

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1626

A BYLAW TO AMEND THE CITY OF ENDERBY BUSINESS LICENSE AND REGULATION
BYLAW NO. 1558, 2014

WHEREAS Council of the City of Enderby has adopted "The City of Enderby Business License and Regulation Bylaw No. 1558, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Business License and Regulation Bylaw No. 1558, 2014 Amendment Bylaw No. 1626, 2017".

2. *Section 2 - Definitions* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by including the following definitions:

"Marihuana" means all parts of the genus cannabis whether growing or not and the seed or clone of such plants.

"Marihuana-Related Business" means a business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of marihuana or marihuana-containing products, including but not limited to dispensaries and compassion clubs.

3. *Section 4 - Licensing Regulations* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by including Section 4.a.vii as follows:

vii. The license period for a Marihuana-Related Business shall be one (1) year, to commence on January 1 and to terminate on December 31, on each and every year this bylaw is in effect. An application for a license renewal for a Marihuana-Related Business must be received by the City by December 15th in each calendar year.

4. *Section 5 - Business Regulations* of "City of Enderby Business License and Regulation Bylaw No. 1558, 2014" is hereby amended by including Section 5.i as follows:

i. Marihuana-Related Business:

i. No Marihuana-Related Business shall operate in the City of Enderby without first having obtained a license.

ii. Every person who makes application for a license to operate a Marihuana-Related Business must demonstrate that the proposed use is lawful under all applicable Provincial and Federal statutes and regulations.

- iii. A person applying for the issuance or renewal of a license to carry on a Marihuana-related Business must:
 - a) make application to the License Inspector on the form provided for that purpose;
 - b) pay to the City the applicable license fee under the City of Enderby Fees and Charges Bylaw No. 1479, 2010, as amended from time to time;
 - c) provide a security plan for the premises that, in the opinion of the License Inspector, describes adequate security measures to mitigate risk of theft or robbery at the premises;
 - d) provide proof of a security and fire alarm contract that includes monitoring at all times during the period for which the license is being sought;
 - e) provide proof of ownership or legal possession of the premises;
 - f) provide a current police information check for:
 - 1. the applicant;
 - 2. if the applicant is a corporation, each shareholder, officer and director; and
 - 3. each on-site manager; and
 - g) provide any other documents required by the License Inspector.
- iv. The License Inspector may suspend or refuse to issue or renew a license for a Marihuana-Related Business if:
 - a) the applicant or licensee, or a shareholder, officer, director or on-site manager of the applicant or licensee:
 - 1. was convicted anywhere in Canada of an offence involving dishonesty;
 - 2. 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;
 - 3. was convicted, found guilty of, or liable for any contravention or offence, in Enderby, against this bylaw or against any bylaw authorizing the issuance of a business license or regulating the conduct of a business; or
 - 4. 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.

- v. A license holder for a Marihuana-Related Business must:
 - a) install video surveillance cameras that monitor all entrances and exits and the interior of the premises at all times;
 - b) retain video camera data for at least 21 days after it is gathered;
 - c) install a security and fire alarm system that is, at all times, monitored by a licensed third party;
 - d) not allow marihuana, products containing marihuana or other valuables to remain on the premises when not open to the public, unless the marihuana, products and other valuables are securely locked in a safe on the premises;
 - e) prominently display a sign on the premises indicating that no persons under 19 years of age are permitted on the premises unless accompanied by a parent or guardian;
 - f) ensure that two employees are present on the premises at all times when open to the public, including one manager;
 - g) promptly bring to the attention of the License Inspector:
 - 1. the name of any new on-site manager, officer, director or shareholder of the licensee; and
 - 2. any criminal charge brought against the licensee or an on-site manager, officer, director or shareholder of the licensee;
 - h) promptly provide to the License Inspector a current police information check for any new on-site manager, officer, director or shareholder of the licensee; and
 - i) install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties.
- vi. No Marihuana-Related Business shall be located within 100 meters of any residential zone, daycare facility, preschool, playground, community centre, school, public park, civic or religious institution or any use catering to individuals under the age of 18.
- vii. A license holder for a Marihuana-Related Business must not do any of the following:

- a) Permit a person under 19 years of age to enter or remain on the premises of the Marihuana-Related Business unless accompanied by a parent or guardian over 19 years of age;
 - b) Operate the Marihuana-Related Business between the hours of 7 p.m. and 8 a.m. the following day;
 - c) Permit the consumption of any marihuana containing product on the premises;
 - d) Block the windows of the premises with opaque material, artwork, posters, shelving or any other material;
 - e) Display items related to the consumption of marihuana in any manner by which the display may reasonably be seen by a minor who is outside the premises;
 - f) Advertise or promote the use of marihuana in any manner by which the advertising or promotion may reasonably be seen or heard by a minor who is outside the premises;
 - g) Display any advertising or sign that is visible from outside of the premises, except for signs which display no images and contain only:
 - i. alpha-numeric characters,
 - ii. the business name, andare consistent with the requirements of Section 310 of the City of Enderby Zoning Bylaw No. 1550, 2014, as amended from time to time; and
 - h) Use the premises to carry on business other than that defined as a Marihuana-Related Business.
- viii. For the purposes of this bylaw, any business, not-for-profit, charity, cooperative, shared economy venture, or other entity which uses a premises for the consumption, display, storage, sale, trade or other exchange of marihuana or marihuana-containing products shall be considered a Marihuana-Related Business and will be subject to all the applicable terms, conditions, and fees of a Marihuana-Related Business.

READ a FIRST time this 20th day of February, 2017.

READ a SECOND time this 20th day of February, 2017.

READ a THIRD time this 20th day of February, 2017

ADOPTED this 6th day of March, 2017

MAYOR

CHIEF ADMINISTRATIVE OFFICER