The smell jar must be physically attached to a display case or counter and may remain on the display case or counter after hours. The cannabis must not be accessible to touch by the patron.

The cannabis used for smell jar display cannot be sold and must be disposed of according to a licensee's disposal plan (see Disposing of Cannabis). The cannabis must also be recorded in the cannabis register.

Buying Non-Medical Cannabis & Cannabis Accessories

A licensee must purchase their non-medical cannabis supply directly from the Liquor Distribution Branch. They are not permitted to purchase any cannabis products directly from a federally licensed producer, other licensed retail store, or any other source.

Revised
Oct. 2018

Revised
Feb. 2019

It is a serious contravention to buy cannabis for retail sale from any source other than the Liquor Distribution Branch or to purchase cannabis that is not recorded against a licensee's licence number.

Revised
Oct. 2018

The exception to this requirement is that if a licensee needs to close their business, the general manager may authorize the sale of cannabis to another licensee (please note, the general manager's authorization must be obtained prior to sale). The general manager may consider other exceptional circumstances as well.

Cannabis accessories can be obtained from sources other than the Liquor Distribution Branch.

Storing Cannabis

A licensee's non-medical cannabis stock must be stored at their retail store. Off-site storage is not permitted. In addition, the local government and/or Indigenous nation for the area in which the store is located may require a licensee to take specific security measures to protect on the floor inventory and stored inventory.

Disposing of Non-Medical Cannabis

A licensee must have a written plan to direct employees about the disposal of non-medical cannabis that cannot be sold, including cannabis from smell jars. The non-medical cannabis must be altered or denatured to such an extent that its consumption and propagation are rendered impossible or improbable. For example, shredding a cannabis product into pieces, mixing it with water to turn it into sludge, and adding cat litter to control odor before disposal would be an effective means to destroy cannabis. After cannabis waste is rendered to a state that is unfit for human or animal consumption it can be disposed of by composting, or landfill if composting is not available or feasible.

Revised
Oct. 2018

A licensee must keep a record of non-medical cannabis disposal that includes:

- Date of disposal
- Type of cannabis disposed
- Amount of cannabis disposed
- How it was rendered inconsumable
- Where it was disposed

Unlawful or Private Cannabis

A licensee must not buy, keep, sell or give unlawful cannabis to anyone. Unlawful cannabis is defined as:

- Cannabis obtained from an unauthorized source
- Cannabis not purchased under the licence
- Stolen cannabis or smuggled cannabis
- Cannabis intended for export
- Cannabis that has been altered or had anything added to it

Revised
Oct. 2018

Licensees are accountable for any unlawful cannabis found anywhere on their premises.

If a licensee or an employee becomes aware that a patron has brought unlawful cannabis into the store, they must ask the patron to leave the store immediately. This must be reported in the incident log.

If a licensee recently purchased a retail store and acquired a licence through a transfer, they must immediately conduct a thorough audit of all cannabis on the premises to ensure none is unlawful.

Cannabis Register

A cannabis register is a record of all a licensee's purchases and sales (i.e. receipts and invoices) for their non-medical cannabis inventory. A licensee must keep a cannabis register, and these records must be available for inspectors at all times. Cannabis registers may be hardcopy or digital.

An inspector or peace officer may look at the register and compare it to the stock to make sure the licensee has purchased the non-medical cannabis lawfully. The licensee must be able to account for all cannabis on site.

If an inspector or peace officer is unable to verify that the cannabis in a non-medical cannabis retail store was purchased from the Liquor Distribution Branch, the cannabis may be seized. It is therefore in a licensee's best interest to ensure records are kept in a legible, orderly fashion so that an inspector can easily match the stock to the records.

A licensee must also be able to account for any cannabis that was returned to the Liquor Distribution Branch or disposed of due to spoilage or other reasons. This can be done by either keeping a written record in a log book or by making a notation on the original receipt or invoice.

In addition, a licensee must keep records of the cannabis used in smell jars, including:

- The specific tracking number of the cannabis product that goes into a smell jar.
- The date the licensee purchased that product (including the invoice number of the order it was taken from).
- The date the original package of cannabis was opened for use in a smell jar.

The original package of cannabis must be kept for inspection purposes until the smell jar cannabis is destroyed.

Best practices for keeping a cannabis register:

- Keep all receipts and invoices for cannabis purchases in chronological order and separate from receipts and invoices for non-cannabis purchases.
- Photocopy or scan receipts printed on thermal paper to protect the record from fading over time.
- Maintain a separate log book to record any cannabis lost or destroyed.

The records in the cannabis register must be kept for at least six years.

Selling Non-Medical Cannabis & Cannabis Accessories

Non-medical cannabis

A licensee may sell dried cannabis, cannabis oil, and cannabis seeds from their retail store only. Online sale of these cannabis products is not permitted. The cannabis products for sale must have been purchased from the Liquor Distribution Branch. A licensee is not authorized to sell other forms of cannabis, such as edibles.

Cannabis must be sold in the original unopened package.

A licensee must not give patrons samples of cannabis.

A licensee must not sell, in one transaction, more than 30 grams of dried cannabis or its equivalent to a patron.

	Quantity that is equivalent to 1 g of dried cannabis
Dried cannabis	1 g
Fresh cannabis	5 g
Solids containing cannabis	15 g
Non-solids containing cannabis (e.g. cannabis oil)	70 g
Cannabis solid concentrates	0.25 g
Cannabis non-solid concentrates	0.25 g
Cannabis plant seeds	1 seed

Cannabis Accessories

A licensee may sell cannabis accessories as defined by the federal *Cannabis Act*, such as rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers. The sale of e-juice, e-liquid, or e-substance is prohibited.

A licensee is not authorized to sell snacks, tobacco (or products containing nicotine), or other items that are not related to cannabis.

Who a Licensee Can Sell To

A licensee is restricted to selling non-medical cannabis, cannabis accessories, gift cards, and shopping bags to retail patrons that are 19 years of age or older.

Hours of Sale

A licensee may sell non-medical cannabis at their store between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government and/or Indigenous nation for the area in which the store is located. Patrons cannot enter the retail store outside of the operating hours as indicated on the licence.

If there are patrons in the store at 11 p.m. who have not yet made their purchase, the licensee or an employee must encourage these patrons to make their purchases as quickly as possible. Licensees should consider having a strategy in place to clear the store.

Pricing

A licensee must not sell non-medical cannabis at a price lower than the price they paid to purchase the non-medical cannabis from the Liquor Distribution Branch.

Loyalty programs of any kind are not permitted.

A licensee may adjust prices at any time throughout the day, but the price must never go below the minimum price as outlined above.

Revised
Oct. 2018

Non-Medical Cannabis Sales

The sale (payment and transfer of personal possession) of non-medical cannabis must take place inside the cannabis retail store.

Games and Entertainment

Games and entertainment are not permitted in the store.

Alternate Use

A licensee must not use their business for another purpose at any time.

Advertising

Branding

The name of the business and exterior signage must comply with provincial requirements and be approved by the Branch. All business names and signage must comply with the advertising terms and conditions and cannot mislead the public as to what type of business the licensee operates.

As a retailer of non-medical cannabis, a licensee cannot choose a name that would lead people to believe that they are associated with another business (other than another non-medical cannabis retail store in B.C. or a cannabis store located anywhere outside of B.C.) or are a provider of medical cannabis. For example, the business name must not include the name of another business, or the words, in traditional or non-traditional spelling, "pharmacy," "apothecary," or "dispensary." Graphics associated with a pharmacy, including for example, a green cross, are prohibited. Store names cannot also use language that encourages intoxication.

A licensee also cannot advertise or brand their store in a way that indicates that the store is associated with the government or is exercising a function of the government; this includes the use of words, phrases, designs, domain names or other branding elements or indicia.

Internet Group Discounts

Third-party companies offering internet group discounts are not licensed to sell cannabis and must not legally include cannabis as part of a promotion with a retail store. A licensee must not participate in internet discount promotions that include cannabis.

Relations with Federally Licensed Producers and their Marketers

There are certain rules that govern how a licensee can work with federally licensed producers and their marketers to promote their products. Federally licensed producers and their marketers may hire employees or contract with a person to promote and market the producer's cannabis products that the marketer is authorised to represent. The marketer must provide their employees with identification establishing them as a marketing representative for the federal producer.

