

Bylaw No. 9525

**The Cannabis Business License
Bylaw, 2018**

**Codified to Bylaw No. 9591
(July 29, 2019)**

BYLAW NO. 9525

The Cannabis Business License Bylaw, 2018

Whereas under the provisions of clause 8(1)(b) of *The Cities Act*, S.S. 2002, c. C-11.1, a city has the general power to pass any bylaw that it considers expedient in relation to the safety, health and welfare of people and the protection of people and property;

And whereas under the provisions of clause 8(1)(h) of *The Cities Act*, a city has the general power to pass any bylaw that it considers expedient in relation to businesses, business activities and persons engaged in business;

And whereas under subsection 8(3) of *The Cities Act*, the power to pass bylaws includes the power to:

- regulate or prohibit;
- provide for a system of licenses, inspections, permits or approvals;
- establish fees for the license;
- prohibit any business until a license has been granted or an inspection performed;
- impose terms or conditions on any license;
- impose conditions that must be met before a license is granted or renewed;
- provide for the duration of licenses and their suspension or cancellation for failure to comply with a term or condition of the bylaw or for any other reason specified in the bylaw;
- specify a minimum distance that two or more businesses within a class or two or more classes of businesses must be separated from one another;
- provide for an appeal, the body that is to decide the appeal and related matters;

And whereas the Federal Government has legalized recreational cannabis use;

And whereas the Provincial Government will be regulating certain areas of recreational cannabis use;

And whereas The City of Saskatoon desires to pass a bylaw to license cannabis-related businesses;

And whereas The City of Saskatoon recognizes Parliament's jurisdiction to regulate in the field of criminal law and that the City has limited jurisdiction to deal with such matters.

Now therefore, the Council of The City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Cannabis Business License Bylaw, 2018*.

Definitions

2. In this Bylaw:
 - (a) “applicant” means any person applying for a license under this Bylaw;
 - (b) “business” means a business as defined in *The Cities Act*;
 - (c) “cannabis” means cannabis as defined in *The Cannabis Control (Saskatchewan) Act* and includes any products containing cannabis;
 - (d) “cannabis production facility” means a federally-licensed facility used for the purpose of cultivation, harvesting, production, processing, manufacturing, packaging, testing, storage or shipping of cannabis or goods and products derived from cannabis;¹
 - (e) “cannabis retail store” means a provincially-licensed retail store where cannabis or cannabis products are sold, and which may include the sale of related accessories and ancillary items, but does not include manufacturing or processing of products to be sold on-site;²
 - (f) “City” means The City of Saskatoon;
 - (g) “person” means an individual, proprietorship, partnership, corporation, association or other legal entity;
 - (h) “Zoning Bylaw” means the Zoning Bylaw No. 8770 of The City of Saskatoon, as amended from time to time.

License Required

3. No person shall operate a cannabis production facility or a cannabis retail store without having a valid and subsisting license under this Bylaw.

¹ As defined in the Zoning Bylaw.

² As defined in the Zoning Bylaw.

Advertising

4. (1) No person shall hold themselves out to be licensed under this Bylaw unless they are so licensed.
- (2) No person shall advertise a cannabis-related business in the City unless:
 - (a) permitted under federal or provincial legislation; and
 - (b) that person holds a valid and subsisting license under this Bylaw.

Licensing Requirements

5. (1) Any person who applies for a license to operate a cannabis production facility or a cannabis retail store shall:
 - (a) apply in a form prescribed by the City which must contain at least the following information:
 - (i) name, occupation and address of the applicant;
 - (ii) the nature of the business for which the license is required;
 - (iii) the place where the business is to be carried on;
 - (iv) the name under which the business will be operated; and
 - (v) the name of the contact person;
 - (b) pay the prescribed fee under section 6; and
 - (c) provide proof of the required federal or provincial license or permit.

Fees

6. (1) An applicant for a cannabis production facility or a cannabis retail store shall, upon filing the application, pay the initial license fee of \$20,000.
- (2) A licensee who wishes to renew a license for a cannabis production facility or a cannabis retail store shall, upon filing an application for renewal of a license, pay the annual license renewal fee of \$10,000.
- (3) If the initial license is refused, the fee paid under subsection (1) shall be returned to the applicant.

