

CORPORATION OF THE VILLAGE OF CUMBERLAND

BYLAW NO. 896

**A bylaw to provide for the licensing and regulation
of businesses within the boundaries of the Village**

The Council of the Corporation of the Village of Cumberland in open meeting assembled, enacts as follows:

TITLE

1. This bylaw may be cited as the ‘Corporation of the Village of Cumberland Business Licence Bylaw No. 896, 2009.’

DEFINITIONS

2. For the purpose of this bylaw, the following definitions apply. Terms not defined herein shall be as defined in the ‘Village of Cumberland Zoning Bylaw No. 717, 2004’.

Business	means a commercial or industrial undertaking of any kind or nature or the providing of professional, personal, or other services for the purpose of gain or profit, but does not include an activity carried on by any government, its agencies, or government-owned corporations.
Cannabis	means cannabis, as defined in the Federal <i>Controlled Drugs and Substances Act</i> or <i>Cannabis Act</i> and includes any products containing cannabis. <i>[Bylaw 1086]</i>
Cannabis Retail	means the use of land, buildings or other structure for dispensing, selling or distributing cannabis, or related controlled substances and derivatives, other than a medical marijuana facility. <i>[Bylaw 1086]</i>
Entertainment or Exhibition	means a temporary activity intended to amuse or instruct the public and includes, but is not limited to, a theatre production, movie screening, concert, amusement park, circus, animal show and animal race.
Licence	means a valid and subsisting business licence issued pursuant to this bylaw.
Marijuana	<i>[deleted by Bylaw 1086]</i>
Medical Marijuana Dispensary	<i>[deleted by Bylaw 1086]</i>

<p>Medical Marijuana Facility</p>	<p>means the use of buildings and other structures for the purpose of growing, processing, packaging, testing, destroying, storing or shipping of marijuana for medical purposes as lawfully permitted and authorized under the Federal Access to Cannabis for Medical Purposes Regulations (ACMPR) or any subsequent legislation which may be enacted in substitution thereof. <i>[Bylaw 1086]</i></p>
<p>Recreational Cannabis Facility</p>	<p>means the use of buildings and other structures for the purpose of growing, processing, packaging, testing, destroying, storing or shipping of cannabis or its derivatives for recreational purpose, as lawfully permitted and authorized under the Federal Cannabis Act. <i>[Bylaw 1086]</i></p>

LICENCE REQUIREMENT

3.
 - a) No person shall conduct, operate, maintain or keep a business within the boundaries of the Village without a licence.
 - b) Every person who conducts, operates, maintains or keeps any business within the Village shall apply for, obtain and hold a licence for each business.
 - c) Every person who conducts, operates, maintains or keeps a business from more than one premise in the Village shall obtain a separate licence for each premise.
 - d) Every business shall comply with all federal, provincial, and municipal laws, bylaws and regulations. However, issuance by the Village of a licence is not a representation that a business is compliant with federal, provincial and municipal laws, bylaws and regulations. *[Bylaw 1086]*

EXEMPTION

4. Every person who:
 - a) conducts, operates, maintains or keeps a business which deliver goods or passengers within the Village boundaries;
 - b) has a valid licence from a neighbouring jurisdiction; and
 - c) does not have a fixed place of business in the Village;
 is exempt from the requirement for a licence for such business.

APPLICATION FOR LICENCE

5.
 - a) An application for a licence shall be completed and submitted in a form satisfactory to the Village.
 - b) The Village may require additional information to be submitted by the applicant, pursuant to section 9 hereof, and the applicant shall provide such information and pay the required fee in accordance with Schedule 'A', and application shall

not be considered complete until such information has been provided and such fees have been paid.

- c) Incomplete applications shall be deemed to be abandoned after three months from the date of submission.
- d) The applicant shall, upon request, provide proof of applicable federal, provincial, municipal, or other applicable agencies' approvals. *[Bylaw 1037]*
- e) Upon approval of the licence, the applicant shall pay all applicable fees as specified in Schedule 'A' before the licence is issued.
- f) The licence fee shall be decreased by one-half for any licence that is issued after June 30th of any year, **except Cannabis Retail**. *[Bylaw 1086]*
- g) No refund of the licence fee shall be made on account of any person ceasing to do business in the Village at any time.
- h) A person applying for the issuance or renewal of a licence to carry on a Cannabis Retail Store must:
 - a) Complete and submit an application for a licence in a form satisfactory to the Village;
 - b) Pay to the Village the applicable licence fees prescribed under Schedule A attached to this Bylaw;
 - c) Provide a security plan for the premises that, in the opinion of the CAO, describes adequate security measures to mitigate risk of theft or robbery at the premises;
 - d) Provide proof of a security alarm contract that includes monitoring at all times during the period for which the licence is being sought;

[Bylaw 1086]

5.1 CANNABIS RETAIL LICENCES OPERATING REQUIREMENTS

Part A: Restrictions for all Cannabis retail stores

A person carrying on a Cannabis Retail Store must not:

- a) Allow a person to smoke, vape, consume or otherwise ingest cannabis or products containing cannabis on the premises;
- b) Sell cannabis or other substances under the Controlled Drugs and Substances Act in edible form, including beverage form.
- c) Be open for business between the hours of 11pm and 9am the next day;
- d) Mail or deliver any products from the business premises; and
- e) Use the premises to carry on business other than the Cannabis Retail Store and accessory uses.