A retail licensee cannot act in the capacity of a Marketer.

Connections to Federally Licensed Producers (Tied houses)

Where there is an association, connection or financial interest between an applicant and a federally licensed producer or the licensee's agent, the general manager may determine that there is a risk that, if licensed, the B.C. retailer would promote the federally licensed cannabis producer's products. The general manager may therefore determine that the risk can only be eliminated if the licence contains a condition prohibiting the B.C. licensed retailer from selling any products of the associated federally licensed producer. In such a situation, the general manager may issue or renew a licence with such a condition.

The general manager will consider the following to determine if there is a likelihood the licensee will promote a particular federal licensed producer's product:

1. The financial interconnectedness of a cannabis retailer and a federal cannabis licensed producer.
 - o Whether a federal licensed producer is a significant shareholder (control of 20% or more of the voting shares) of a B.C. cannabis retailer or the federal licensed producer is a significant shareholder of a significant shareholder of a B.C. cannabis retailer.
 - o Whether a B.C. cannabis retailer is a significant shareholder (control of 20% or more of the voting shares) of a federal licensed producer or the B.C. cannabis retailer is a significant shareholder of a significant shareholder of a federal licensed producer.

- Whether a person, partnership or company is a significant shareholder (control of 20% or more of the voting shares) in both a B.C. cannabis retailer and a federal licensed producer or a person, partnership or company is a significant shareholder in a company that is a significant shareholder in both a federal licensed producer and a B.C. cannabis retailer.
- 2. Whether an immediate family member of the licensee has **any** interest in a federal licensed producer. Immediate family members include spouses, parents, siblings, children, sons-in-law and daughters-in-law.
- 3. The general manager will also consider any other association, connection or financial interest between a B.C. cannabis retail licensee and federal licensed producer. There may be a combination of factors that when taken together lead to a reasonable conclusion there is a likelihood to promote.

Where an association, connection or financial interest exists between an applicant and a federal licensee or the licensee's agent the general manager may determine that it is necessary to restrict the person from selling any products of the associated federal licensed producer. Doing so eliminates the risk that the person would promote the federal licensee's cannabis, enabling the general manager to issue a licence. In such cases, the general manager may issue a licence with such a restriction.

Activities Not Permitted: Inducements

A licensee is not permitted to ask for or receive financial or other benefits from a federally licensed producer or marketer in exchange for selling or promoting their products. For example, a licensee must not:

- Pay money or provide other benefits to secure their ability to purchase a federal producer's products,
- Request money or other benefits from a federal producers or their marketer in return for buying their products from the LDB,
- Accept money or other benefits in exchange for agreeing not to stock a competitor's product, or
- Make agreements that give them exclusive access to a producer's product, or product line.

A licensee may hire and pay for their own outside consultant or financial advisor, or they may accept information and ideas to help improve their business, directly from a producer or marketer; however, the producer or marketer cannot pay for an outside consultant or financial advisor to help a licensee.

A licensee is also prohibited from accepting any items, products or services from a federal producer or marketer that are necessary for the operation of their business. This includes financial assistance as well as permanent fixtures, furnishings, or display structures.

In addition:

- Federal producers or marketers cannot buy shelf space, offer weight discounts, or offer discounted product in exchange for marketing benefits.
- A licensee must always pay for their own advertising. A cannabis producer or marketer must not pay any of a licensee's advertising costs (or vice versa), nor are joint marketing plans permitted. With permission from a producer or marketer, a licensee can include the producer's logo in ads, but they cannot demand or receive any kind of compensation in return.
- A licensee must carry and make available to consumers a representative selection of brands of cannabis products from a variety of suppliers that are not associated with or connected with each other.

Product Samples

A licensee must not accept product samples for themselves or their employees from a federal producer, marketer, or any other person.

Product Vouchers

A licensee must not accept product vouchers for cannabis or cannabis accessories (i.e. certificates for a specific quantity of cannabis or a cannabis accessory that patrons redeem for no charge).

Educational Events and Activities

A licensee, employee or both may attend educational events or activities hosted by a federal producer or marketer.

A licensee, employee or both may accept payment from the federal producer or marketer for legitimate travel, meals, accommodation and entertainment expenses associated with the educational event, up to \$1,500 per licensee location per year.

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If a licensee has multiple licensed stores (i.e. a chain of cannabis retail stores), they may also accept expenses of \$1,500 per person to a maximum of \$4,500 per head office per year.

Hospitality

A cannabis producer or marketer may pay for a licensee's hospitality expenses not associated with an educational event at a rate of up to \$1,000 per licensee location per year.

Compliance & Enforcement

As a licensee, you are required to:

1. Comply with the *Cannabis Control and Licensing Act*, its Regulations and the terms and conditions in this publication.
2. Always allow Liquor and Cannabis Regulation Branch inspectors and/or police officers to enter your establishment. Never impede their entry in any way.
3. Upon request, provide inspectors with any documents and/or records as outlined in this handbook.
4. **Never draw attention to inspectors inside your establishment.** This can affect the inspectors' safety.

Drawing the attention of patrons to the fact that branch inspectors, minor agents contracted to the branch, and/or police are present in your establishment may put the safety of the inspectors, minor agents contracted to the branch, and police at risk. Accordingly, your actions must not cause the attention or focus of patrons to shift towards inspectors, minor agents contracted to the branch, or police at any time; including at the time of entry, during an inspection, or when exiting your establishment. Actions such as announcing the arrival of inspectors, raising or flashing lights, turning down music, playing particular soundtracks (e.g. "Bad Boys" or "Hawaii Five O'"), using spotlights, or any other similar actions are not permitted. You may not take, save or distribute photographs or video of inspectors or minor agents contracted to the branch in any manner (e.g. on a staff bulletin board, print media, social media or the internet).

If your licence is suspended, you are not permitted to sell, cannabis in your establishment.

For more information please visit the Liquor and Cannabis Regulation Branch's [Compliance & Enforcement web pages](#). Please note that the "Cannabis Licensee Penalty Schedule" is not yet posted to within these pages. Please check back for updates.

Other ministries also have terms and conditions that licensees and employees must follow. Please refer to [this page](#) on the LCRB website for more information.

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Jan. 2019

Glossary

"the Branch" means the Liquor and Cannabis Regulation Branch, the provincial government agency that administers the private retail sales of non-medical cannabis.

Revised
Feb. 2019

"cannabis retail store" or "non-medical cannabis retail store" means a licensed establishment that is authorized to sell non-medical dried cannabis, cannabis oil, and cannabis seeds for non-medical use in B.C.

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Oct. 2018

"federal producer, or federally licensed producer" means a person who produces cannabis under a licence under the *Cannabis Act* (Canada)

"general manager" refers to the general manager appointed under section 4 of the *Cannabis Control and Licensing Act*, who has legislative authority to make decisions regarding cannabis licensing in British Columbia.

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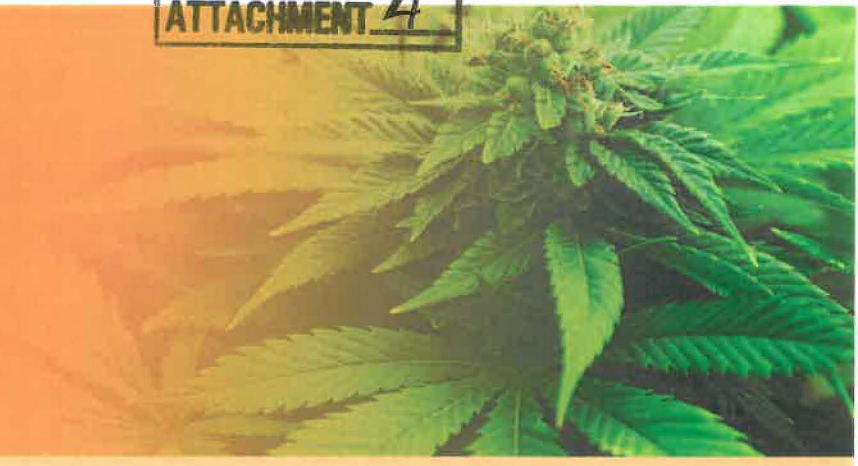
"licensee" refers to any individual, partnership, corporation or Indigenous nation that holds a British Columbia cannabis licence. *Any person appointed by the licensee to act in the licensee's place or with the licensee's authority, such as a manager, authorized representative, or person in charge of the licensee's cannabis retail store will be required to ensure the requirements, terms and conditions of the licence are met and the licensee will be accountable for the actions of any such persons..*

"marketer" refers to a person that holds a marketing licence and is hired by a cannabis producer to represent/promote their cannabis products, solicit/receive/take order for the sale or purchase of cannabis, or act as an agent for the sale or purchase of cannabis

"peace officer" means an officer as defined in the Police Act, or a member of the Royal Canadian Mounted Police who is deemed to be a provincial constable under section 14 (2) (b) of the Police Act;

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Oct. 2018

"security verification" means a verification provided by the general manager to an individual stating that the individual has passed a security screening under the *Cannabis Control and Licensing Act*.



