

EXPLANATION**License By-law amending By-law
Re: Retail dealer - medical marijuana-related**

The attached By-law will implement Council's resolution of June 24, 2015 to amend the License By-law to create two new business licence classes called Compassion Club and Retail Dealer - Medical Marijuana-related, and new licensing regulations regarding the two new business license classes.

Director of Legal Services
June 24, 2015

BY-LAW NO. _____

**A By-law to amend License By-law No. 4450
regarding Retail Dealer - Medical Marijuana-related**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. In Section 2, in alphabetical order, Council adds:

“Compassion Club” means any person not otherwise herein defined who carries on a retail business in which the use of marijuana for medicinal purposes is advocated, in conjunction with the services described in, and pursuant to the provisions of, section 12.2 of this by-law.”

“Retail Dealer - Medical Marijuana-related” means any person not otherwise herein defined who carries on a retail business in which the use of marijuana for medicinal purposes is advocated.”

3. In Section 4 (5), Council strikes out “section” and substitutes “by-law”.
4. After Section 12.1, Council adds:

“COMPASSION CLUB

- 12.2 (1) The provisions of this section apply to all persons carrying on business as a Compassion Club.
- (2) No person shall carry on business as a Compassion Club, without having first obtained a licence to do so from the Chief Licence Inspector.
 - (3) Only a society registered under the Society Act may carry on the business of a Compassion Club.
 - (4) A Compassion Club must only provide services to persons who are members in good standing of the society that is licensed to operate the Compassion Club.
 - (5) A Compassion Club must have a Trade Association Membership in the Canadian Association of Medical Cannabis Dispensaries.
 - (6) A Compassion Club must provide health care services to society members except that the health care services:
 - (a) must not be related to the use of marijuana for medicinal purposes;

- (b) may consist of, but are not limited to, the following:
 - (i) Reiki provided by a Registered Practitioner of Reiki,
 - (ii) nutritional counselling provided by a Registered Dietician,
 - (iii) psychological counselling provided by a Registered Psychologist,
 - (iv) Chinese medicine provided by a Registered Traditional Chinese Medicine Practitioner,
 - (v) cranial-sacral therapy provided by a Registered Craniosacral Therapist, or
 - (vi) massage provided by a Registered Massage Therapist; and
 - (c) must be provided for at least 60% of the time that the Compassion Club is open for business.
- (7) A society that carries on business as a Compassion Club must make available to the Chief Licence Inspector its records related to the number of hours that the Compassion Club is in operation and the number of hours of health care services provided to society members per month, if requested to do so by the Chief Licence Inspector.
- (8) All persons who provide health care services in a Compassion Club must be registered members in good standing of any applicable professional association.
- (9) A society that carries on business as a Compassion Club must have a constitution and by-laws that provide:
- (a) all society members are entitled to advance notice of any general meeting of the society;
 - (b) all society members are entitled to attend any general meeting of the society;
 - (c) all society members in good standing who have been members for a year are entitled to vote at any meeting of the society at which the adopted rules of procedure require a vote;
 - (d) all society members in good standing who have been members for a year are entitled to become a director or officer of the society;
 - (e) the quorum at a general meeting is at least 30 voting members present;
 - (f) corporations are not eligible for membership in the society; and
 - (g) membership in the society is not transferrable.

- (10) No person shall hold more than one licence as a Compassion Club.
- (11) No person shall hold a licence as a Compassion Club unless the person is the registered owner or lessee of the licensed premises.
- (12) A person who has been granted a license as a Compassion Club must not transfer, or transfer control of that license to another person.
- (13) A person who applies for a licence to carry on business as a Compassion Club, shall submit, together with an application in a form acceptable to the Chief Licence Inspector and the requisite fees, the following documents:
 - (a) a copy of its constitution and by-laws;
 - (b) a security plan acceptable to the Chief Licence Inspector;
 - (c) contact information for a responsible person or persons available to be contacted at any time;
 - (d) a list of the names of all staff, together with a copy of photo identification for each staff member;
 - (e) a police information check for the applicant and for every employee;
 - (f) proof of a security alarm contract providing for monitoring at all times;
 - (g) proof of the professional qualifications of any health care practitioners that provide health care services for society members in the licensed premises;
 - (h) the certificate of title or the lease for the business premises;
 - (i) proof of Trade Association Membership of the applicant society in the Canadian Association of Medical Cannabis Dispensaries; and
 - (j) such other documents as may be required by the Chief Licence Inspector.
- (14) Notwithstanding the provisions of Section 4 of this By-law, the Chief Licence Inspector may impose conditions on a business licence for a Compassion Club, including:
 - (a) conditions related to safety and security on and about the licenced premises;
 - (b) conditions requiring that the applicant submit consents to police information checks for the applicant and every employee;

