

CITY OF PRINCE ALBERT

BYLAW NO. 25 OF 2018



Disclaimer:

This consolidation is not an Official Copy of the Bylaw. Amendments have been incorporated solely for research convenience purposes only. Original Bylaw and amendments are available from the City Clerk's Office and must be consulted for purposes of interpretation and application of the law.

OFFICE CONSOLIDATION

The Cannabis Business License Bylaw

BYLAW NO. 25 OF 2018

Including the Following Amendments:

AMENDMENTS

Bylaw No. 32 of 2019

DATE PASSED

December 9, 2019

CITY OF PRINCE ALBERT BYLAW NO. 25 OF 2018

A Bylaw of The City of Prince Albert to provide for the regulation of cannabis-related businesses to minimize any adverse effects the operation of such businesses may have on the safety, health and well-being of the community.

WHEREAS The City of Prince Albert is empowered to pass a bylaw in relation to businesses, business activities and person engaged in business pursuant to Subsection 8(1)(h) of *The Cities Act*,

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as “The Cannabis Business License Bylaw.”

DEFINITIONS

2. In this Bylaw:
 - (a) “**cannabis**” means cannabis as defined in the *Controlled Drugs and Substances Act* and includes any products containing cannabis;
 - (b) “**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;
 - (c) “**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 corporate boundaries of the City of Prince Albert.
 - (d) “**cannabis plant**” means a plant that belongs to the genus *Cannabis*;

- (e) **“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;
- (f) **“cannabis retail store”** means a 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 of products to be sold or displayed on-site;
- (g) **“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.;
- (h) **“cannabis-related business”** means any activity involving the production, wholesale, distribution, or sale of cannabis and/or cannabis products;
- (i) **“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;
- (j) **“City”** means The City of Prince Albert;
- (k) **“City Manager”** means the administrative head of the City of Prince Albert;
- (l) **“Department”** means the Department of Planning and Development Services;
- (m) **“Director”** means the administrative head of the Department of Planning and Development Services;
- (n) **“designated officer”** means the person or designate who is authorized by the City to enforce this Bylaw;
- (o) **“person”** refers to an individual, corporation, partnership, sole proprietor or any combination of these; and
- (p) **“SLGA”** means the Saskatchewan Liquor and Gaming Authority.

CANNABIS BUSINESS LICENSE

- 3. (a) A person shall not carry on a cannabis-related business in the corporate boundaries of The City of Prince Albert unless the person holds a valid license issued under the provisions of this Bylaw.
- (b) A cannabis-related business will be licensed under this Bylaw and will be exempt from requiring an additional business license under *The Business License Bylaw*.
- (c) If a business is carried on at more than one location, a person must obtain a license for each location.

- (d) A license issued under the provisions of this Bylaw is only valid at the location for which it was issued.

APPLICATION

- 4. (a) A person applying for the issuance or renewal of a license for a cannabis-related business must complete and submit the cannabis related business license application to the Department of Planning and Development Services (hereinafter referred to as the “Department”) with the form provided for that purpose.
- (b) An application must include all requested information, including but not limited to:
 - i. The name, occupation, phone number, email address and mailing address of the applicant;
 - ii. The nature of the business for which the license is required;
 - iii. The address location where the business is to be carried on;
 - iv. The name under which the business will be operated;
 - v. Proof of provincial business registration;
 - vi. Contact information for a person that is responsible for the operation and available to be contacted at any time;
 - vii. If required, 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;
 - viii. If required, a copy of the appropriate permits or licenses issued by the federal government; and,
 - ix. Any other information which may be reasonably requested by the City at any time.
- (c) If the Department concludes a license application should be denied, the application shall be referred to the City Manager (or designate) which, in his or her absolute discretion, may deny the application but must give reasons for doing so.

LICENSE FEE

- 5. (a) A person must pay the fee provided for in Schedule No. 1.
- (b) A person will not be issued a license until the license fee, or any other outstanding license fees, have been paid.
- (c) License fees will not be prorated unless otherwise indicated in Schedule 1.