CANNABIS REGULATIONS

PHASE 2 PUBLIC ENGAGEMENT SUMMARY REPORT

MARCH 2019



EXECUTIVE SUMMARY

This report summarizes the input received on the proposed regulations governing the sale and use of non-medical cannabis in the District of North Vancouver. Feedback was gathered on proposed regulations regarding land use for retail stores and warehousing, business licensing, and public consumption through a public online survey and stakeholder and retail sector representative meetings.

WHAT WE HEARD

Overall, those who participated in the survey and attended the engagement sessions agreed with the proposed regulations. The following points summarize the key results and themes of the feedback received through the public engagement conducted between July and September, 2018:

- 69% of survey respondents and 69% of stakeholders and retail sector representatives agreed with allowing cannabis stores in zones that allow liquor stores, with a 200 metre school buffer.
- 65% of survey respondents and 81% of stakeholders and retail sector representatives agreed with the proposed hours of operation (9 am to 9 pm) and the additional fee for cannabis business licenses.
- 81% of survey respondents and 86% of stakeholders and retail sector representatives agreed with amending the District's Smoking Regulation Bylaw to add vaping and cannabis to the smoking definition, and prohibit smoking in areas frequented by children, including transit stops, parks, playgrounds, beaches, Lynn Valley Village, and Maplewood Farm.

For those who disagreed with the proposed amendments and regulations, some overall themes of people's responses included:

- Wanting to see fewer barriers to the sale and use of non-medical cannabis, and regulations that matched the provincial guidelines for cannabis and current regulations for the sale and use of alcohol more closely
- Did not want to see the sale or use of cannabis in the District be allowed in any areas or wanted the number of locations to be limited
- Against the legalization of non-medical cannabis entirely

Additionally, some respondents wanted to see more education and awareness about the new regulations and the health risks of using cannabis.



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1.0 CONTEXT

In advance of the legalization of non-medical cannabis, which occurred on October 17, 2018, District staff reached out to the public seeking feedback on proposed regulations for governing the sale and use of non-medical cannabis. The proposed regulations included policies regarding land use for retail stores and warehousing, business licensing, and public consumption.

Members of the public, the cannabis retail sector, and stakeholder groups were asked to provide their feedback on the proposed regulations. The results are summarized in this report.

As part of the consultation process, a dedicated web page ([DNV.org/Cannabis](https://dnv.org/cannabis)) was created to provide the public with background information on the *Cannabis Act*, roles and authority of each level of government, and links to applicable Government of Canada and Province of BC web sites to find additional information. Screen captures of this information are included below and on the following page.

Background information

The Cannabis Act

On October 17, 2018, non-medical cannabis use will become legal in Canada, under the Cannabis Act.

Under the Act, adults 18 or older will be legally able to:

- possess up to 30 grams of legal cannabis, dried or equivalent in non-dried form in public
- share up to 30 grams of legal cannabis with other adults
- buy dried or fresh cannabis and cannabis oil from a provincially-licensed retailer
- grow, from licensed seed or seedlings, up to 4 cannabis plants per residence for personal use
- make cannabis products, such as food and drinks, at home as long as organic solvents are not used to create concentrated products

Learn more about legal cannabis use

Government of Canada

[Get more details of the Cannabis Act](#)

[Get the facts about cannabis in Canada](#)

Province of BC

[BC's approach to cannabis legalization](#)

[Bill 30: BC's Cannabis Control and Licensing Act](#)

[Nonmedical cannabis retail licencing](#)

["Don't Drive High": Public safety campaign](#)

Screen captures of background information and links to important web sites with more information, from [DNV.org/cannabis](https://dnv.org/cannabis)

Which government regulates what?

While the federal and provincial governments will regulate much of the activity related to the production, sale, and use of cannabis, municipalities — including the District — have authority to make some of the decisions around how non-medical cannabis will be regulated, particularly related to public consumption, land use, and zoning.

Activity	Federal	Provincial	Municipal (DNV)
Possession limits	X		
Trafficking	X		
Advertisement & packaging	X		
Impaired driving	X	X	
Medical cannabis	X		
Seed-to-sale tracking system	X		
Production (cultivation and processing)	X		
Age limit (federal minimum)	X	X	
Public health	X	X	
Education	X	X	X
Taxation	X		X
Home cultivation (growing plants at home)	X		
Workplace safety		X	
Distribution and wholesaling		X	
Retail model		X	
Retail location and rules		X	X
Regulatory compliance	X	X	X
Public consumption		X	X
Land use/zoning		X	X

Screen capture of jurisdictional responsibilities from [DNV.org/cannabis](https://dnv.org/cannabis), with boxes highlighting municipalities' responsibilities



2.0 PLANNING PROCESS

The process to review and update the District's cannabis regulations began in June, 2018 and included three phases, as shown below. Engagement with the community occurred between July and September, 2018. This report summarizes the feedback received through the online survey and stakeholder sessions.



3.0 OPPORTUNITIES FOR INPUT

In the second phase of this process, we asked key stakeholders and the broader public for their feedback on the proposed cannabis regulations. Feedback on the proposed regulations was collected through three methods:

- Online survey
- Retail sector working session
- Stakeholder meeting

Public engagement can occur across a range of participation levels, from informing to empowering. Different levels of engagement are appropriate at different times and for different projects. The goal for this engagement was to obtain public feedback on alternatives, which corresponds to the 'Consult' level on the International Association for Public Participation's (IAP2) Spectrum of Public Participation. This means that we will keep you informed, and listen to and acknowledge your concerns and aspirations in developing final solutions. We will also report back to you on how your input influenced the decision.

3.1 ENGAGEMENT NOTIFICATION

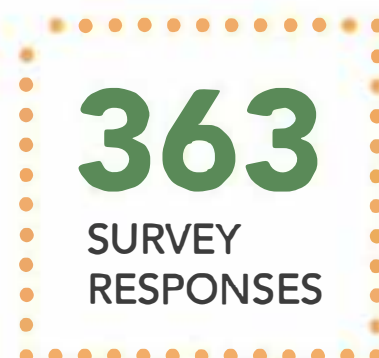
We used several methods to communicate the opportunities for input, including:

- North Shore News advertisements (Friday, July 20, Wednesday, July 25, and Sunday, August 5, 2018);
- The District's website (DNV.org),
- Social media posts (DNV Facebook, Twitter, and LinkedIn)
- Paid social media ads (DNV Facebook); and
- The retail working session was advertised on the District's website beginning on August 9, 2018, and an email invitation to attend the session was sent to cannabis retailers that had previously contacted the District.



3.2 ONLINE SURVEY

The online survey asked the public for input on proposed bylaw amendments to the District's zoning, business licence, and smoking bylaws. The survey was open for three weeks on the District website, [DNV.org/Cannabis](https://dnv.org/cannabis), from July 20, 2018 to September 7, 2018. In total, 363 partially or fully completed responses to the online survey were received.



3.3 RETAIL SECTOR WORKING SESSION

A working session with the retail sector was held on August 28, 2018 at District Hall. An invitation to sign up for the retail working session was posted on the District website on August 9, 2018. In total, 10 representatives from the retail sector attended the event.