Part B: Requirements for all Cannabis retail stores

A person carrying on a Cannabis Retail Store must:

- a) Prominently display a sign on the premises indicating that no persons under 19 years of age are permitted on the premises;
- b) Post health and safety warning signs on the premises;
- c) 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;
- d) Conduct business within a completely enclosed building, with the doors remaining closed when not in use for immediate ingress and egress;
- e) Install and maintain an air filtration system that effectively minimizes odour impacts on neighbouring properties;
- f) Implement the following security measures:
 - i) install video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times with a high definition resolution;
 - ii) retain video camera data for at least 21 days after it is gathered; and,
 - iii) install a security and fire alarm system that is, at all times, monitored by a licensed third party.

[Bylaw 1086]

LICENCE PERIOD AND RENEWAL

6.
 - a) Unless otherwise specified herein or on the licence, the licence period shall be from January 1st to December 31st of each year, and every licence shall automatically expire on December 31st.
 - b) The licence period for a licence for entertainment or exhibition shall be one day.
 - c) Every person with a valid licence who intends to continue conducting, operating, maintaining, or keeping a business in the Village shall renew the licence annually by submitting the renewal fee as specified in Schedule 'A' to the Village on or before December 15th of each year.
 - d) The Village may require additional information to be submitted by the applicant, pursuant to section 9 hereof, and the applicant shall provide such information and pay the required fee in accordance with Schedule 'A', and application for renewal of licence shall not be considered complete until such information has been provided and such fees have been paid.
 - e) For any licences expiring on October 31st, 2009 the new annual licence fee in accordance with Schedule 'A' will be charged, and the licence will be issued to terminate on December 31, 2010.

POSTING THE LICENCE

7. Every person conducting, operating, maintaining or keeping a business within the Village shall post and keep posted the licence issued under this bylaw in the sales or reception area of the premises to which the public has access or in a central location of the business premises, in a location that is readily visible to members of the public.

TRANSFER OF LICENCE

8. A licence issued under this bylaw shall be deemed to be a personal licence to the licensee and shall not be transferable to any other person, business or corporation.

ADDITIONAL INFORMATION

9. Upon receipt of an application for issuance or renewal of a licence, the Village may require the following:
 - a) copies of applicable certification or letters of approval by federal, provincial, municipal or other agencies, professional associations or societies;
 - b) a Criminal Record report from the RCMP;
 - c) proof of liability insurance coverage, in a form acceptable to the Village;
 - d) a fire & safety inspection by the Village's Fire Chief;
 - e) a building inspection by the Village's Building Inspector to confirm compliance with the Building Code and/or other applicable municipal bylaws and requirements;
 - f) such other information, documents or materials as the Village may consider relevant to the consideration of the application.

GRANTING OR REFUSING A LICENCE

10.
 - a) Council hereby delegates the authority to grant or refuse licences to the Chief Administrative Officer (CAO) or his or her delegate.
 - b) The CAO may issue a licence where he or she is satisfied that the applicant has complied with the provisions of this bylaw and any other applicable bylaw enacted by the Village for the purpose of regulating the business.

[Bylaw 1037]
 - c) The CAO may refuse to issue a licence, provided such refusal is not unreasonable, and without limiting the foregoing circumstances the following may be a basis for reasonable refusal:
 - i) that the applicant has not complied with the provisions of this bylaw or any other applicable bylaw;
 - ii) that the applicant has not complied with all applicable bylaws of the Village regulating buildings, zoning, health and safety;

- iii) that the applicant is not, or fails to continue to be, a fit and proper person to operate a business within the Village; and
- iv) that the business is not lawful or otherwise not in the best interests of the property owners, residents and other business or institutions in the area of the Village in which the business is to be located, including as determined through compliance with Village bylaws and policies.

[Bylaw 1037]

- d) In issuing, refusing, suspending, renewing or otherwise dealing with a business licence, the CAO may impose such terms and conditions as the CAO deems appropriate, in consideration of provisions outlined in this bylaw, including but not limited to Section 9 of this bylaw, and other business regulation and licensing bylaws.
[Bylaw 1037]
- e) Where the CAO has refused to issue a licence, the applicant shall be informed of the refusal in writing and the reasons for such refusal.

