

## CITY OF PRINCE RUPERT

<b>POLICY TITLE:</b>	<b>Council Policy for Consideration of Cannabis Retail Applications</b>	<b>POLICY NO:</b>	<b>100-23</b>
<b>EFFECTIVE DATE:</b>	<b>December 10th, 2018</b>	<b>SUPERSEDES</b>	
<b>APPROVAL:</b>	<b>December 10th, 2018</b>	<b>PAGE:</b>	<b>1 of 2</b>

### **POLICY:**

**This policy defines a process by which Council will consider applications for retail cannabis licences from both government applicants, and non-government applicants referred by the Liquor Control and Regulation Branch.**

### **DEFINITIONS:**

**Provincial (LCRB) Licence:** A Provincial Licence refers to the licence required for those seeking to open a non-government operated cannabis retail store. These licences are administered through the Provincially designated authority over Liquor and Cannabis, the Liquor and Cannabis Regulation Branch (LCRB). Cannabis retail stores run by the Provincial Government (Government-Cannabis Stores, defined below) are not subject to this licencing program.

**Cannabis Retail Store:** This is a store run by a non-government operator that sells cannabis, and is governed by the Cannabis Control and Licencing Act (CCLA) and Cannabis Distribution Act (CDA).

**Government Cannabis Store:** A government cannabis store refers to a government-run store established under the CDA for the sale of cannabis to consumers.

### **PURPOSE:**

The Provincial Cannabis Control and Licensing Act stipulates that the legal sale of non-medical cannabis by non-government agencies is subject to issuance of a provincial (LCRB) licence. Once a proposed retailer makes an application for a provincial (LCRB) licence the Province will inform the local government in whose boundaries a provincial Cannabis Retail License is proposed. Once the application is forwarded to the municipality, the City may provide a recommendation as to whether the Council supports the application.

Council may decide, by resolution, to:

- Support an application for a provincial Cannabis Retail License
- Support an application for a provincial Cannabis Retail License with terms and conditions
- Not support a provincial Cannabis Retail License

If a recommendation is not received the LCRB will not consider the license further.

To ensure a similar standard of community input and oversight is applied to both government and non-government cannabis retailers, the policies related to business licencing and community consultation also apply to Government Cannabis Stores.

This policy will serve as a procedural guideline for Council's evaluation of LCRB applications, as well as applications from government retailers, as they are referred to the City for review.

#### **PROCEDURE:**

1. The Cannabis Retail Store applicant will complete and submit a provincial Cannabis Retail Licence application to the LCRB, a separate application from the municipal one described below. If the LCRB approves a licence application to move to municipal consideration, a referral will be sent to the City's Licence Inspector for internal review, public feedback, consideration of a conditional business licence, and Council consideration.
  - Potential applicants are encouraged to review the City's Zoning Bylaw, and Business Licence Bylaw to ensure their proposal can meet all location-related and other regulatory requirements prior to submitting the LCRB Application for a provincial (LCRB) Cannabis Retail Licence.
  - The issuance of a business licence to all retailers is conditional upon Council approval of the application.
2. In the City of Prince Rupert, a government cannabis store must also comply with the City's Zoning Bylaw, Business Licence Bylaw, and this Council Policy for the Consideration of Cannabis Retail Applications, and therefore must meet the requirements laid out in section 3 – 8 of this policy.
3. If the proposed retail location is within 75 m of another location (which is not permitted within the Zoning Bylaw), the applicant must obtain a Development Variance Permit to vary the distance restriction before making an application for a Business Licence, collection of public feedback, and proceeding to Council consideration.

4. If the Government Cannabis Store or Cannabis Retail Store is proposed in an area where the Zoning Bylaw does not permit cannabis retail, the applicant must apply for a Zoning Bylaw Amendment. The amendment must be received before making an application for a Business Licence, collection of public feedback, and proceeding to Council consideration.
5. If the Cannabis Retail Store *is* proposed in a location that is zoned to permit cannabis retail stores as a land use, the Development Services Department will:
  - a. Require the Applicant to submit an application for a Business Licence, and pay all associated fees specified in City of Prince Rupert Fees and Charges Bylaw, including a \$500 Cannabis Retail Application processing fee.
    - i. The Business Licence fee of \$5,000 shall be held by the City until the application is adjudicated by the LCRB.
    - ii. Should the application to the LCRB be unsuccessful, \$4,500 of the Business Licence fee will be refunded.
    - iii. The processing fee of \$500 is non-refundable.
    - iv. All government and non-government retailers are required to obtain a City Business Licence and pay associated fees.
  - b. Business Licence Application and referral processing will not commence until a complete application to the City and fees are received.
  - c. Business Licence Applications will be processed in the order they are received either by the Government Cannabis Store applicant, or as referrals from the LCRB.
6. As part of the Business Licence application process, the Development Services Department will:
  - a. Make the full application, including Business Licence Application information, available at the Development Services Department counter and City website.
  - b. Refer the application to internal departments for technical review, including the Planning Department.
  - c. Refer the application to the Fire Department for a fire safety review of the proposed location.