3.4 STAKEHOLDER SESSION

A stakeholder meeting with representatives from the City of North Vancouver, District of West Vancouver, Vancouver Coastal Health (VCH – Medical Health Officer, representatives from the Regional Tobacco Reduction Program), RCMP, School District #44, Squamish First Nation, and North Vancouver Chamber of Commerce was held on September 7, 2018. In total, 10 stakeholders attended the event.



4.0 WHAT WE HEARD

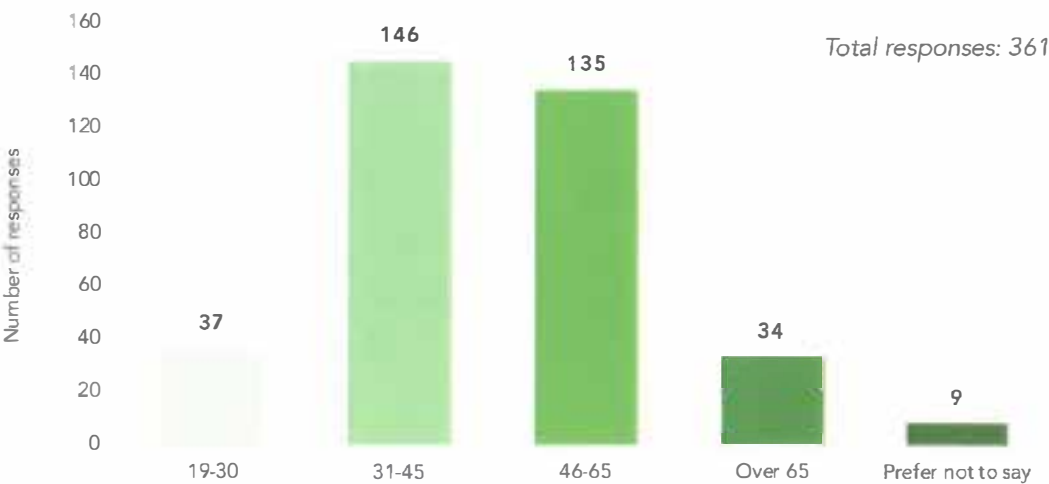
4.1 ONLINE SURVEY & STAKEHOLDER MEETINGS

A total of 363 partially or fully completed responses were received for the online survey. The number of responses to each question varied slightly because respondents may have chosen not to answer every question. Attendees of the stakeholder session and retail sector working session were also asked to complete a paper survey. In total, 16 completed paper surveys were received. Finally, a small number of emails providing feedback on the proposed regulations were also received.

In both the online and paper surveys, background information was provided to give respondents context for each question. The background information for each question is summarized in this report, and accompanies each set of related questions.

4.1.1 Demographics

Survey respondents were from a range of age groups, with the highest percentage (40%) indicating they were between the ages of 31-45. Demographics were not collected for stakeholder and retail sector meeting participants.





4.1.2 LAND USE REGULATIONS FOR NON-MEDICAL CANNABIS RETAIL USE

The province is permitting local governments to decide whether they wish to have cannabis retail stores in their municipalities.

Option 1

One approach recommended by staff is to allow non-medical cannabis retail stores in zones that permit the retail sale of liquor. Specifically, these zones include: C2, C9, C10, CD4, CD21, CD45, CD47, CD68, CD80, CD90, CD94, C1L, and Lot B at 1515 Barrow, but excluded the Public House C6 zone. This option included considering a buffer of either 200 or 300 metres from elementary and high schools to limit exposure to children and youth. It is important to note that with this approach, permission would not be guaranteed, as it would still be subject to public input.

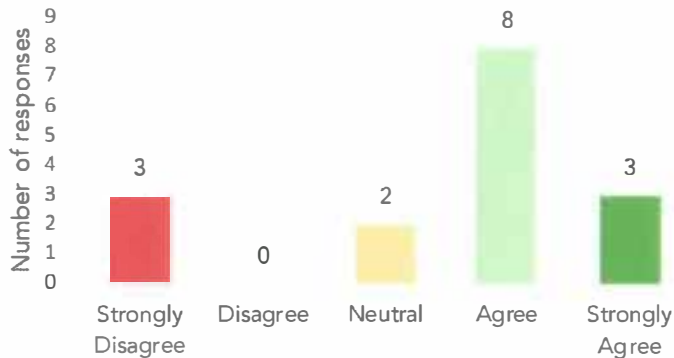
Option 1

A total of 69% of respondents (248 responses out of 360) agreed with the recommendation to allow cannabis stores in zones that allow liquor stores (with a 200m school buffer). Stakeholders and representatives of the retail sector responded similarly, with 69% of responses (11 people out of 16) agreeing or strongly agreeing with this approach.

Do you agree with this recommendation to allow cannabis stores in zones that allow liquor stores (with a 200m school buffer)?



Do you agree with this approach for cannabis retail use (Option 1)?





Of the respondents who did not agree, the primary reasons given were:

- The buffer zone around schools should be increased to a greater distance
- There should be no buffer zone around schools, since liquor is not subject to the same regulation and it is illegal to sell to minors regardless of where a store is located
- Not enough locations are eligible and those that are eligible are too concentrated
- The number and location of eligible lots needs to be restricted further

Suggestions given by respondents included:

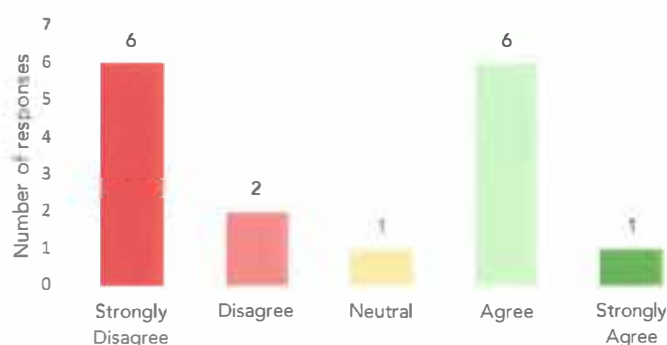
- Distribute the eligible locations more equitably across the District
- Limit the number of retail locations allowed in the District

Option 2

An alternative approach is to consider rezoning applications for cannabis retail stores on a case-by-case basis. This would result in Council needing to approve amendments to the zoning bylaw for each individual application.

Stakeholders and retail sector representatives were asked directly about Option 2, and the response was relatively evenly split, with 8 people *disagreeing* or *strongly disagreeing* with this approach and 7 people *agreeing* or *strongly agreeing*. Of the survey respondents who commented on the proposed retail location regulations, close to half expressed that the sale of cannabis should not be allowed in the District or that the District should limit the number of eligible locations further.

Do you agree with this approach for cannabis retail use (Option 2)?



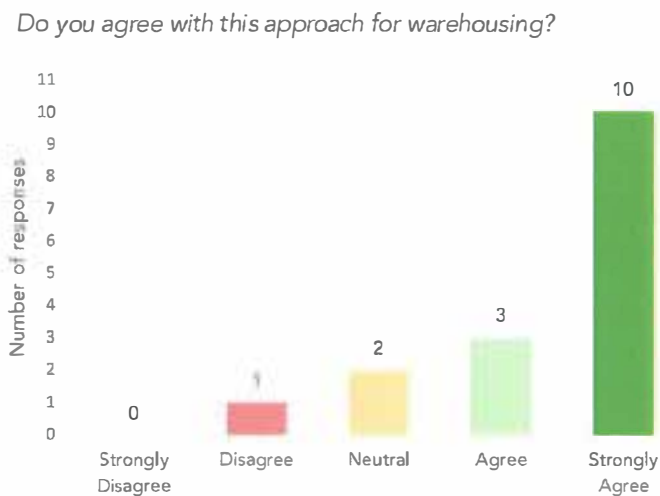
Stakeholders and retail sector representatives acknowledged that with Option 2, the District would have more control over the number and proximity of retail locations. However, they also raised that this would be time-consuming and expensive for the District, and could be appear to be an unfair process.