PROVINCIAL AND FEDERAL REQUIREMENTS

6. (a) For the purposes of obtaining the required provincial or federal permits, the Department may provide written confirmation that the applicant has received appropriate City approvals.
- (b) Persons operating a cannabis-related business must follow all provincial and federal regulations for that business, including but not limited to *The Cannabis Act* and *The Cannabis Control (Saskatchewan) Act*.
- (c) Any license issued under this Bylaw that does not meet the provincial and federal requirements is invalid.
- (d) Businesses operating in Saskatchewan may be required to register with Corporate Registry, Information Services Corporation.
- (e) Businesses operating in Saskatchewan must be licensed or registered with the Ministry of Finance.

MUNICIPAL REQUIREMENTS

7. (a) A license will not be issued under this Bylaw for any business or any premises occupied by the business which does not conform to *The Zoning Bylaw*, *The Building Bylaw*, *The National Building Code*.
- (b) Compliance with any of the requirements contained in this Bylaw does not exempt any person from further compliance with:
 - i. The requirements of any other relevant federal, provincial or municipal legislation; and
 - ii. Any order, permit, license, permission, approval, easement, covenant, agreement or contract affecting the development.

TERM OF LICENSE

8. The term of every license issued under this Bylaw shall expire on the 31st day of December for the year it is issued.

RENEWAL

9. A person must renew their license annually in the manner prescribed by the City.

LICENSE TO BE DISPLAYED

10. Any license issued under this Bylaw must be displayed in a prominent place at the place of business for which the license was issued or be available to be produced upon the request of a designated official or employee of the City.

GRANTING OF LICENSES

11. (a) The City may issue licenses subject to all the requirements of this Bylaw being met.
- (b) Where requirements for a cannabis-related business license is not established in this Bylaw, the Department shall:
 - i. Establish an interim standard to allow the business license to be issued; and
 - ii. Propose an amendment to this Bylaw based on the interim standard.

CANNABIS RETAIL STORE OPERATING REQUIREMENTS

12. In addition to all other requirements of this Bylaw, a person carrying on the business of a cannabis retail store shall:
 - i. Prominently display a sign on the premises indicating that no person under 19 years of age is permitted on the premises;
 - ii. Not allow a person under the age of 19 on the premises at any time;
 - iii. Not employ a person under the age of 19;
 - iv. Not advertise or promote the use of cannabis to a person under the age of 19;
 - v. Not use the premises to carry on business other than the approved cannabis retail store;
 - vi. Not operate outside the hours of 11 a.m. to 11 p.m.;
 - vii. Not display any advertising or sign that is visible from outside the premises which displays images other than alpha-numeric characters, and the business name; and
 - viii. Ensure windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements.

DISCONTINUANCE OR CHANGE

13. (a) A person must notify the City, in the requested format, prior to implementing the following changes of information:
 - i. A business is discontinued;
 - ii. Change of ownership;
 - iii. Change of business name;
 - iv. Change in the size, intensity, or nature of the business;

- v. Change of mailing information; or
 - vi. Relocation of the business.
- (b) A person must notify the City immediately upon suspension, cancellation or revocation of any provincial or federal permits or licenses.
- (c) A person shall pay the fees outlined in Schedule 1 for a change of information.

ENFORCEMENT OF BYLAW

14. (a) The administration and enforcement of this Bylaw is hereby delegated to the Director of Planning and Development Services for the City of Prince Albert.
- (b) The Director of Planning and Development Services for the City of Prince Albert is hereby authorized to further delegate the administration and enforcement of this Bylaw.

REVOKING OR SUSPENDING OF LICENSES

15. (a) If the Department has reason to believe that the person in possession of a license is in breach of this Bylaw, such matter will be referred to the City Manager (or designate) which, in his or her absolute discretion, may suspend or revoke the license but must give reason for doing so.
- (b) The Department may reinstate a suspended license if it is satisfied that the licensee is complying with the Bylaw, the contravention of which gave rise to the suspension.

DISTRESS

16. The City may recover a license fee by distress in accordance with the provisions of *The Cities Act*.

INSPECTIONS

17. (a) The inspection of property by the City shall be carried out in accordance with Section 324 of *The Cities Act*.
- (b) No person shall obstruct a designated officer who is authorized to conduct an inspection under this section, or a person who is assisting a designated officer.

