

BYLAW NO. 8 - 2020

A BYLAW TO PROVIDE FOR THE REGULATION AND STANDARDS FOR CANNABIS RELATED BUSINESSES

The Council of the District of Lakeland No. 521, in the Province of Saskatchewan enacts as follows:

TITLE

1. This bylaw shall be referred to as “*The Cannabis Business Licence Bylaw*”

PURPOSE

2. To provide for regulations of the sale, processing and distributing of recreational cannabis. To establish minimum standards for cannabis-related business so as to minimize any adverse effects that cannabis-related business may have on the safety, health and well-being of the community.

INTERPRETATION:

3. In this Bylaw:
 - (a) “Administrator” means the person appointed as Administrator of the Municipality pursuant to *The Municipalities Act*;
 - (b) “Applicant” means any person applying for a licence under this Bylaw;
 - (c) “business” means a business as defined in *The Municipalities Act*
 - (d) “cannabis” means cannabis as defined in *The Cannabis Control (Saskatchewan) Act* and includes any products containing cannabis;
 - (e) “cannabis accessory” means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs, and vaporizers, that are represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis;
 - (f) “cannabis business license” means a license issued to any cannabis-related business operating at a business office or premises, excluding home based or residential locations, within the Municipality.
 - (g) “cannabis plant” means a plant that belongs to the genus Cannabis;
 - (h) “cannabis production facility” means a business that holds a federal license to cultivate, harvest, produce, process, manufacture, package, test, store and ship cannabis or cannabis products;

- (i) “cannabis retail store” means a provincially-licenced retail business where cannabis or cannabis products are sold and displayed, and which may include the sale and display of related accessories and ancillary items, but does not include the manufacturing or processing or products to be sold or displayed on-site;
- (j) “cannabis-related ancillary items” means items that are not cannabis or cannabis containing and includes such things as cannabis industry magazines, branded t-shirts and ashtrays, cannabis artwork, etc.;
- (k) “cannabis-related business” means any activity involving the production, wholesale, distribution, or sale of cannabis and/or cannabis products;
- (l) “cannabis wholesale” means a business that warehouses and distributes wholesale cannabis or cannabis products to provincially licensed retailers for the purpose of carrying on trade and business;
- (m) “Department” means the Planning and Development Department;
- (n) “Development Officer” shall mean the person who holds the position of Development Officer for the Municipality and shall include the Administrator.
- (o) “designated officer” means a person appointed to administer or enforce this Bylaw;
- (p) “Municipality” means the District of Lakeland;
- (q) “person” refers to an individual, corporation, partnership, sole proprietor or any combination of these; and
- (r) “SLGA” means the Saskatchewan Liquor and Gaming Authority.

LICENCE REQUIRED

4. No person shall hold themselves out, nor carry on a cannabis-related business within the Municipality unless the person does hold a valid business licence issued under this Bylaw.
5. No person shall advertise a cannabis-related business in the Municipality unless:
 - (a) permitted under federal or provincial legislation; and
 - (b) that person holds a valid and subsisting license under this Bylaw.
6. A business licence issued under this Bylaw shall only be valid at the location for which it was issued. If a business is to be carried on at more than one location, a business licence must be obtained for each location.

7. Any business that receives a business licence issued under this bylaw shall be exempt from any requirement to obtain a business licence under *The Business Licence Bylaw*.

LICENCE APPLICATION REQUIREMENTS

8. A person applying for the issuance or renewal of a licence for a cannabis-related business must complete and submit the cannabis-related business licence application to Planning and Development along with the prescribed application fee.
9. The application form, and any renewal form, for a cannabis-related business licence shall be in a form as prescribed by the Municipality and shall contain, at minimum, the following information:
 - (a) The name, occupation, phone number, and mailing address of the applicant;
 - (b) The nature of the business for which the license is required;
 - (c) The civic and legal address location where the business is to be carried on;
 - (d) The name under which the business will be operated;
 - (e) Proof of provincial business registration;
 - (f) Proof of registry from the province the business is registered with Ministry of Finance;
 - (g) Contact information for a person that is responsible for the operation and available to be contacted at any time;
 - (h) A copy of the valid SLGA permit or license or correspondence from SLGA or the provincial government that the provincial application is pending, or waiting for final approval;
 - (i) If required, a copy of the appropriate permits or licenses issued by the federal or provincial government; and,
 - (j) Any other information which may be reasonably requested by the Municipality at any time.

LICENCE FEE

10. A person must pay the fee provided in this Bylaw at the time of submitting an application for a licence to be issued under this Bylaw, or for submitting a renewal for a licence under this Bylaw.