4.1.3 LAND USE REGULATIONS FOR NON-MEDICAL CANNABIS WAREHOUSING

The BC Liquor and Cannabis Distribution Branch is responsible for the distribution of cannabis from licensed producers to both public and private retail locations. The District is considering allowing government cannabis warehouses to distribute cannabis in all zones that permit warehousing and warehouse use.

Stakeholders and retail sector representatives were asked for their thoughts on warehousing and distribution of non-medical cannabis. Of the 16 surveys received, 13 people (81%) agreed or strongly agreed with the proposed approach for warehousing non-medical cannabis.



Although not directly asked, some respondents to the public survey mentioned that they did not agree with the BC Liquor and Cannabis Distribution Branch being in charge of distribution, and would rather see it handled by private enterprise.

4.1.4 BUSINESS LICENSING REGULATIONS FOR NON-MEDICAL CANNABIS RETAIL USE

The public was asked whether or not they agreed with the following proposed amendments to business licencing regulations:

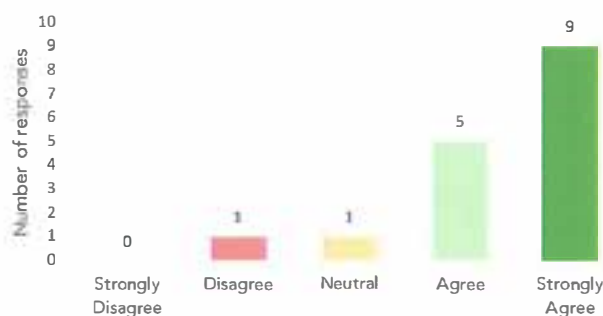
- Amending the existing District Business Licence Bylaw to include retail cannabis stores as a new business class
- Restricting cannabis store hours of operation to 9 am to 9 pm
- Creating a new fee for cannabis business licences that will cover the cost of staff time required to oversee new cannabis businesses

A total of 65% of respondents (228 responses out of 350) agreed with the proposed amendments. Stakeholders and representatives of the retail sector were more in favour of the proposed amendments than the public, with 88% of responses (14 people out of 16) agreeing or strongly agreeing with this approach.

Do you agree with this recommendation for licensing and store hours?



Do you agree with this approach for business license regulations for cannabis retail use?



Of the respondents who did not agree, the primary reason that was given was:

- Hours of operation should be longer (9 am to 11 pm) to match the provincial guidelines and current regulations for liquor store hours

Other suggestions included:

- Limiting store hours at first, and then relaxing them after some time passes
- Having extended store hours only on the weekend

Several respondents also commented that the District should not impose high fees and taxes, as that will result in higher prices for consumers, which will continue to drive people to unlicensed sellers.

4.1.5 PUBLIC CONSUMPTION OF NON-MEDICAL CANNABIS

The province is generally allowing the use of non-medical cannabis in public spaces where tobacco smoking and vaping is permitted, with the exception of areas frequented by children, including community beaches, parks, and playgrounds. Cannabis use is also banned in vehicles.

The proposed amendments to public consumption regulations in the District included:

- Adding cannabis and vaping under the definition of 'smoking' in the existing District Smoking Regulation Bylaw

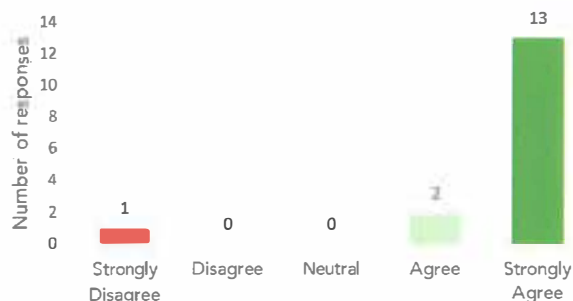
This means that businesses will be required to post a sign remind people to smoke at least six metres away from doors, windows, and air intakes. Since the District Smoking Regulation Bylaw also prohibits smoking within 6 metres of transit stops, Lyn Valley Village, and Maplewood Farm Vancouver, the proposed amendment would mean that cannabis use would also be banned in these locations. Vancouver Coastal Health is responsible for enforcing this bylaw.

A total of 81% of respondents (285 responses out of 350) agreed with the proposed amendments. Stakeholders and representatives of the retail sector were more in favour of the proposed amendments than the public, with 94% of responses (15 people out of 16) agreeing or strongly agreeing with this approach.

Do you agree with our recommendations for the public consumption of cannabis?



Do you agree with this approach for public consumption of cannabis?



Of the respondents who did not agree, the primary reason that was given was:

- Smoking (or vaping) cannabis should not be allowed in public places at all; it should be treated like alcohol and should only be allowed in people's private residences
- Distance from openings should be increased (stakeholder responses indicated that the



distance should be increased to 9 metres)

Other concerns included:

- Smoking of cannabis in multi-family buildings; some respondents wanted to see it banned in these types of housing units
- Smelling cannabis from neighbours using it on their property
- Whether Vancouver Coastal Health has the capacity to enforce the bylaws

5.0 CONCLUSION

Overall, those who participated in the survey and attended the engagement sessions agreed with the proposed regulations.

- 69% of survey respondents and 69% of stakeholders and retail sector representatives agreed with allowing cannabis stores in zones that allow liquor stores, with a 200 metre school buffer.
- 65% of survey respondents and 81% of stakeholders and retail sector representatives agreed with the proposed hours of operation (9 am to 9 pm) and the additional fee for cannabis business licenses.
- 81% of survey respondents and 86% of stakeholders and retail sector representatives agreed with amending the District's Smoking Regulation Bylaw to add vaping and cannabis to the smoking definition, and prohibit smoking in areas frequented by children, including transit stops, parks, playgrounds, beaches, Lynn Valley Village, and Maplewood Farm.

For those who disagreed with the proposed amendments and regulations, some overall themes of people's responses included:

- Wanting to see fewer barriers to the sale and use of non-medical cannabis, and regulations that matched the provincial guidelines for cannabis and current regulations for the sale and use of alcohol more closely
- Did not want to see the sale or use of cannabis in the District be allowed in any areas or wanted the number of locations to be limited
- Against the legalization of non-medical cannabis entirely

Additionally, some respondents wanted to see more education and awareness about the new regulations and the health risks of using cannabis.



6.0 NEXT STEPS

This report will be shared with Council. The feedback received on business licensing regulations and land use regulations for non-medical cannabis will be incorporated in the recommended approach forwarded for Council consideration in March, 2019.