- (4) If the annual license renewal is refused, the fee paid under subsection (2) shall be returned to the applicant.
- (5) Except as provided in subsection (3), the initial license fee is non-refundable.
- (6) Except as provided in subsection (4), the annual license renewal fee is non-refundable.
- (7) If a license is suspended or cancelled, no license fee or part thereof is refundable to a licensee.

Separation Distances

- 7. (1) A cannabis retail store shall not be located within 160 metres of another cannabis retail store, as measured from property line to property line.
- (2) When a person applies for a license for a cannabis retail store and there exists another cannabis retail store within 160 metres of it, the license shall be denied by the City.

Issuance of License

- 8. (1) The City shall approve the issuance of a license except where one or more of the following applies:
 - (a) the applicant is less than 19 years of age;
 - (b) the business or any premises occupied by the business does not comply with all applicable federal, provincial or municipal regulation;
 - (c) the applicant has failed to provide information as required by section 5 for the issuance of a license;
 - (d) the license fee required by this Bylaw has not been paid; or
 - (e) the applicant has falsely answered a question or request for information on the application form.
- (2) Every person who applies for the issuance or renewal of a license to operate a cannabis production facility must provide confirmation of a fire inspection satisfactory to the Saskatoon Fire Department before a license will be issued.

- (3) Upon filing of a completed application for a license under this Bylaw, the City shall, within 60 days after receipt of the application, either issue a license, or issue a written notice of intent to deny a license, to the applicant.
- (4) The license, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, the conditions attaching to the license and the address of the business. The license shall be posted in a conspicuous place on the premises so that it may be easily read at any time.

Conditions Attaching to License

- 9. (1) No person operating a cannabis production facility or a cannabis retail store shall:
 - (a) allow an individual under the age of 19 on the premises at any time;
 - (b) employ an individual under the age of 19;
 - (c) advertise or promote the use of cannabis to an individual under the age of 19;
 - (d) allow an individual to smoke, vape, consume or otherwise ingest cannabis or products containing cannabis on the premises;
 - (e) allow an odor to emanate from the property which unreasonably interferes with the comfort, repose, health or peace of individuals of ordinary sensitivity; and
 - (f) display any advertising or sign that is visible from outside of the premises which displays images other than:
 - (i) alpha-numeric characters; and
 - (ii) the business name.
- (2) Sign permits as provided for in the Sign Regulations, as appended to the Zoning Bylaw, are required for any permanent sign.
- (3) The provisions of Signage Group No. 3 of the Sign Regulations, as appended to the Zoning Bylaw, apply to a cannabis production facility and a cannabis retail store regardless of the zoning district.

- (4) A person operating a cannabis retail store shall:
 - (a) prominently display a notice on the premises indicating that no individuals under the age of 19 are permitted on the premises;
 - (b) ensure that two employees are present on the premises at all times when the business is open to the public; and
 - (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.
- (5) In addition to the conditions required in this section, the City may impose any additional terms and conditions on a license issued under this Bylaw that are consistent with the intent of the Bylaw where the City is satisfied that:
 - (a) it is necessary to ensure compliance with any duties imposed on the licensee under this Bylaw;
 - (b) it is necessary to ensure the integrity of the licensing scheme in the Bylaw; and
 - (c) it is appropriate and in the public interest to do so.
- (6) No person shall fail to comply with the terms and conditions of a license.

Transfer of License

10. A license issued under this Bylaw is not transferable.

No Further Licensing Required

11. A license issued under this Bylaw shall be a valid business license, and licensing under any other City bylaw shall not be required.

Expiration of License

12. (1) Each license shall expire one year from the date of issuance.

- (2) A license may be renewed, provided an application for renewal of a license and annual license renewal fees are received by the City no later than the expiration date of the current license. An application received after that date shall be processed as a new application and the initial license fee shall apply.
- (3) An application for renewal of a license must include all the same information required for an initial license pursuant to section 5.
- (4) Upon receiving an application for renewal of a license and determining that the application is in full compliance with the provisions of this Bylaw, the City shall issue a new license.
- (5) If the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial.
- (6) Notwithstanding subsection (5), if subsequent to the denial, the City finds that the basis for the denial has been corrected or abated, the applicant may be granted a license if at least three months have elapsed since the date that the denial became final.