- (c) conditions requiring that a minimum of two employees be present on the business premises at all times while the business is open to the public;
 - (d) conditions requiring that the applicant promptly bring to the attention of the Chief Licence Inspector any criminal charges brought against the licence holder or any employees of the licensed business;
 - (e) conditions related to the protection of minors, including but not limited to conditions regarding signage and patron identification;
 - (f) conditions related to public health and safety in relation to the licenced premises, including conditions regarding the posting of signage informing the public of potential health risks associated with medical marijuana use;
 - (g) conditions related to prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on and about the licenced premises; and
 - (h) such other conditions as the Chief Licence Inspector may require to ensure that the business does not have a negative impact on the public, the neighbourhood or other businesses in the vicinity.
- (15) No person shall permit, suffer or allow a person to work in a Compassion Club without having first submitted a police information check for that employee to the Chief Licence Inspector.
- (16) No person shall carry on any business other than a Compassion Club on the business premises.
- (17) No person shall permit, suffer or allow, or facilitate the mailing or delivery of any produce or products from a business premise that is licensed as a Compassion Club.
- (18) No person shall sell food on the business premises of a Compassion Club, except that this provision does not apply to the sale of tinctures, capsules or edible oils, in sealed containers.
- (19) No person shall permit, suffer or allow a minor to enter or remain on the business premises of a Compassion Club.
- (20) No person shall directly or indirectly advertise or promote the use of marijuana to a minor, in or from the business premises of a Compassion Club.
- (21) No person shall display items related to the consumption of marijuana in any manner by which the display may reasonably be seen by a minor who is outside the business premises of a Compassion Club.

- (22) No person shall advertise or promote the use of marijuana in any manner by which the advertising or promotion may reasonably be seen or heard by a minor who is outside the business premises of a Compassion Club.
- (23) No person shall carry on the business of a Compassion Club between the hours of 10 p.m. and 8 a.m. the following day.
- (24) No person shall block the windows of the business premises of a Compassion Club-with translucent or opaque material, artwork, posters, shelving, display cases or similar elements.
- (25) No person shall install, or permit, suffer or allow the installation of an ATM (Automated teller machine) on the business premises of a Compassion Club.
- (26) No person shall install security bars that are located within one meter of the front windows of the business premises of a Compassion Club.
- (27) No person shall install roll down shutters on the business premises of a Compassion Club.
- (28) The following security measures shall be installed and maintained on the business premises of a Compassion Club:
 - (a) video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times;
 - (b) video camera data shall be retained for at least 21 days after it is gathered;
 - (c) a security and fire alarm system that is monitored at all times; and
 - (d) valuables shall be removed from the business premises or locked in a safe on the business premises at all times when the business is not in operation.
- (29) The Chief License Inspector must not issue any business license for a Compassion Club or Retail Dealer - Medical Marijuana-related prior to August 24, 2015.
- (30) The Chief License Inspector must review all license applications for a Compassion Club or Retail Dealer - Medical Marijuana-related received prior to August 24, 2015 on the following basis:
 - (a) if the proposed location contravenes Section 11.28.2(b) of the Zoning & Development By-law, the Chief License Inspector must refuse to issue the license;

- (b) if the proposed location contravenes Section 11.28.2(a) of the Zoning & Development By-law, the Chief License Inspector must:
 - (i) evaluate the applications for that location and assign points to each application, based on the criteria set out in the following table:

Criteria	Points
Non - Compassion Club use	10
>1 complaint by >1 complainant in previous 12 months	2
Existing work without permit	3
History of poor business practices	4

and the Chief License Inspector must issue the license to the applicant with the lowest number of points, and

- (ii) in the event of a tie, the Chief License Inspector must issue the license based on a random draw, after prior notification to all affected applicants, who may attend in person to witness the random draw.”