355 West Queens Road
North Vancouver, BC
V7N 4N5

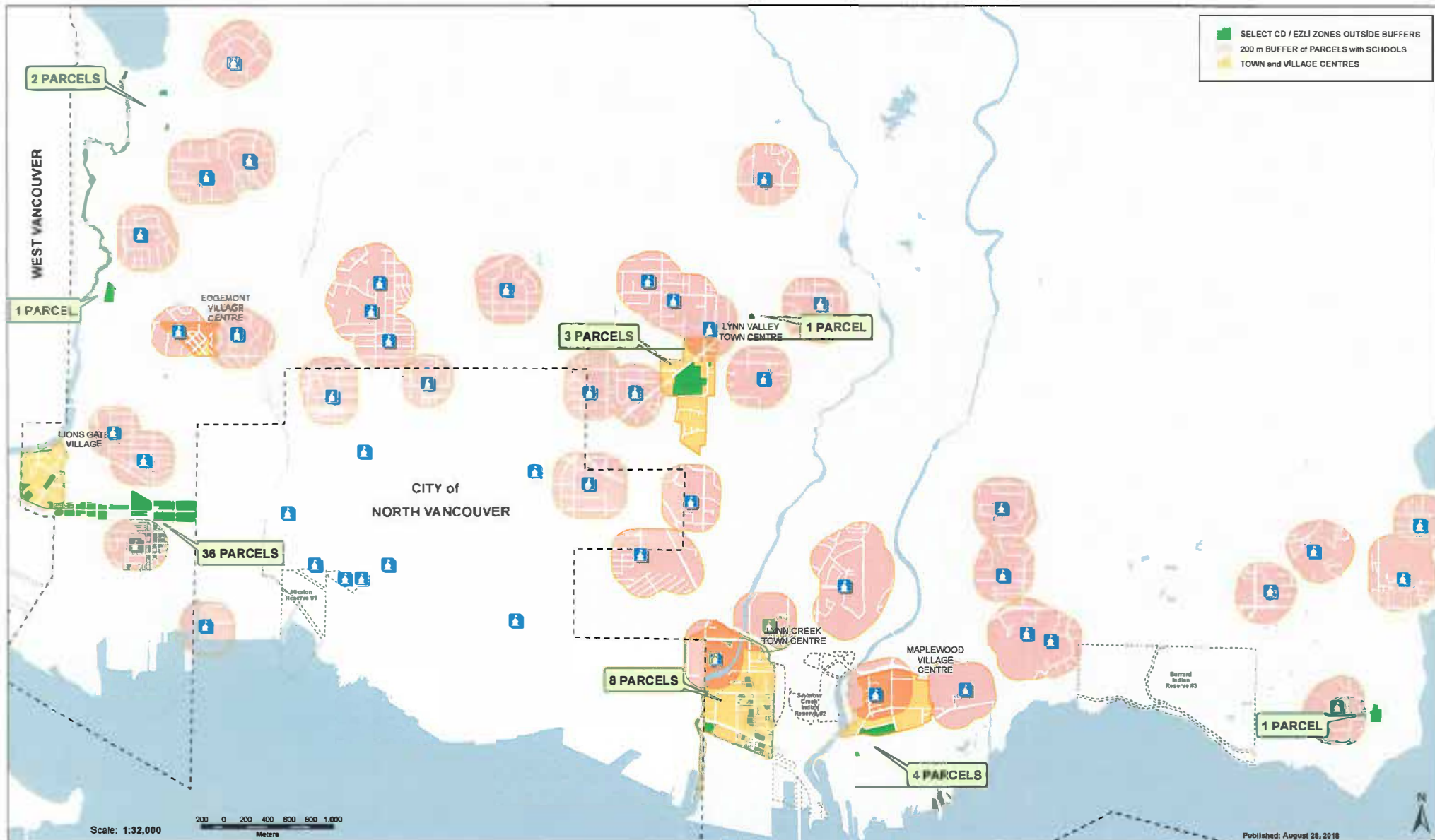
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DNV.org/Cannabis

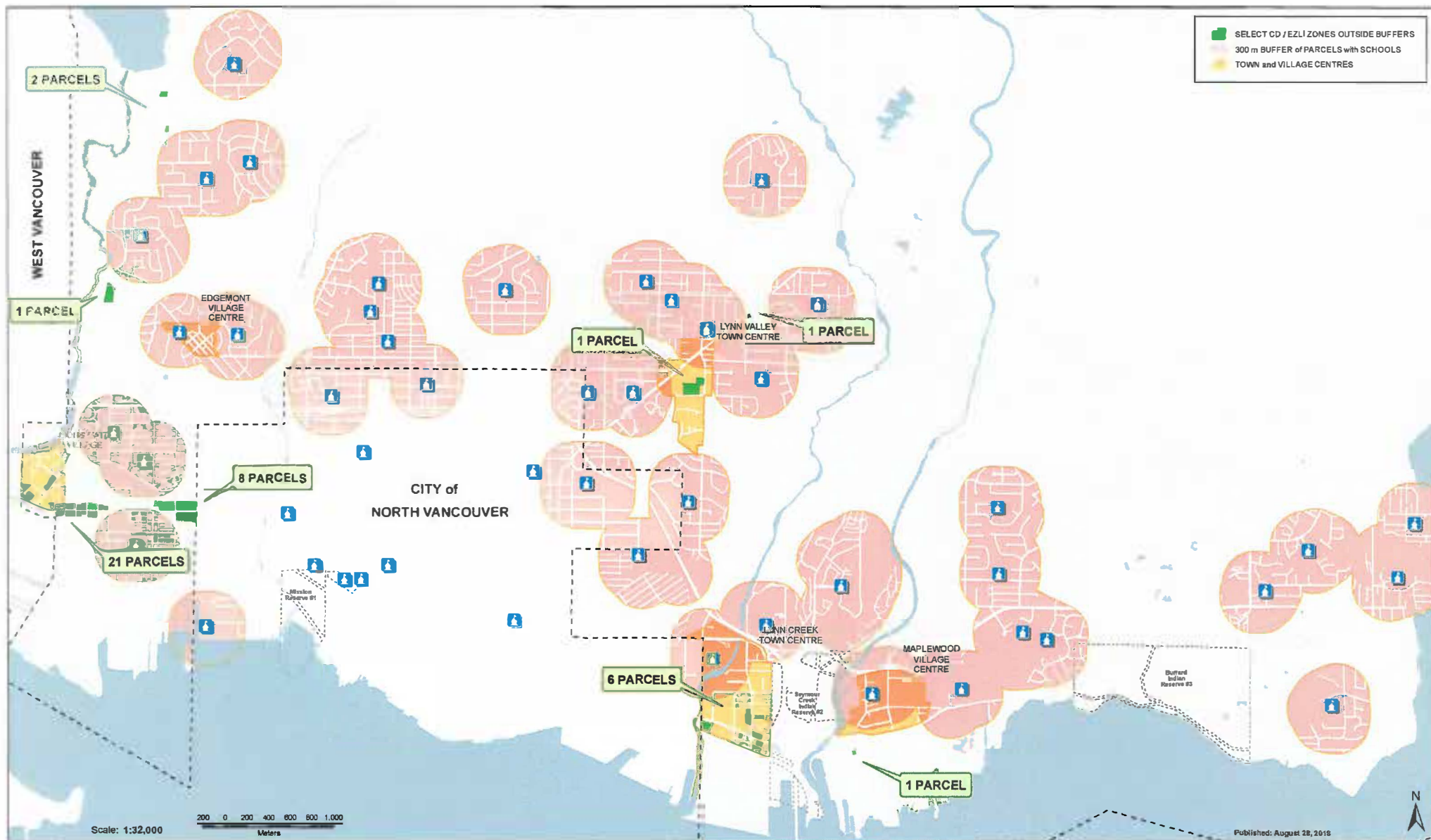


NVanDistrict



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Non-Medical Cannabis Retail Regulation

District of North Vancouver
March 11, 2019

NORTH
VANCOUVER

Agenda

- Overview of the District's draft approach
- Feedback received
- Recommended approach
- Next Steps

NORTH
VANCOUVER

Current Regulations

- Non-medical cannabis production and distribution are prohibited in all zones in the District – (Zoning Bylaw, Part 403A)
- October 17, 2018 non-medical cannabis becomes legal in Canada



Timeline and Process

1. Online Survey (Open from July 20 – September 7, 2018)
2. Retail sector working session (August 28, 2018)
3. Stakeholder meeting (September 7, 2018)



Draft Zoning Bylaw Amendments

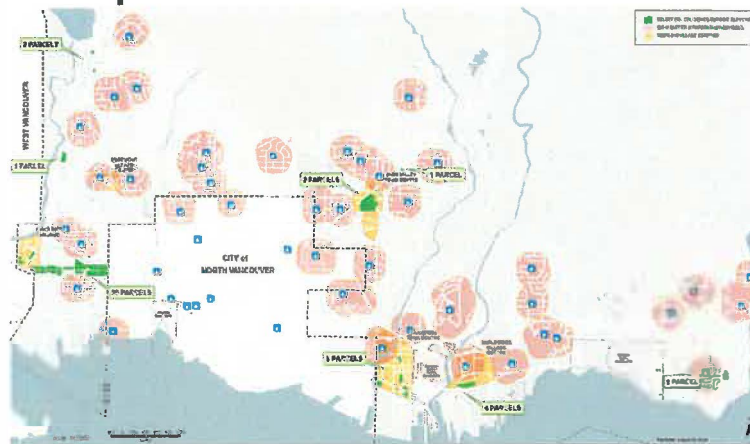
Land Use Regulations

Option A:

- Retail Use
 - Allows non-medical cannabis retail stores in zones that allow liquor stores with a 200 or 300 metre buffer around elementary and high schools

