



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, Chief Administrative Officer **FILE:** 4330-01
PC: Keri-Ann Austin, Manager, Legislative Services **DATE:** March 18, 2022
Kim Flick, Director, Community Infrastructure and
Development
FROM: Matt Faucher, Current Planner
SUBJECT: RETAIL CANNABIS DELEGATION AND LAPSE AMENDMENTS

At its Regular Meeting of February 28, 2022, Council passed the following resolution:

"THAT Council rescind the following resolution from the January 24, 2022 Regular Meeting:

THAT Council direct Administration to bring forward the following amendment bylaws for Council's consideration at the February 14, 2022 Regular Meeting of Council as outlined in the report titled "Retail Cannabis Licensing Regulations and Sensitive Uses" dated January 11, 2022 and respectfully submitted by the Current Planner:

- a) Amend Zoning Bylaw #5000 to include a 500m proximity buffer prohibition on retail cannabis stores from other retail cannabis stores (not to apply in Business Improvement Areas 1 and 2) and a 250m proximity buffer prohibition from K to 12 schools;*
- b) Amend Delegation of Authority Bylaw #5727 to include the delegation of Council's authority to make recommendations and comments on provincial applications for a retail cannabis store licence in response to referrals provided by the Liquor and Cannabis Regulation Branch; and*
- c) Amend Business Licence Bylaw #5480 to include a lapse provision for applications that are not active for a period of twenty-four months.*

AND FURTHER Council direct Administration to bring forward the following amendment bylaws for Council's consideration as outlined in the report titled "Retail Cannabis Licensing Regulations and Sensitive Uses" dated January 11, 2022 and respectfully submitted by the Current Planner:

- a) Amend Zoning Bylaw 5000 to prohibit retail cannabis stores from being located within 500m of another retail cannabis store location and further that retail cannabis stores be prohibited from being located within 250m of K to 12 schools;*
- b) Amend Delegation of Authority Bylaw 5727 to include the delegation of Council's authority to Administration to make recommendations and*

comments on provincial applications for a retail cannabis store licence in response to referrals provided by the Liquor and Cannabis Regulation Branch; and

- c) Amend Business Licence Bylaw 5480 to include a lapse provision for applications that are not active for a period of 24 months;*

AND FURTHER Council support the proposed amendment to Zoning Bylaw 5000 to incorporate a proximity buffer prohibition on Retail Cannabis Stores throughout the city as contained in Attachment 2 of the memorandum titled "Retail Cannabis Buffer Amendments" dated February 17, 2022, and respectfully submitted by the Current Planner."

In accordance with Council's resolution, Administration has prepared Delegation of Authority Amendment Bylaw 5888 (Attachment 1) for Council's consideration of First, Second and Third Readings. Additionally, Administration has prepared Business Licence (Cannabis Licence Lapse Provision) Amendment Bylaw 5889 (Attachment 2) for Council's consideration of First and Second Readings, as well as scheduling of a Public Input Session in accordance with Section 59(2) and Section 8(6) of the *Community Charter*.

Administration will bring forward the above mentioned bylaws for final Readings and adoption in conjunction with final Reading and Adoption of Zoning Text (Retail Cannabis Proximity Buffer Prohibition) Amendment Bylaw 5887.

RECOMMENDATION:

THAT Council support the proposed amendment to Delegation of Authority Bylaw 5727 to delegate the authority to make recommendations and comments on provincial applications for a retail cannabis store licence in response to referrals provided by the Liquor and Cannabis Regulation Branch as contained in Attachment 1 of the memorandum titled "Retail Cannabis Delegation and Lapse Amendments" dated March 18, 2022, and respectfully submitted by the Current Planner;

AND FURTHER that Council support the proposed amendment to Business Licence Bylaw 5480 to incorporate an application lapse provision for Retail Cannabis Stores that become inactive for a period greater than 24 months as contained in Attachment 2 of the memorandum titled "Retail Cannabis Delegation and Lapse Amendments" dated March 18, 2022, and respectfully submitted by the Current Planner.