5. After Section 24.4, Council adds:

“RETAIL DEALER - MEDICAL MARIJUANA-RELATED

- 24.5 (1) The provisions of this section apply to all persons carrying on business as a Retail Dealer - Medical Marijuana-related.
- (2) No person shall carry on business as a Retail Dealer - Medical Marijuana-related, without having first obtained a licence to do so from the Chief Licence Inspector.
- (3) No corporation shall carry on the business of a Retail Dealer - Medical Marijuana-related, except that a society registered under the Society Act may carry on the business of a Retail Dealer - Medical Marijuana-related.
- (4) No person shall hold more than five licences as a Retail Dealer - Medical Marijuana-related.
- (5) No person shall hold a licence as a Retail Dealer - Medical Marijuana-related unless the person is the registered owner or lessee of the licensed premises.
- (6) A person who has been granted a license as a Retail Dealer - Medical Marijuana-related must not transfer, or transfer control of that license to another person.

- (7) A person who applies for a Licence to carry on business as a Retail Dealer - Medical Marijuana-related, shall submit, together with an application in a form acceptable to the Chief Licence Inspector and the requisite fees, the following documents:
- (a) a security plan acceptable to the Chief Licence Inspector;
 - (b) contact information for a responsible person or persons available to be contacted at any time;
 - (c) a list of the names of all staff, together with a copy of photo identification for each staff member;
 - (d) a police information check for the applicant and for every employee;
 - (e) proof of a security alarm contract providing for monitoring at all times;
 - (f) the certificate of title or the lease for the business premises; and
 - (g) such other documents as may be required by the Chief Licence Inspector.
- (8) Notwithstanding the provisions of Section 4 of this By-law, the Chief Licence Inspector may impose conditions on a business licence for a Retail Dealer - Medical Marijuana-related business, including:
- (a) conditions related to safety and security on and about the licenced premises;
 - (b) conditions requiring that the applicant submit consents to police information checks for the applicant and every employee;
 - (c) conditions requiring that a minimum of two employees be present on the business premises at all times while the business is open to the public;
 - (d) conditions requiring that the applicant promptly bring to the attention of the Chief Licence Inspector any criminal charges brought against the licence holder or any employees of the licensed business;
 - (e) conditions related to the protection of minors, including but not limited to conditions regarding signage and patron identification;
 - (f) conditions related to public health and safety in relation to the licenced premises, including conditions regarding the posting of signage informing the public of potential health risks associated with medical marijuana use;
 - (g) conditions related to prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on and about the licenced premises; and

- (h) such other conditions as the Chief Licence Inspector may require to ensure that the business does not have a negative impact on the public, the neighbourhood or other businesses in the vicinity.
- (9) No person shall permit, suffer or allow a person to work in a Retail Dealer - Medical Marijuana-related business without having first submitted a police information check for that employee to the Chief Licence Inspector.
- (10) No person shall carry on any business other than Retail Dealer - Medical Marijuana-related on the business premises.
- (11) No person shall permit, suffer or allow, or facilitate the mailing or delivery of any produce or products from a business premise that is licensed as Retail Dealer - Medical Marijuana-related.
- (12) No person shall sell food on the business premises of a Retail Dealer - Medical Marijuana-related, except that this provision does not apply to the sale of tinctures, capsules or edible oils, in sealed containers.
- (13) No person shall permit, suffer or allow a minor to enter or remain on the business premises of a Retail Dealer - Medical Marijuana-related.
- (14) No person shall directly or indirectly advertise or promote the use of marijuana to a minor, in or from the business premises of a Retail Dealer - Medical Marijuana-related.
- (15) No person shall display items related to the consumption of marijuana in any manner by which the display may reasonably be seen by a minor who is outside the business premises of a Retail Dealer - Medical Marijuana-related.
- (16) No person shall advertise or promote the use of marijuana in any manner by which the advertising or promotion may reasonably be seen or heard by a minor who is outside the business premises of a Retail Dealer - Medical Marijuana-related.
- (17) No person shall carry on the business of a Retail Dealer - Medical Marijuana-related between the hours of 10 p.m. and 8 a.m. the following day.
- (18) No person shall block the windows of the business premises of a Retail Dealer - Medical Marijuana-related with translucent or opaque material, artwork, posters, shelving, display cases or similar elements.
- (19) No person shall install, or permit, suffer or allow the installation of an ATM (Automated teller machine) on the business premises of a Retail Dealer - Medical Marijuana-related.