11. The fee to be paid for the initial licence is \$5000.
12. The fee to be paid for the renewal of licence is \$100
13. Should a person fail to renew their licence on or before the expiry of their current licence the renewal fee shall be;
 - (a) Double provided the renewal is completed within 30 days of expiry;
 - (b) The cost of the initial licence if the renewal is done after the 30th day since the licence expired.
14. If the Municipality refuses to issue an initial licence the fee paid under section 11 shall be refunded to the applicant.
15. The renewal fee is non-refundable.
16. Any licence that has been revoked, suspended, or cancelled shall not be refunded.
17. No fees paid under the terms of this Bylaw are to be prorated.
18. For the purpose of an applicant obtaining the required federal or provincial permits, a designated officer may provide written confirmation to the applicant that the Municipality is prepared to issue a licence once the federal or provincial permits are in place.
19. The Municipality may recover any licence fee(s) by distress in accordance with *The Municipalities Act*.

ISSUANCE OF A LICENCE

20. The Municipality shall approve and issue a licence under this Bylaw except where one or more of the following does apply;
 - (a) the applicant is less than 19 years of age;
 - (b) the applicant has failed to provide information as required by this Bylaw in section 9;
 - (c) The licence fee as required by this Bylaw has not been paid;
 - (d) The business or the premises occupied by the business does not comply with all applicable federal, provincial or municipal laws, regulations or requirements;
 - (e) The business licence is for a cannabis production facility;
 - (f) The business licence is for cannabis wholesale.

21. The Municipality shall, within 31 days upon receipt of a completed application for a cannabis business licence, issue the licence, or issue a written notice to deny a licence to the applicant.
22. The licence issued pursuant to this Bylaw shall state the person to whom the licence was issued, the address of the business, the expiry date of the licence and terms or conditions that the Municipality may require.
23. All business licences issued under this Bylaw shall be prominently displayed in a conspicuous place so that it may be easily read at any time.

BUSINESS LICENCE REQUIREMENTS

24. As a condition of the issuance of a licence under this Bylaw every business or person operating the business shall;
 - (a) Operate between the hours of 11 am and 11pm;
 - (b) Prominently display a notice at the premises indicating that no individuals under the age of 19 are permitted on the premises;
 - (c) Ensure that two employees are present on the premises at all times when the business is open to the public;
 - (d) Operate the business following all provincial and federal regulations for that business, including but not limited to *The Cannabis Act* and *The Cannabis Control (Saskatchewan) Act*.
 - (e) Not allow an individual under the age of 19 on the premises at any time;
 - (f) Not employ an individual under the age of 19;
 - (g) Not use the premises to carry on business other than the approved business for which a licence under this Bylaw was issued;
 - (h) Not allow any odor to emanate from the property which unreasonably interferes with the comfort, repose, health or peace of individuals of ordinary sensitivity;
 - (i) Not advertise or promote the use of cannabis to an individual under the age of 19;
 - (j) Not display any advertising or sign that is visible from the outside of the premises which displays any image other than alpha-numeric characters, and the business name;

- (k) Operate the business following all provincial and federal regulations for that business, including but not limited to *The Cannabis Act* and *The Cannabis Control (Saskatchewan) Act*.
25. A person shall notify the Municipality immediately should any provincial or federal permit or licence be cancelled, revoked or suspended.
26. A person shall notify the Municipality, in the prescribed form as set out by the Municipality, should
- (a) the business discontinue or close;
 - (b) there is a change in mailing address;
 - (c) there be any change in ownership;
 - (d) the size or intensity of the business change;
 - (e) there is a change in contact for the business.

ENFORCEMENT OF BYLAW

27. The administration and enforcement of this Bylaw is hereby delegated to the Development Officer.
28. The Development Officer is hereby authorized to further delegate, in whole or in part, the administration and enforcement of this Bylaw.

INSPECTION

29. The inspection of property by a designated officer to ensure compliance with this Bylaw is hereby authorized.
30. Inspections under this Bylaw shall be done in accordance with Section 362 of *The Municipalities Act*.
31. No person shall obstruct any person who is authorized to conduct an inspection under this Bylaw, or any person who is assisting in the inspection.
32. If a person refuses to allow or interferes with an inspection authorized by this Bylaw or if a person fails to respond to a reasonable request for access to a property, the Municipality may apply for a warrant authorizing entry in accordance with Section 363 of *The Municipalities Act*.