X



Signer 1

Matt Faucher, Current Planner
Community Infrastructure and Development

Attachments:

- 1. Delegation of Authority Amendment Bylaw 5888, 2022**
- 2. Business Licence (Cannabis Licence Lapse Provision) Amendment Bylaw 5889, 2022**

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THE CORPORATION OF THE CITY OF VERNON

BYLAW 5888

A bylaw to provide for the delegation of powers, duties and functions.

WHEREAS Council may provide for the delegation of certain powers, duties and functions, including those specifically established by an enactment, to its officers and employees;

NOW THEREFORE the Council of the City of Vernon in open meeting enacts as follows:

Citation

1. This Bylaw is cited as “**Delegation of Authority Amendment Bylaw 5888, 2022**”.

Amendments

2. The City of Vernon “**Delegation of Authority Amendment Bylaw Number 5727, 2018**” is hereby amended as follows:
 - (a) **ADDING new** Section 17 – Delegation to the Director, Community Infrastructure and Development as shown in **red** on attached Schedule ‘A’, attached to and forming part of this bylaw;
 - (b) Renumber as required.
3. Delegation and Authority Bylaw Number 5727, 2018, as amended, is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED on this day of , 2022.

Mayor

Corporate Officer

SCHEDULE 'A'
Attached to and Forming Part of Bylaw 5888
" Delegation of Authority Amendment Bylaw 5888, 2022"

Delegation to the Fire Chief

16. Council delegates to the employee appointed as **Fire Chief** the following powers:
- (a) enter on property and inspect premises for conditions that may cause a fire, increase the danger of a fire or explosion or increase the danger to persons or property from a fire or explosion; (*Bylaw 5835*)
 - (b) take measures to prevent and suppress fires, including the demolition of buildings and other structures to prevent the spreading of fire;
 - (c) require an owner or occupier of real property to undertake any actions directed by the **Fire Chief** or other authorized person for removing or reducing any thing or condition that person considers is a fire hazard or increases the danger of fire or explosion; (*Bylaw 5835*)
 - (d) exercise some or all of the powers of the fire commissioner under section 25 of the *Fire Services Act*, or successor legislation, and for these purposes that section applies;
 - (e) enter into and execute on behalf of the City a contract for the procurement of goods necessary for the functioning of Vernon Fire Rescue, including in relation to the operation of fire halls, fire trucks, and fire fighting equipment, if the
 - i. contract requires no elector approval;
 - ii. contract is counter-signed by an officer; and
 - iii. the expenditure or revenue under the contract is budgeted for in the Financial Plan adopted by Council,if the **Fire Chief** exercises the delegated discretion granted under this paragraph e) in compliance with the City's procurement policies or procedures adopted by Council.

Delegation to Director, Community Infrastructure and Development

17. Council delegates to the **Director, Community Infrastructure and Development** authority to make recommendations and comments on provincial applications for a retail cannabis store licences in response to referrals provided by the Liquor and Cannabis Regulation Branch.

THE CORPORATION OF THE CITY OF VERNON

BYLAW 5889

A bylaw to amend City of Vernon Business Licence Bylaw Number 5480, 2014 to provide lapse provision for inactive cannabis retail store applications

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend "City of Vernon Business Licence Bylaw Number 5480, 2014";

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "City of Vernon Business Licence (Cannabis Licence Lapse Provision) Amendment Bylaw 5889, 2022".

2. Business Licence Bylaw Number 5480 is hereby amended as follows:

A. AMEND Section 4.0 LICENCE FEES to add new section 4.20 as shown in RED on attached Schedule 'A'.

3. City of Vernon Business Licence Bylaw Number 5480, 2014" is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

Mayor

Corporate Office

SCHEDULE 'A'
Attached to and forming Part of Bylaw 5889
“City of Vernon Business Licence (Cannabis Licence Lapse Provision)
Amendment Bylaw 5889, 2022”

PART FOUR – LICENCE FEES

4.20 An application for a **cannabis retail** store business licence will lapse if the application is inactive for a period greater than 24 months (2 years). Should the applicant wish to continue with their application, a new application and application fee will be required.