- (20) No person shall install security bars that are located within one meter of the front windows of the business premises of a Retail Dealer - Medical Marijuana-related.
- (21) No person shall install roll down shutters on the business premises of a Retail Dealer - Medical Marijuana-related.
- (22) The following security measures shall be installed and maintained on the business premises of a Retail Dealer - Medical Marijuana-related:
 - (a) video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times;
 - (b) video camera data shall be retained for at least 21 days after it is gathered;
 - (c) a security and fire alarm system that is monitored at all times; and
 - (d) valuables shall be removed from the business premises or locked in a safe on the business premises at all times when the business is not in operation.
- (23) The Chief License Inspector must not issue any business license for a Compassion Club or Retail Dealer - Medical Marijuana-related prior to August 24, 2015.
- (24) The Chief License Inspector must review all license applications for a Compassion Club or Retail Dealer - Medical Marijuana-related received prior to August 24, 2015, on the following basis:
 - (a) if the proposed location contravenes Section 11.28.2(b) of the Zoning & Development By-law, the Chief License Inspector must refuse to issue the license;
 - (b) if the proposed location contravenes Section 11.28.2(a) of the Zoning & Development By-law, the Chief License Inspector must:
 - (i) evaluate the applications for that location and assign points to each application, based on the criteria set out in the following table:

Criteria	Points
Non - Compassion Club use	10
>1 complaint by >1 complainant in previous 12 months	2
Existing work without permit	3
History of poor business practices	4

and the Chief License Inspector must issue the license to the applicant with the lowest number of points, and

- (ii) in the event of a tie, the Chief License Inspector must issue the license based on a random draw, after prior notification to all affected applicants, who may attend in person to witness the random draw. ”

6. In Section 30, Council:

- (a) re-numbers sections 30(2), (3) and (4) as sections 30(3), (4) and (5) respectively;
- (b) inserts, in chronological order:

“(2) Every person who fails to comply with a condition of a business licence commits an offence against this by-law that is punishable on conviction by a fine of not less than \$250.00 and not more than \$10,000.00 for each offence.”; and

- (c) in re-numbered Section 30(5), strikes out “(2)” and substitutes “(3) and (4)”.

7. To Schedule A, in alphabetical order, Council adds:

“COMPASSION CLUB.....\$1,000.00
 RETAIL DEALER - MEDICAL MARIJUANA -RELATED.....\$30,000.00”

8. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2015

_____ Mayor

_____ City Clerk

EXPLANATION**A By-law to amend the Zoning and Development By-law
Regarding Medical Marijuana - related Use**

After the public hearing on June 10, 11, 13 and 22, 2015, Council resolved to amend the Zoning and Development By-law regarding Medical Marijuana - related use. Enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
June 24, 2015

Amendments to
Zoning & Development By-law regulations
Regarding Medical Marijuana-related Use

BY-LAW NO. _____

A By-law to amend
Zoning and Development By-law No. 3575
Regarding Medical Marijuana -related Use

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Zoning District Plan Amendment