OFFENCES AND PENALTIES

18. (a) An offence is considered to be committed under this Bylaw if a person:
- i. Contravenes a provision of this Bylaw;

- ii. Consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
 - iii. Neglects or refrains from doing anything required by a provision of this Bylaw.
- (b) Every person who contravenes a provision of this Bylaw with an offence listed in Schedule 2 is guilty and liable for the correlating penalty fine.
- (c) Each day that a contravention of a provision of this Bylaw continues is a continuing offence.
- (d) For each day a continuing offence occurs, the penalty will be the equivalent to the penalty listed for the offence in Schedule 2.
- (e) Every person who contravenes any provision of this Bylaw not listed in Schedule 2 is guilty of an offence and liable on summary conviction, in addition to any surcharge imposed by the Courts:
- i. In the case of an individual, to a fine of not less than \$500 and not more than \$10,000;
 - 1. On a first offence, a fine of \$500;
 - 2. On a second offence, a fine of \$750;
 - 3. On a third offence, a fine of \$1,000;
 - ii. In the case of a corporation, to a fine of not less than \$1,000 and not more than \$25,000;
 - 4. On a first offence, a fine of \$1,000;
 - 5. On a second offence, a fine of \$1,500;
 - 6. On a third offence, a fine of \$2,000; and
 - iii. In the case of a continuing offence, to a maximum daily fine of not less than \$25 per day and not more than \$2,500 per day.

SEVERABILITY

19. 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

20. This Bylaw shall come into force and take effect on the day The Cannabis Control (Saskatchewan) Act comes into force.

INTRODUCED AND READ A FIRST TIME THIS 10th DAY OF September , A.D., 2018.

READ A SECOND TIME THIS 10th DAY OF September , A.D., 2018.

READ A THIRD TIME AND PASSED THIS 1st DAY OF October , A.D., 2018.

"Greg Dionne"
MAYOR

"Sherry Person"
CITY CLERK

SCHEDULE 1

Business License Fees				
License Type	Payment Type	2018	2019	Post 2019
Cannabis Retail Store	New Business	\$1,670/month	\$20,000	\$20,000
	Renewal	-	\$20,000	\$100
Cannabis Production Facility	New Business	\$210/month	\$2,500	\$2,500
	Renewal	-	\$2,500	\$100
Cannabis Wholesale	New Business	\$210/month	\$2,500	\$2,500
	Renewal	-	\$2,500	\$100
Delayed Payment Surcharge fee for Businesses that Renew after February 15 th of the Current Year		-	\$50	\$50
Change of Information Fees				
Change of Location		\$500		
Change of Ownership		NO FEE		
Change of Business Name		NO FEE		
Change of Mailing Address		NO FEE		
Change of Business Use		NO FEE		

(32 of 2019, s.1)

SCHEDULE 2

Offences and Penalties

Offence	Section	Penalty
Operating without a valid City of Prince Albert Business Licence	3.(a)	\$2,500
Sign not prominently displayed on the premises indicating that no persons under 19 years of age are permitted on the premises	12.i.	\$300
Allow a person under the age of 19 on the premises at any time	12 ii.	\$300
Employ a person under the age of 19	12.iii.	\$750
Advertise or promote the use of cannabis to person under 19	12.iv.	\$750
Use the premises to carry on business other than the approved Cannabis Retail Store	12.v.	\$750
Operate outside of permitted hours	12 vi.	\$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	12.vii.	\$300
Blocking of windows on any street frontage of the premises by translucent or opaque material, artwork, posters, shelving, display cases or similar elements	12.viii.	\$300
Change of business location without approval	13. (a) vi.	\$2,250
Failure of a licensee or employee of a licensee to demand proof of age	6. (b)	\$2,250
Opening or breaking open or allowing opening or breaking of container or package being transported or distributed	6. (b)	\$2,250
Consuming or permitting consumption of cannabis being transported or distributed	6. (b)	\$2,250
Licensee selling or distributing cannabis to a person who appears to be intoxicated	6. (b)	\$2,250
Licensee selling or distributing cannabis to a minor	6. (b)	\$2,250
Distributing more than 30 grams of cannabis in a public place	6. (b)	\$200