



BYLAW NO. 2018/10/D

Name of Bylaw: Business License Amending (Cannabis Retail) Bylaw

WHEREAS the House of Commons has given three readings to 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) which will permit persons to possess cannabis if purchased from an authorized person;

AND WHEREAS it is anticipated that the *Cannabis Act* will come into force in October, 2018 or shortly thereafter;

AND WHEREAS the Province of Alberta has enacted *An Act to Control and Regulate Cannabis*, S.A. 2017, c. 21 which will place restrictions on the sale of cannabis in Alberta and will grant certain powers to municipalities to further restrict sales;

AND WHEREAS Council deems it necessary to impose additional restrictions on the sale of cannabis in Drayton Valley;

AND WHEREAS the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, authorizes the Council to pass, repeal or amend a Bylaw;

AND WHEREAS Council of Town of Drayton Valley deems it expedient and proper, under the authority of and in accordance with the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto, to make certain amendments to the Town of Drayton Valley Business License Bylaw;

NOW THEREFORE the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the "Business License Amending (Cannabis Retail) Bylaw" of the Town of Drayton Valley.

PURPOSE

2. The purpose of this Bylaw is to amend Town of Drayton Valley Business License Bylaw 2008/18/D, and amendments thereto, to include provisions for the retail sale of cannabis and cannabis products within the Town.

3. The following shall be added, in alphabetical order, to Section 3 Definitions of Business License Bylaw 2008/18/D:
- a. *cannabis*:
 - i. means any part of the cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds, and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time;
 - ii. including edible products that contain cannabis in any of its forms;
 - iii. means the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - iv. includes any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
 - v. but does not mean:
 - a) a non-viable seed of a cannabis plant;
 - b) a mature stalk, without any leaf flower, seed or branch, of such a plant;
 - c) fibre derived from a stalk; or
 - d) the root or any part of the root of such a plant;
 - b. *cannabis accessory(ies)* means, as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time:
 - i. 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; or
 - ii. a thing that is deemed under subsection (3) to be represented to be used in the consumption or production of cannabis;
 - c. *cannabis counselling business* means a use:
 - i. where counselling on cannabis is provided by persons who are not medical professionals;
 - ii. where consumption of cannabis is not permitted;
 - iii. where the sale of cannabis is not permitted; and
 - iv. that may include the ancillary retail sale or rental of cannabis accessories;
 - d. *cannabis retail store(s)* means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend at the premises, but does not include a cannabis production and distribution facility, a medical marijuana dispensary or a business which allows the consumption of cannabis on-site, such as a cannabis lounge;

- e. *Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provisions of this Bylaw;
- 4. The definition of “Adult business” within Section 1 of Business License Amending Bylaw 2012/26/D, is amended by adding the words “This does not include a medical marijuana dispensary(ies), cannabis counselling business(es) or cannabis retail store(s), or a business selling cannabis accessories; nor does this include a cannabis production and distribution facility(ies).”
- 5. Business License Bylaw 2008/18/D is amended by adding:

“PART IV(I) – SPECIAL PROVISIONS RELATING TO CANNABIS RETAIL STORES AND CANNABIS COUNSELLING BUSINESSES

34. CANNABIS BUSINESS LICENSES

- 34.1 Anyone operating a cannabis retail store, a store selling cannabis accessories or a cannabis counselling business (defined within Section 3 and hereinafter collectively referred to as a “cannabis business”) must obtain a Business License in compliance with this Bylaw, as well as a Development Permit pursuant to the Town’s Land Use Bylaw.
- 34.2 Before any person carries on or provides the services of a cannabis business, a written application must be made to the License Inspector for a Business License.
- 34.3 A Business License for a cannabis business may not be issued to:
 - 34.3.1 an individual under the age of 18 years;
 - 34.3.2 a partnership with any partner under the age of 18 years;
or
 - 34.3.3 a corporation with any shareholder, director or officer under the age of 18 years.
- 34.4 Every Application for the issue or renewal of a Business License for a cannabis business must be in a form prescribed by the Town and must contain at least the information set out in Part IV(I) hereof.