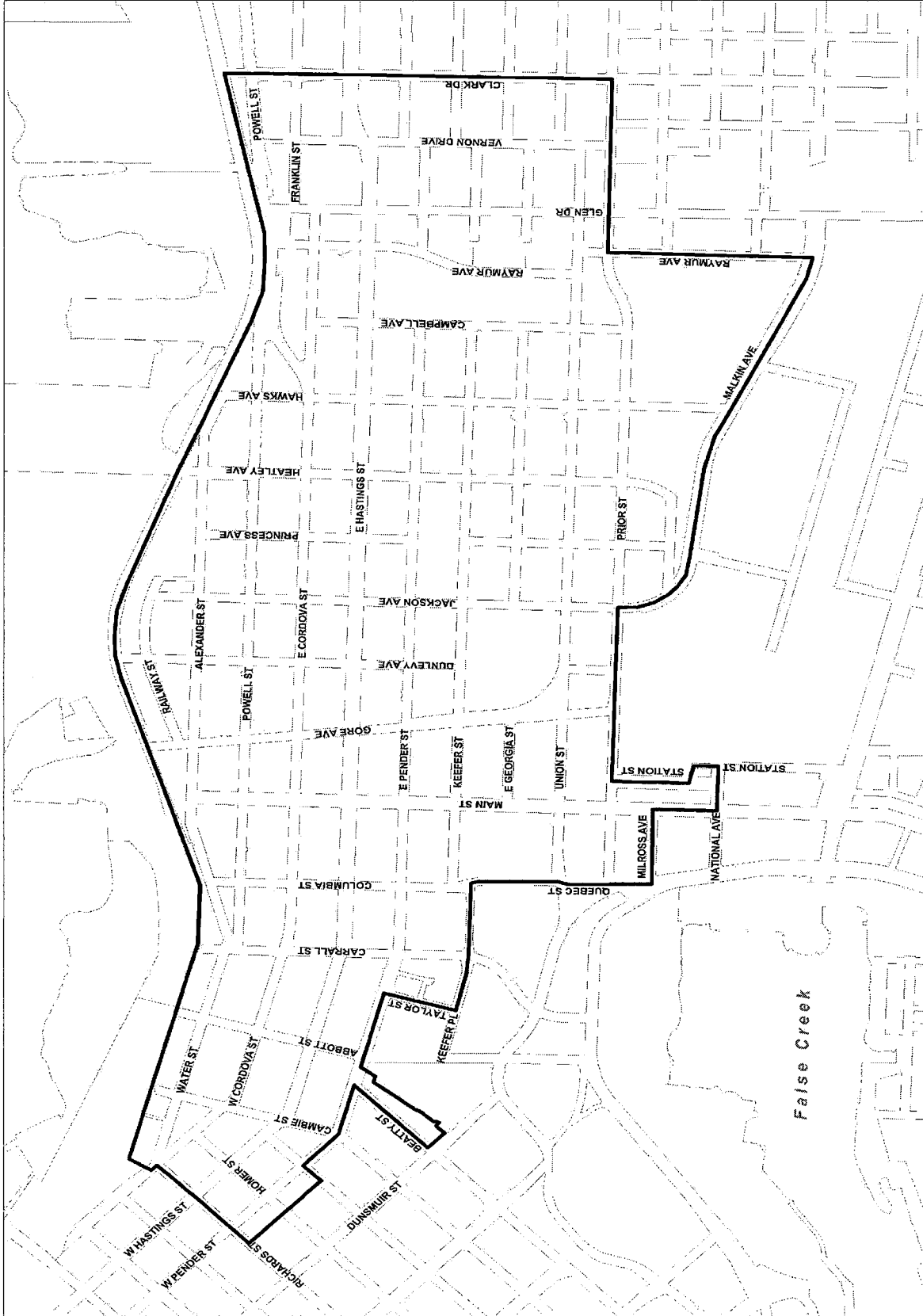
1. This By-law amends the indicated provisions of By-law No. 3575.
2. In section 2, under “Retail Uses”, Council adds in correct alphabetical order:

“**Medical Marijuana-related Use**, means a retail use in which the use of marijuana for medicinal purposes is advocated, and includes a Compassion Club as defined in the License By-law;”
3. In section 11, Council adds:

“**11.28 Medical Marijuana-related Use**

11.28.1 Before granting a development permit, the Director of Planning shall:
 - (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable Council policies and guidelines.
11.28.2 A Medical Marijuana-related Use is not permitted:
 - (a) within 300 metres of the nearest property line of a site containing another Medical Marijuana-related Use;
 - (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;
 - (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;

Figure 1



- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site adjacent to a street that has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.”