REVOKING OR SUSPENDING OF LICENSES

33. A suspension or cancelation of a federal or provincial licence or permit for the operation of the cannabis business shall result in the immediate suspension or cancelation of the business licence issued under this Bylaw.
34. Any business licence issued under this Bylaw may be suspended or cancelled for any of the following reasons;
- (a) The business or any employee of the business has violated or failed to comply with any provision of this Bylaw;
 - (b) The business or any employee of the business has violated or failed to comply with any condition of the licence;
 - (c) The business or any employee of the business has refused to allow an inspection of the premises as permitted under this Bylaw.
 - (d) the applicant for a licence has given false or misleading information in the material contained in the application for the licence;
 - (e) The applicant or business has been convicted of a criminal offence during the term of the licence. The fact that a conviction is being appealed shall have no effect on the suspension or cancellation of the licence.
35. Any suspension or cancelation of a licence shall be done in writing. Service of such written notice of suspension or cancellation shall be served to the business in accordance with Section 390 of *The Municipalities Act*.
36. A person to whom a business licence has been suspended or cancelled may appeal that decision to the Administrator, who shall review the reason for the suspension or cancellation, and in their absolute discretion render a written decision as to the suspension or cancelation of the licence.
37. The Municipality may reinstate a suspended or cancelled licence if it is satisfied that the business is complying with the contraventions that so caused the suspension or cancellation.

OFFENCES AND PENALTY

38. No person shall:
- (a) fail to comply with any provision of this Bylaw;
 - (b) fail to comply with a term or condition of their licence;
 - (c) consent to, or allow or permit, an act or thing to be done contrary to this Bylaw;

- (d) obstruct or interfere with any person acting under the authority of this Bylaw;
- (e) alter or deface a licence issued under this Bylaw.

39. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on Summary Conviction;

- (a) For an offence listed on Schedule 1 to the correlating penalty.
- (b) For an offence not listed on Schedule 1;

i. for a first offence:

1. in the case of an individual, to a fine of not less than \$250 and not more than \$10,000;
2. in the case of a corporation, to a fine of not less than \$1000 and not more than \$25,000;
3. in the case of a continuing offence to a fine of not less than \$100 per day or part of a day during which the offence continues

ii. for a second or subsequent offence:

1. in the case of an individual, to a fine of not less than \$500 and not more than \$10,000, to imprisonment for not more than four months, or both;
2. in the case of a corporation, to a fine of not less than \$2500 and not more than \$25,000;
3. in the case of a continuing offence to a fine of not less than \$200 per day or part of a day during which the offence continues.

40. If a person is found guilty of an offence under this Bylaw, the court may, in addition to any other penalty imposed:

- (a) in the case of a person who holds a license, suspend the license for a term of not more than one year;
- (b) in the case of a person who did not hold a license at the time of the conviction, order that the person is ineligible to apply for a license for a term of not more than one year; or
- (c) order the person to comply with this Bylaw or a term or condition of their license.

41. Offences under this Bylaw are designated as offences for which proceedings may be commenced pursuant to Part III of *The Summary Offences Procedure Act, 1990* by the issuance of a summons ticket.
42. A person to whom a summons ticket is being issued pursuant to this Bylaw shall, upon request by the person issuing the summons ticket, provide their name, address and date of birth. A person who fails to provide this information is guilty of an offence and liable on summary conviction to the penalties set out in this Bylaw.

SEVERABILITY

43. Each provision of this Bylaw is independent of all other provisions. If any provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

COMING INTO FORCE

44. This Bylaw shall come into force and take effect on the day of its final passing.

Reeve

Administrator

Schedule 1

Offence	Section	Penalty 1 st offence
Operating without a valid Business Licence from the District of Lakeland.	4	\$2,500
Fail to prominently display a sign on the premises indicating that no persons under 19 years of age are permitted on the premises.	24 (b)	\$300
Allow a person under the age of 19 on the premises at any time.	24 (f)	\$300
Employ a person under the age of 19.	24 (g)	\$750
Advertise or promote the use of cannabis to person under 19.	24 (j)	\$750
Operate outside of permitted hours.	24 (a)	\$750
Display any advertising or sign that is visible from outside the premises which displays images other than alpha-numeric characters, and the business name.	24 (k)	\$300
Failure of a licensee or employee of a licensee to demand proof of age.	24 (l)	\$2,250
Opening or breaking open or allowing opening or breaking of container or package being transported or distributed.	24 (l)	\$2,250
Consuming or permitting consumption of cannabis being transported or distributed.	24 (l)	\$2,250
Licensee selling or distributing cannabis to a person who appears to be intoxicated.	24 (l)	\$2,250
Licensee selling or distributing cannabis to a minor.	24 (l)	\$2,250