34.5 All Applicants for a cannabis Business License must provide:

- 34.5.1 the business address of the cannabis business;
- 34.5.2 the business telephone numbers including, but not limited to, cellular phones, digital phones, pagers and fax lines;
- 34.5.3 all names used by the cannabis business;
- 34.5.4 all electronic mail addresses used by the cannabis business;
- 34.5.5 all internet computer addresses used by the cannabis business;
- 34.5.6 the original signature of the Applicant;
- 34.5.7 the original signature of the owner(s) of the parcel of land from which the business is proposed to be operated; and
- 34.5.8 a copy of the retail cannabis license issued by Alberta Gaming and Liquor Commission, which shall be provided to the Town prior to occupancy of the business premises.

35. CANNABIS BUSINESS OPERATIONAL CONDITIONS

- 35.1 The owner, operator or manager of a cannabis business shall post, and keep posted, at every entrance of the building, signage which clearly indicates that no person under the age of eighteen (18) years is permitted to enter or to remain in the premises.
- 35.2 No owner, operator, manager or any person working in a cannabis business shall:
 - 35.2.1 permit any individual or person under the age of eighteen (18) years to enter or to remain in any such business premises; or
 - 35.2.2 display cannabis, cannabis accessories or signage so that it is visible from the outside of the business premises; or

35.2.3 display any signage or form of advertisement that indicates that cannabis or cannabis accessories are available in the business;

35.2.4 allow a person to smoke, vape, consume or otherwise ingest cannabis or products containing cannabis on the premises; or

35.2.5 use the premises to carry on business other than the cannabis-related business and accessory use.

35.3 The maximum operating hours of a cannabis business shall be ten o'clock in the morning (10:00 am) to ten o'clock in the evening (10:00 pm), seven (7) days per week, excluding those dates of closure mandated by the Province of Alberta.

36. SPECIFIC OFFENCES RELATING TO CANNABIS BUSINESSES

36.1 No Person under the age of eighteen (18) shall engage in the business of or operate a cannabis business.

36.2 No Person shall operate a cannabis business without holding a valid and subsisting Business License.

36.3 No cannabis business shall employ the services of a person under the age of eighteen (18) years.

36.4 No cannabis business shall advertise or promote their services in any fashion using a name other than the name on the Business License issued to the cannabis business unless the name has been registered with the Registrar of Corporations and the License Inspector so advised.

36.5 No cannabis business shall advertise or promote their services in any fashion using:

36.5.1 a telephone number;

36.5.2 a name;

36.5.3 an electronic mail address; or

36.5.4 an internet address,

unless the cannabis business has first provided the number, name or address in writing to the License Inspector.

- 36.6 No person shall supply incorrect, incomplete or misleading information in an Application for the issue or renewal of a cannabis Business License.
- 36.7 All cannabis businesses shall notify the License Inspector forthwith, in writing, of any change to any of the information contained in the most recent Application for the issue or renewal of a Business License. In so updating such information, the holder of the Business License shall be required to complete any forms required by the Town and submit, immediately upon request, the appropriate fees as set out in the Town's Annual Fee Schedule for the change in the Business License information.
- 36.8 A Licensee shall provide their Business License when requested to do so by a Peace Officer.

37. CANNABIS BUSINESS LICENSE FEES

37.1 The Licensing fees for a cannabis Business License are set out in the Town's Annual Fee Schedule."

6. Business License Bylaw 2008/18/D is amended by adding:

"26.5.3 Breach of any provisions in this Bylaw related to a cannabis business:

- 26.5.3.1 Unlicensed Cannabis Business: \$2,500.00;
- 26.5.3.2 Improper Advertising: \$1,000.00;
- 26.5.3.3 Failure to Provide Change of Information: \$ 500.00;
- 26.5.3.4 Failure to Provide Proof of Valid License \$ 500.00:
- 26.5.3.5 Providing Incorrect, Incomplete or Misleading Information: \$1,000.00."

INTERPRETATION

7. Words used in the singular include the plural and vice-versa.

8. When a word is used in the masculine or feminine it will refer to either gender.
9. Words used in the present tense include the other tenses and derivative forms.

SEVERABILITY

10. If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

AND THAT this Bylaw shall come into force and have effect from and after the date of third reading thereof.

Read a first time this 8th day of August, 2018, A. D.

Public Hearing held this 19th day of September, 2018, A. D.

Read a second time this 19th day of September, 2018, A. D.

Read a third and final time this 19th day of September, 2018, A. D.



MAYOR



CHIEF ADMINISTRATIVE OFFICER