4. In the C-1 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

5. In the C-2 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

6. In the C-2B District Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

7. In the C-2C District Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

8. In the C-2C1 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

9. In the C-3A District Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

10. In the C-5, C-5A and C-6 Districts Schedule, under section 3.2.1.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

11. In the C-7 and C-8 Districts Schedule, under section 3.2.1.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

12. In the FC-1 District Schedule, under section 2.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

13. In the HA-1 and HA-1A Districts Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

14. In the HA-2 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

15. In the HA-3 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

“

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.”

16. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

17. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

EXPLANATION**Ticket Offences By-law No. 9360
Amending By-law
Re: Failure to comply with licence conditions**

The attached by-law will implement Council's resolution of June 24, 2015, to add a new offence to the Ticket Offences By-law, the offence of breach of the conditions of a business licence.

Director of Legal Services
June 24, 2015

BY-LAW NO. _____

A By-law to amend
Zoning and Development Fee By-law No. 5585
regarding medical marijuana-related use

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council, in Schedule 1 of the Zoning and Development Fee By-law adds:

“Medical marijuana-related use

- 21 For an application for a development permit for a medical marijuana-related use:
- (a) in a preliminary form only.....\$100.00
 - (b) following preliminary approval:
 - 100 m² of gross floor area or part thereof.....\$713.00
 - maximum fee.....\$5,100.00”

2. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

3. This By-law is to come into force and take effect on the date of enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

EXPLANATION**Zoning and Development Fee By-law amending By-law
regarding medical marijuana - related use**

Enactment of the attached By-law will implement Council's resolution of June 24, 2015, to add fees for development permit applications for medical marijuana - related uses to the Fee Schedule.

Director of Legal Services
June 24, 2015

EXPLANATION**By-law to amend Downtown-
Eastside/Oppenheimer Official Development Plan By-law No. 5532
regarding medical marijuana-related use**

After the public hearing on June 10, 11, 13 and 22, 2015, Council resolved to amend the Eastside/Oppenheimer Official Development Plan By-law regarding Medical Marijuana - related use. Enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
June 24, 2015

Downtown-Eastside/Oppenheimer
Official Development Plan
Re: Medical marijuana-related use

BY-LAW NO. _____

A By-law to amend Downtown-
Eastside/Oppenheimer Official Development Plan By-law No. 5532
regarding medical marijuana-related use

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Downtown-Eastside/Oppenheimer Official Development Plan By-law.
2. In section 4.2, Council:
 - (a) renames subsection (j) as (k); and
 - (b) after subsection (i), adds:

“(j) Medical Marijuana-related Use, subject to section 11.28 of the Zoning and Development By-law.”
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

EXPLANATION**A By-law to amend the Downtown
Official Development Plan By-law No. 4912
Regarding Medical Marijuana - related Use**

After the public hearing on June 10, 11, 13 and 22, 2015, Council resolved to amend the Downtown Official Development Plan By-law regarding Medical Marijuana - related use. Enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
June 24, 2015

Downtown Official Development Plan
Regarding: Medical marijuana-related use

BY-LAW NO. _____

A By-law to amend Downtown
Official Development Plan By-law No. 4912
Regarding Medical marijuana-related use

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Downtown Official Development Plan By-law.
2. Under Definitions, Council strikes out the definition of “Retail commercial” and substitutes:

“Retail commercial” means Retail Use, retail type service activity, or restaurant (excluding a drive-in).
3. In Section 1-Land Use, in chronological order, Council adds:

“17. Medical marijuana-related use is subject to the provisions of section 11.28 of the Zoning and Development By-law.”
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk