

## **BYLAW NO.18/016**

### **A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND THE LICENSE BYLAW NO. 01/031**

**WHEREAS** sections 191(1) and 639 of the *Municipal Government Act* empower a council both to pass and to amend the license bylaw;

**AND WHEREAS** the federal government is proposing to pass a *Cannabis Act* not later than the summer of 2018

**NOW THEREFORE** the Regional Municipality of Wood Buffalo, in council assembled, enacts as follows:

**1. The License Bylaw No. 01/031 is amended as set out in parts II, II and IV and schedule A of this bylaw.**

**2. Part II – is amended by adding the following definitions:**

- (1) “Cannabis” means cannabis as defined in the proposed federal Cannabis Act and includes any products containing cannabis.
- (2) “Cannabis-related business” means carrying on of activity where;
  - (i) the use of cannabis for medical or any other purposes is advocated or promoted;
  - (ii) cannabis or paraphernalia used in the consumption of cannabis are sold or otherwise provided to persons for any purpose;
  - (iii) cannabis is stored for a purpose of sale or distribution; or
  - (iv) cannabis is consumed in any form.

**3. Part III – is amended by adding the following as Section 33, and re-numbering the remaining sections of the bylaw accordingly:**

#### **33. CANNABIS RELATED BUSINESS**

- (1) A person or company applying for a license for a cannabis-related business must hold a valid License issued under the provisions of this Bylaw.
- (2) The provisions of this Bylaw do not apply to production and distribution of cannabis.
- (3) **Requirements for cannabis-related business applications**
  - (a) A person applying for the issuance or renewal of a license to carry on a cannabis-related business where cannabis is kept or present on the premises must:

- (i) make application to the Municipality on the form provided for that purpose;
- (ii) pay to the Municipality the applicable license fee;
- (iii) provide a security plan for the premises that, in the opinion of the Municipality describes adequate security measures to mitigate risk of theft or robbery at the premises
- (iv) provide proof of a security alarm contract that includes monitoring at all times during the period for which the license is being sought, and
- (v) provide proof of ownership or legal possession of the premises, and provide a current criminal record check for:
  - i. the applicant
  - ii. if the applicant is a corporation, each shareholder, officer and director, and
  - iii. each on-site manager

**(4) Authority to refuse a license**

- (a) The Municipality may suspend or refuse to issue or renew a license for a cannabis retail store if:
  - (i) the applicant or licensee, or a shareholder, officer, director or on-site manager of the applicant or licensee:
    - (ii) was convicted anywhere in Canada of an offence involving dishonesty
    - (iii) was convicted, found guilty of, or liable for any contravention or offence relating to the conduct of a business similar to that to which the license relates
    - (iv) was convicted, found guilty of, or liable for any contravention or offence, in the Municipality, against this bylaw or against any bylaw authorizing the issuance of a business license or regulating the conduct of a business, or
    - (v) was guilty of misrepresentation, nondisclosure or concealment of any material fact, relating to the subject matter of the license or required to be stated in, the application.
- (b) A decision of the Municipality under subsection 4(a) may be appealed to Council by submitting a request in writing to the Chief Legislative Officer within 30 days of the decision.

**(5) Further requirements for all cannabis-related businesses**

- (a) A person carrying on a cannabis-related business must not:
  - (i) allow a person under the age of 18 on the premises
  - (ii) advertise or promote the use of a cannabis to a person under the age of 18
  - (iii) allow a person to smoke, vape, consume or otherwise ingest cannabis or products containing cannabis on the premises, or

- (b) display any advertising or sign that is visible from outside of the premises except for a maximum of two signs which display no images and contain only:
  - (i) alpha-numeric characters,
  - (ii) the business name, and
  - (iii) in a size as permitted under the *Sign Bylaw*.

**(6) Requirements for businesses that keep cannabis on the premises**

- (a) In addition to the requirements of section 3(a), a person carrying on a business where cannabis is kept or present on the premises must
  - (i) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times
  - (ii) retain video camera data for at least 21 days after it is gathered
  - (iii) install a security and fire alarm system that is, at all times, monitored by a licensed third party
  - (iv) not allow cannabis, products containing cannabis or other valuables to remain on the premises when the business is not open to the public, unless the cannabis, products and other valuables are securely locked in a safe on the premises, and
  - (v) install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties.
  - (vi) disposal plan for unused or contaminated products.

**(7) Requirements for cannabis retailers**

- (a) In addition to the requirements of sections 3(a) and 5(a), a person carrying on the business of a storefront cannabis retailer must:
  - (i) prominently display a sign on the premises indicating that no persons under 18 years of age are permitted on the premises;
  - (ii) ensure that two employees are present on the premises at all times when the business is open to the public, including one manager;
  - (iii) not use the premises to carry on business other than the cannabis-related business and accessory uses;
  - (iv) ensure that windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements;
  - (v) not be open for business between the hours of 8 p.m. and 7 a.m. the next day;
- (b) promptly, and at least within 30 days, bring to the attention of the Municipality:
  - (i) the name of any new on-site manager, officer, director or shareholder of the licensee, and
  - (ii) any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee, and

- (c) promptly, and at least within 30 days, provide to the Municipality a current police information check for any new on-site manager, officer, director or shareholder of the licensee.

**4. Part IV – OFFENCES AND PENALTIES is amended as follows:**

- 34. (1) A person who fails to comply with the requirements of this Bylaw, is guilty of an offence and is liable on summary conviction to a penalty provided in the *Municipal Government Act* as amended from time to time, unless another penalty is provided in a statute of the Province of Alberta that has special application to a Business License hereunder, in which case the penalty provided in the statute shall apply.
- (2) Where the offence is non-payment of any license fee payable a presiding judge may award payment of the fee in addition to the fine imposed.
- (3) As an alternative to subsection (1), the municipality may enforce the provisions of this Bylaw and may issue an offence ticket to any person alleged to have committed one or more breaches of the Bylaw.
- (4) An offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender or by sending it to the alleged offender by registered mail.

**MISCELLANEOUS**

- 35. Each provision of this Bylaw shall be deemed independent of all other provisions herein, and that if, for any reason, one provision shall be declared inoperative, it shall not affect the operation and validity of the other Sections of this Bylaw.

**5. SCHEDULE A – BUSINESS LICENSE RATES is amended by adding the following:**

**PART V – CANNABIS RELATED LICENSE FEE**

- (a) License Fee
  - (i) \$350 for all cannabis-related business

This bylaw comes into effect when it is passed.

READ a first time this 12<sup>th</sup> day of June, A.D. 2018.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2018.

READ a third and final time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2018.

SIGNED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2018.

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Mayor

\_\_\_\_\_  
Chief Legislative Officer