NORTH VANCOUVER

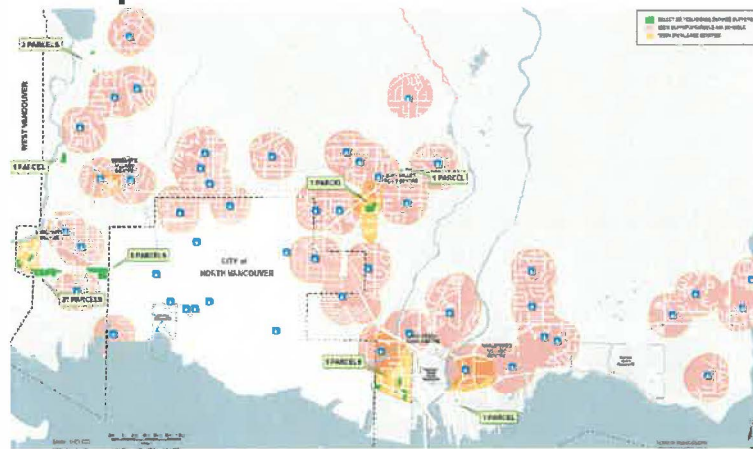
Proposed 200 Metre Buffer



Approximately 56 parcels meet proposed 200 metre buffer criteria

NORTH VANCOUVER

Proposed 300 Metre Buffer



Approximately 41 parcels meet proposed 300 metre buffer criteria

CITY OF
NORTH
VANCOUVER

Draft Zoning Bylaw Amendments

Option B:

- Case by case rezoning applications for cannabis retail stores
 - Allows Council to control specific locations of each store

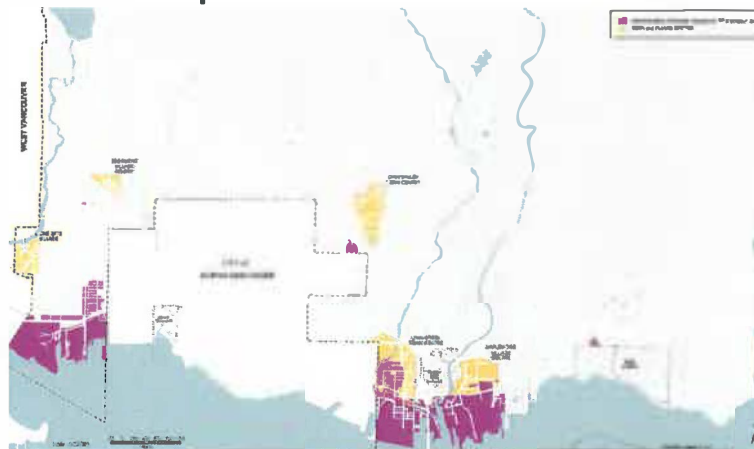
CITY OF
NORTH
VANCOUVER

Draft Zoning Bylaw Amendments

- Warehouse Use
 - Allows government “cannabis warehouses” to distribute cannabis in all zones that permit warehousing and warehouse uses



Proposed Locations



Draft Bylaw Amendments

- Business Licence Bylaw
 - Include retail cannabis stores as a new business class

Must Not:

- Hold more than 1 cannabis retail store licence
- Operate any other business from the premises
- Sell or offer to sell edible cannabis products or concentrates
- Operate the business at any other time than between the hours of (9am to 9pm or 9am to 10pm)

Comparison

- Provincial hours of operation (9am to 11pm)



Draft Bylaw Amendments

- Fees and Charges Bylaw
 - Include "non-medical cannabis retail store" in the list of permitted business types
 - Proposed fee of \$5,000

Intent

- Business licence fee based on the estimated cost to administer this type of business



Draft Bylaw Amendments

Bylaw Notice Enforcement Bylaw adds penalty amounts for any contravention regarding cannabis:

- Failure to comply with regulations
- Terms and conditions
- Operating other business
- Selling edible cannabis or concentrates
- Remaining open outside of permitted hours
- Operating within 200 or 300 (to be determined) metres of school

Feedback Received

- 200 metre buffer from elementary and high schools
- 9 am - 9 pm as the preferred hours of operation
- Restrict the number of stores permitted in the municipality
- Locate in Town and Village Centres

Recommended Approach for Regulating Cannabis

- Consider the dispensing or sale of cannabis (marihuana) in the District of North Vancouver on a case-by-case basis;
- Limit to Town and Village Centres
- Develop policy to include:
 - Locational and evaluation criteria
 - Application process
 - Public consultation process



Next Steps

- Return to Regular Meeting of Council policy for consideration
- Bylaw amendments for:
 - warehouse use
 - Business licence
 - Fees and Charges
 - Bylaw Notice Enforcement



AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>July 22, 2019</u>
<input type="checkbox"/> Other:	Date: _____



The District of North Vancouver REPORT TO COUNCIL

July 16, 2019
File: 13.6440.50/000.000

AUTHOR: Shazeen Tejani

SUBJECT: Non-medical Retail Cannabis Policy

RECOMMENDATION:

THAT the "Non-medical Retail Cannabis Policy" (Attachment A) be approved;

AND THAT staff be directed to begin the application intake process for non-medical retail cannabis businesses on a first-come-first-served basis, as applications are forwarded to the District from the Provincial Liquor & Cannabis Regulation Branch;

AND THAT staff be directed to draft bylaw amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees and Charges Bylaw 6481, and the Notice Enforcement Bylaw 7458 to create the ability for approvals of cannabis retailing, manufacturing and warehousing.

REASON FOR REPORT:

The purpose of this report is to seek Council's approval for a Non-medical Retail Cannabis Policy to assist in regulating the retail sale of cannabis in the District. The growing, harvesting, storage, packaging, dispensing, or sale of cannabis (marihuana) is currently prohibited in the District of North Vancouver Zoning Bylaw. On October 17, 2018, non-medical cannabis became legal in Canada through the Federal *Cannabis Act*.

BACKGROUND:

On June 11, 2018, Council directed staff to proceed with public engagement on cannabis regulation in the District with regard to draft amendments to the Zoning Bylaw 3210; Business Licence Bylaw 4567, Fees & Charges Bylaw 6481; Bylaw Notice Enforcement Bylaw 7458; and, Smoking Regulation Bylaw 7792.

On October 29, 2018 Council adopted an amendment to Smoking Regulation Bylaw 7792 to ensure that smoking of cannabis would be regulated the same way as cigarettes, cigars, or other lighted smoking equipment.

Between July and September 2018, a series of public engagement events were held with the public and stakeholders on the proposed land use, business licence, and consumption regulations of non-medical cannabis. During a Council Workshop on March 11, 2019 staff, with input received from the public engagement process, recommended the following approach:

- Consider the sale or dispensing of non-medical cannabis on a case-by-case basis;
- Limit the number of non-medical cannabis retail stores to one per Town and Village Centre. Other stores may be considered on a case by case basis;
- Continue to prohibit the sale or dispensing of cannabis except for where Council approves a rezoning (text amendment) and a business licence is issued for a non-medical cannabis retail store;
- Develop a policy to include locational and other evaluation criteria;
 - The locational criteria would limit cannabis retail stores to zones which currently permit the retail sale of liquor (CD4, CD21, CD45, CD47, Lot B at 1515 Barrow, CD68, CD80, C1L, C2, C9, C10, CD90, CD 94, but not the Public House C6 zone);
 - Ensure a minimum 200 metre buffer around elementary and high schools;
- Limit operating hours to 9am to 9pm daily;
- Prohibit accessory production and warehousing uses in non-medical cannabis retail stores; and
- Prohibit non-medical cannabis retail use in production and warehousing zones.

During the workshop, Council expressed support for staff to prepare a policy to aid in regulating the sale and distribution of cannabis.

EXISTING POLICY:

The growing, harvesting, storage, packaging, dispensing, or sale of cannabis (marihuana) is currently prohibited in the District of North Vancouver Zoning Bylaw Part 403A.

ANALYSIS:**Planning Process**

Based on the feedback received by Council, the public, and external stakeholders, staff have developed a proposed policy for regulating the retail sale of non-medical cannabis in the District (**Attachment A**). The policy describes the locational guidelines, additional evaluation criteria, process for acquiring a non-medical cannabis licence, public consultation requirements, and the conditions of rezoning. The provisions contained within the policy are in-keeping with the recommendations proposed to Council at the March 11th Workshop.