SUSPENSION OF LICENCES

- 11. a) Council hereby delegates the authority to suspend licences to the Chief Administrative Officer (CAO) or his or her delegate.
- b) The CAO may suspend a licence if:
 - i) the licensee has ceased to meet the requirements of this bylaw or any other applicable Village bylaw;
[Bylaw 1037]
 - ii) the licensee is in contravention of any of the terms or conditions of the licence;
 - iii) the licensee has ceased to meet the requirements to carry on the business on the premises named in the licence; or
 - iv) the business has been inactive for more than 90 days.
- c) The CAO shall provide notice of suspension of the licence in writing to the licensee, delivered by hand or by registered mail to the address provided on the application.
- d) The Village shall post a copy of the notice of suspension of the licence in a conspicuous location upon the premises for which the licence was issued.
- e) No person shall remove the posted notice of suspension from the premises until the licence is reinstated or the licensee ceases to occupy the premises.

RECONSIDERATION

- 12. a) Any person whose application for a licence has been refused or suspended under this bylaw or any other Village bylaw regulating business licensing may appeal to

the Council, by providing a written request for such reconsideration to the Village office.

[Bylaw 1037]

- b) Upon receipt of a request for reconsideration, the Council shall provide the applicant or licensee, as the case may be, with an opportunity to be heard, and may confirm or may set aside the decision on such terms as it deems appropriate, and the applicant or licensee, as the case may be, shall be advised in writing of Council's decision and the reasons for such decision.

REVOCAION OF LICENCES

- 13. a) Council may revoke a licence for reasonable cause in accordance with the provisions of the *Community Charter*, after providing the licensee an opportunity to be heard in open meeting.
- b) A written notice shall be delivered by hand or by registered mail to the licensee at the address provided on the application at least 10 days prior to the Council meeting, advising the date of the Council meeting where Council will consider whether to revoke the licence.
- c) At such meeting, Council shall give the applicant an opportunity to be heard and the licensee shall be advised in writing of Council's decision and the reasons for such decision.
- d) If Council revokes a licence, a notice of revocation shall be conspicuously posted upon the premises for which the licence was issued.
- e) No person shall remove the posted notice of revocation from the premises until the licence is reinstated or the licensee ceases to occupy the premises.

NOTICE

- 14. Where a notice is required to be given to an applicant or licensee, as the case may be, under any of the provisions of this bylaw, such notice shall be deemed to be satisfactorily given if delivered by hand to such applicant or licensee or sent by registered mail to the applicant or licensee at the address shown on their application.

SCHEDULES

- 15. Schedule 'A' attached hereto forms part of this bylaw.

SEVERABILITY

- 16. The provisions of this bylaw are severable and the find of *ultra vires* of any one section or sections by a court of competent jurisdiction shall not affect the validity of the remainder of the bylaw.

ADMINISTRATION & ENFORCEMENT

- 17. a) The Chief Administrative Officer, Corporate Officer, Finance Officer, Protective

Services Manager, and Building Inspector may administer and enforce this bylaw.

- b) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a fine of not less than \$1,000 and not more than \$10,000 in accordance with Section 263 of the *Community Charter*.

REPEAL

18. The following bylaws are hereby repealed in their entirety upon adoption of this bylaw:

- a) 'Village of Cumberland Business Licence Bylaw No. 299, 1968';
- b) 'Village of Cumberland Business Licence Amendment Bylaw No. 479, 1980';
- c) 'Village of Cumberland Business Licence Amendment Bylaw No. 496, 1981'; and
- d) Any amendments to the above bylaws.

READ A FIRST TIME THIS 14TH DAY OF SEPTEMBER 2009.

READ A SECOND TIME THIS 13TH DAY OF OCTOBER 2009.

READ A THIRD TIME THIS 13TH DAY OF OCTOBER 2009.

RECONSIDERED AND ADOPTED THIS 26TH DAY OF OCTOBER 2009.

Mayor

Corporate Officer

Not the official bylaw: This copy of the Business License Bylaw is not the official Bylaw. It is consolidated for convenience, to include the following amendment bylaws. If there are any discrepancies between this unofficial consolidated version of the bylaw and the following amendment bylaws, the amendment bylaw prevails.

Bylaw #	Date	Description
1037	Nov 14, 2016	Adds regulations for Medical Marijuana dispensaries
1086	Sep 24, 2018	Amends regulation of medical marijuana dispensaries and adds regulation of cannabis retail and recreational cannabis facility

Schedule A

Licence Fees

1.	Licence Fee (for applicable licence period)	\$110.00
2.	Licence Fee for Cannabis Retail, Recreational Cannabis Facility, OR Medical Marijuana Facility	\$3,250.00
3.	Fire & Safety Inspection	\$100.00
4.	Criminal Record Check	\$40.00
5.	Building Inspection	\$50.00