Suspension and Cancellation of License

13. (1) Suspension or cancellation of a federal or provincial license or permit for the operation of a cannabis production facility or a cannabis retail store shall result in the immediate suspension or cancellation of a license issued under this Bylaw.
- (2) Any license issued under this Bylaw may be suspended or cancelled for any of the following reasons:
 - (a) a licensee or an employee of a licensee has violated or failed to comply with any provision of this Bylaw;
 - (b) a licensee or an employee of a licensee has violated or failed to comply with any condition of the license;
 - (c) a licensee or an employee of a licensee has refused to allow an inspection of the premises as authorized by this Bylaw;
 - (d) a licensee has given false or misleading information in the material contained in the application for the license; or

- (e) a licensee has been convicted of a criminal offence during the term of the license. The fact that a conviction is being appealed shall have no effect on the cancellation of the license.
- (3) The City shall provide written notice of the suspension or cancellation in a brief statement setting forth the complaint, the grounds for suspension or cancellation and notifying the licensee of the right of appeal. Such notice shall be given or served on the licensee in accordance with section 347 of *The Cities Act*.
- (4) If the City cancels a license, the fee paid for the license shall be forfeited. A person whose license has been cancelled under this section may not apply for a new license for a period of one year from the date of the cancellation.
- (5) The power to suspend or cancel a license pursuant to this section is in addition to the penalties contained in section 17.

Right of Appeal

- 14. (1) If the City imposes conditions on a license, or denies, suspends or cancels a license, the license holder may appeal the City's decision to the Saskatoon License Appeal Board.
- (2) The rules, procedures and time limits for an appeal pursuant to subsection (1) shall be governed by the provisions of *The Saskatoon License Appeal Board Bylaw, 2012*.
- (3) In determining an appeal, the Saskatoon License Appeal Board:
 - (a) is bound by the provisions of this Bylaw; and
 - (b) may modify, repeal or substitute its own decision only if it is satisfied on a balance of probabilities that the City has misapplied the provisions of this Bylaw in the denial, suspension or cancellation of a license or the imposition of conditions on a license.

Administration and Enforcement of Bylaw

- 15. (1) The Administration and enforcement of this Bylaw is hereby delegated to the General Manager, Community Services Department for the City.
- (2) The General Manager, Community Services Department for the City is hereby authorized to further delegate the administration and enforcement of this Bylaw, in whole or in part, to other employees of the City.

Inspections

16. (1) The inspection of the property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with section 324 of *The Cities Act*.
- (3) No person shall obstruct a person who is authorized to conduct an inspection under this section, or a person who is assisting in the inspection.
- (4) If a person refuses to allow or interferes with an inspection authorized by this section, or if a person fails to respond to a reasonable request for access to a property, the City may apply for a warrant authorizing entry in accordance with section 325 of *The Cities Act*.

Offences

17. (1) No person shall:
 - (a) fail to comply with any provision of this Bylaw;
 - (b) fail to comply with a term or condition of their license;
 - (c) obstruct or interfere with any person acting under the authority of this Bylaw; or
 - (d) alter or deface a license issued under this Bylaw.
- (2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:
 - (a) for a first offence:
 - (i) in the case of an individual, to a fine of not less than \$2,500 and not more than \$10,000, to imprisonment for not more than three months, or both;
 - (ii) in the case of a corporation, to a fine of not less than \$5,000 and not more than \$25,000;
 - (iii) in the case of a continuing offence to a fine of not less than \$1,000 per day or part of a day during which the offence continues;

- (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not less than \$5,000 and not more than \$10,000, to imprisonment for not more than four months, or both;
 - (ii) in the case of a corporation, to a fine of not less than \$10,000 and not more than \$25,000;
 - (iii) in the case of a continuing offence to a fine of not less than \$1,500 per day or part of a day during which the offence continues.
- (3) 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.
- (4) 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.
- (5) A person to whom a summons ticket is being issued pursuant to subsection (4) 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 subsection (2).

Coming into Force

18. (1) This Bylaw, with the exception of subsections 6(2), 6(4), 6(6) and 12(2) to (5), shall come into force on the day *The Cannabis Control (Saskatchewan) Act* comes into force.
- (2) Subsections 6(2), 6(4), 6(6) and 12(2) to (5) of this Bylaw shall come into force on October 1, 2019.

Read a first time this 25th day of June, 2018.

Read a second time this 25th day of June, 2018.

Read a third time and passed this 25th day of June, 2018.

“Charlie Clark”

Mayor

“Joanne Sproule” “SEAL”

City Clerk