Proposed Application Intake Process

A review of best practices across the region has revealed challenges with two general application intake methods related to processing retail cannabis businesses. The two general intake methods identified were: 1) applications processed by the order received through a municipal portal; and 2) a merit-based approach to processing applications. In municipalities where applications were received through the municipal online portal, some portals were unable to handle a high volume of applications at once. In the latter merit-based approach, there were reported challenges in creating a fair, equitable, and transparent evaluation process.

Staff recommend reviewing non-medical retail cannabis applications using a first-come-first-served model, based on the date and time the application is forwarded to the District by the Provincial Liquor & Cannabis Regulation Branch (LCRB). Applications will be accepted only after Council's approval of the attached policy. This proposed intake process is intended to help maintain a straightforward and equitable process and ensure that applications received have been screened by the Province first.

Process for Acquiring a Non-Medical Cannabis Business Licence

Under the proposed policy, all non-medical retail cannabis businesses in the District would be required to undergo a site-specific rezoning process (text amendment) before the retail sale of non-medical cannabis would be permitted. The proposed process would include opportunities for public consultation, in accordance with District policies, bylaws and the *Local Government Act*.

The following is a brief summary of the application process:

1. Proponent submits an application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a retail cannabis store licence.
2. The LCRB completes an evaluation, security screening and financial integrity check, then forwards the application to the District for consideration.
3. The applicant applies to the District for a rezoning (zoning bylaw text amendment) to add retail cannabis sales as a permitted use to the subject property only.
4. The District reviews the rezoning application against the criteria outlined in the proposed Non-medical Retail Cannabis Policy and undertakes public consultation in accordance with existing municipal and Provincial policies and bylaws. This will include notice to nearby neighbours, the posting of a notice on the site, and a public hearing.
5. Staff provide a zoning amendment bylaw (text amendment) and report, including a summary of the public consultation, to Council for their consideration.
6. If Council provides first reading to the zoning amendment bylaw, the bylaw is referred to a Public Hearing, unless Council waives the requirement for a Hearing.

7. If the zoning amendment bylaw is adopted and a Development Permit is issued, the District will notify the LCRB of the District's positive recommendation of the application.
8. The applicant applies for a business licence (hours would be limited from 9am to 9pm).
9. Upon issuance of a Provincial licence for a non-medical cannabis retail store, the District may issue a business licence.
10. Any additional permit applications as required by the District are completed, such as building permit and/or sign permit applications.

Accompanying Bylaw Amendments

If Council approves the Non-medical Retail Cannabis Policy, amendments to a number of municipal bylaws would be required in order to implement the policy. The bylaws that would require amendment are:

- Zoning Bylaw 3210 (to define and allow retail cannabis, to allow for warehousing, and to regulate accessory uses).
- Business Licence Bylaw 4567 (to include non-medical cannabis as an allowable licenced business and to regulate nuisances).
- Fees & Charges Bylaw 6481 (to include a fee for a non-medical cannabis business licence of \$5,000).
- Bylaw Notice Enforcement Bylaw 7458 (to add ticketable offences for breach of other bylaws, including the sale of edible cannabis or operating outside of permitted hours).

Staff proposed to bring forward amendments to the above bylaws in conjunction with the first application received.

Once an application is received by the District from the LCRB and a rezoning application from the applicant is received, it would be processed in accordance with the attached Non-medical Retail Cannabis Policy. If Council approves the rezoning (text amendment), only then would it be permitted at the site-specific location.

Cannabis Commercial Production, Warehousing and Distribution

The BC Liquor & Cannabis Distribution Branch is responsible for the distribution of cannabis from licensed producers to both public and private retail locations. The Federal government is responsible for the regulation of production. Based on consultation with public and retail stakeholders, preference was stated for permitting the commercial production, warehousing and distribution of non-medical cannabis in zones where warehousing or a warehouse use is allowed. These zones are generally located in the District's industrial lands including in: Lynn Creek Town Centre, Lynnmour South, Maplewood, and Norgate. As noted above, amendments to the Zoning Bylaw 3210 are proposed be brought forward in conjunction with

the first application, to specifically include cannabis production, warehousing, and distribution within the appropriate zones.

Timing/Approval Process:

Non-medical cannabis became legal in Canada on October 17, 2018. The Provincial LCRB is now accepting online applications for non-medical cannabis retail store licences. The process to review and update the District's cannabis regulations began prior to legalization in June, 2018, as shown below:



Figure1: Planning Process for Non-Medical Cannabis Regulation

Staff are now seeking approval for the proposed Non-medical Retail Cannabis Policy. If approved, rezoning and other related applications will be processed in accordance with the policy.

Financial Impacts:

Based on the estimated cost of enforcing and regulating businesses associated with the retail sale of cannabis, staff propose amending the Business Licence Bylaw 4567 to include an annual business licence fee of \$5,000. These costs are intended to cover the District's costs related to establishing, administering, and enforcing business license regulations.

Conclusion:

The possession and consumption of non-medical cannabis products became legal in Canada on October 17, 2018. The proposed Non-medical Retail Cannabis Policy will provide locational guidelines and other evaluation and approval requirements. The policy is intended to assist Council in considering rezoning applications for new non-medical retail cannabis businesses in the District.

Options:

THAT the "Non-medical Retail Cannabis Policy" (Attachment A) be approved;

AND THAT staff be directed begin the application intake process for non-medical retail cannabis businesses on a first-come-first-served basis, as applications are forwarded to the District from the Provincial Liquor & Cannabis Regulation Branch;

AND THAT staff be directed to draft bylaw amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees and Charges Bylaw 6481, and the Notice Enforcement Bylaw 7458 to create an ability for approvals of cannabis production, warehousing and retailing (Staff recommendation).

OR

THAT no further action be taken at this time.

Respectfully submitted,



Shazeen Tejan
Community Planner

Attachment 1: Non-medical Retail Cannabis Policy

REVIEWED WITH:	REVIEWED WITH:	REVIEWED WITH:	REVIEWED WITH:
<input type="checkbox"/> Sustainable Community Development	<input type="checkbox"/> Clerk's Office	External Agencies:	Advisory Committees:
<input type="checkbox"/> Development Services	<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Library Board	<input type="checkbox"/> _____
<input type="checkbox"/> Utilities	<input type="checkbox"/> Communications	<input type="checkbox"/> NS Health	<input type="checkbox"/> _____
<input type="checkbox"/> Engineering Operations	<input type="checkbox"/> Finance	<input type="checkbox"/> RCMP	<input type="checkbox"/> _____
<input type="checkbox"/> Parks & Environment	<input type="checkbox"/> Fire Services	<input type="checkbox"/> Recreation Commission	
<input type="checkbox"/> Economic Development	<input type="checkbox"/> Human resources	<input type="checkbox"/> Other: _____	
	<input type="checkbox"/> ITS		
	<input type="checkbox"/> Solicitor		
	<input type="checkbox"/> GIS		



The Corporation of the District of North Vancouver

CORPORATE POLICY

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

POLICY

It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.

Policy approved on:

Policy amended on:

PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

DEFINITIONS

“Council” means the Council for the District of North Vancouver.

“District” means the District of North Vancouver.

“Liquor & Cannabis Regulation Branch” means the Provincial branch which regulates British Columbia’s liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

“Retail Cannabis Business” means a licensed establishment that is authorized to sell cannabis for non-medical use.

REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

PREAMBLE

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

APPLICATION

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

LOCATIONAL GUIDELINES

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan*:
 - a. Maplewood Village Centre;
 - b. Lions Gate Village Centre and Marine Drive Corridor;
 - c. Lynn Valley Town Centre;
 - d. Lynn Creek Town Centre.

*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the Provincial *Cannabis Licensing Regulation*.

OTHER EVALUATION CRITERIA

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the Provincial *Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

NON-MEDICAL CANNABIS APPROVAL PROCESS

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB.

3. An application to the District for a development permit as required by the District;
4. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
5. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

PUBLIC CONSULTATION

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

CONDITIONS OF REZONING

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.

SMOKING REGULATIONS SIGNAGE

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

COUNCIL DISCRETION

While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

AUTHORITY TO ACT

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.

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