- d. Refer the application to RCMP for review of the site security plan.
    - i. RCMP members may request additional security measures from the applicant based on specific site conditions or needs as part of the review process. Applicants are encouraged to work with RCMP to meet security requirements. RCMP comment on site security plans will be strongly considered in Council recommendations.<sup>1</sup>
  - e. Prepare report to Council to be presented at a Regular Meeting of Council, including any written comments from the public, response from RCMP, results of the technical review, and Business Licence Application information.
7. In addition to an application for a Business Licence, the applicant will notify nearby residents as follows:
- a. Place one quarter page advertisement in one edition of the local newspapers, with the text as included in Attachment 1 (non-government applicants) and Attachment 2 (Government Cannabis Store applicants).
  - b. Deliver a public notice, with the text as included in Attachment 1, to all property owners and occupants within a 50m radius. The Planning Department will supply addresses of property owners to the applicant upon receipt of the full application. Notices to out of town occupants must be sent through registered mail.
  - c. Dates for public response to be coordinated with a minimum of 14 days for public to submit written notices from the date notices are mailed, hand delivered, and published in the local newspapers.
  - d. Those from the public who consider themselves to be impacted by the application will also have an opportunity to speak at the meeting where the application will be considered.
8. All information and requirements of the Business Licence and public notification must be submitted by the applicant and a final staff report prepared prior to Council consideration, as per the requirements for Cannabis Retail sales set out in Business Licence Bylaw No. 2426.
- i. A final Business Licence will not be issued without a positive recommendation from Council.

---

<sup>1</sup> The Provincial licencing authority will conduct final inspections of the retail location prior to the issuance of a licence. Ensuring that the applicant has followed the RCMP approved Site Security Plan will be a component of the final inspection.

- ii. The Business Licence will be issued only following a positive recommendations from Council.
  - iii. The timeline for City review will be subject to the frequency of Council meetings, whether the application initially meets local and Provincial regulatory requirements, and the applicant's response time to requests for additional information.
- 9. Once Council has had the opportunity to hear from staff and the public, and review the Business Licence Application, they will make a decision regarding the proposed application and forward it to the applicant. In the case of non-government Cannabis Retail Store applicants, this decision will be forwarded to the LCRB for consideration as well.

**ATTACHMENT 1:** Text of Public Notification for Non-Government Cannabis Retail Store Applicants

Name of Applicant has applied to Liquor and Cannabis Regulation Branch (LCRB) for a Retail Cannabis Sales Licence to be located in City of Prince Rupert at Civic Address. The establishment is within the area and zones where Retail Cannabis Stores, as defined in the City of Prince Rupert Zoning Bylaw, are permitted, and proposes to be open no longer than Insert Hours of Operation.

The Council of the City of Prince Rupert wishes to determine the views of the residents. Comments may be forwarded in writing no later than Insert Date (two weeks from date that notices are published in newspaper and sent to residents) to:

Corporate Administrator, City of Prince Rupert  
424 3<sup>rd</sup> Avenue West,  
Prince Rupert, BC  
V8J 1L7  
Or email: [cityhall@princerupert.ca](mailto:cityhall@princerupert.ca)

**ATTACHMENT 2: Text of Public Notification for Government Applicants**

Name of Applicant has applied to the City for a Business Licence to be located in City of Prince Rupert at Civic Address. The establishment is within the area and zones where Retail Cannabis Stores, as defined in the City of Prince Rupert Zoning Bylaw, are permitted, and proposes to be open no longer than Insert Hours of Operation.

The Council of the City of Prince Rupert wishes to determine the views of the residents. Comments may be forwarded in writing no later than Insert Date (two weeks from date that notices are published in newspaper and sent to residents) to:

Corporate Administrator, City of Prince Rupert  
424 3<sup>rd</sup> Avenue West,  
Prince Rupert, BC  
V8J 1L7  
Or email: [cityhall@princerupert.ca](mailto:cityhall@princerupert.ca)