



**LEGISLATIVE AND COURT
SERVICES
MEMORANDUM**

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TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: T. BANTING, MANAGER OF ENFORCEMENT SERVICES EXT. 4336

NOTED: W. COOKE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES / CITY CLERK
D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

**RE: CANNABIS PRODUCTION FACILITIES LICENSING BY-LAW AND REPEAL
MEDICAL MARIHUANA PRODUCTION FACILITY LICENSING BY-LAW 2015-058**

DATE: NOVEMBER 25, 2019

The purpose of this Memorandum is to advise members of Council of the proposed repeal of the current Medical Marihuana Production Facility Licensing By-law 2015-058 and replacement with a New Cannabis Production Facility Licensing By-law. The new by-law would incorporate legislative changes under the *Cannabis Act* that expanded the type of facilities authorized to produce cannabis, both medical and now recreational cannabis.

Bill 099 attached to this memorandum has been developed to incorporate the following:

1. New and amended definitions which incorporate both the Federal changes as well as recent changes to the City's Zoning by-law.
2. Expands the permitted licensing categories in accordance with the Federal legislation to include various types of production facilities including but not limited to micro-cultivation facilities, medical production facilities and recreational production facilities.

No changes are proposed to the requirements within Barrie's licensing process. All permits, inspections and approvals at both the Federal (Health Canada) and the municipal level remain unchanged. Retail sales of medical or recreational cannabis continues to be regulated through the Alcohol and Gaming Commission of Ontario (AGCO) and does not fall within municipal jurisdiction.

Federally, Licensed Producers may possess, produce, sell, provide, ship, deliver, transport and destroy cannabis, as the government wants to reduce any potential public health, safety or security risks including the risk of cannabis being diverted to an illicit market or use. Regulations have been further expanded to include micro-cultivation whereby individuals may produce cannabis on behalf of individuals who have obtain permits to do so. Under the previous Medical Marihuana Production Facility Licensing By-law, those types of operations were not captured, the proposed changes will now ensure that Barrie's by-law is aligned with the Federal regulation and such facilities have met the standards set out by Health Canada and the City.

Licensed Producer are to notify the senior official of the local municipality, the local police department and the local fire department of the proposed name, activities and location of their facilities, and of any proposed changes. No other information is required to be disclosed under the Regulations.



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The operation of these licensed premises are not exempted from compliance with applicable provincial and/or municipal regulations, the Licensed Producer will continue to be required to:

1. Obtain a building permit for any building construction and to facilitate the required inspections during construction;
2. Comply with the municipal Zoning By-law with respect to permitted uses and development standards such as building height, setbacks and off-street parking;
3. Comply with the Ontario Fire Code with respect to the handling of hazardous materials and the maintenance of fire safety standards such as fire extinguishers, sprinklers, fire hose systems, fire alarm systems, a fire access route and a fire safety plan; and
4. Comply with various municipal by-laws including, but not limited to, the Property Standards By-law, the Yard Maintenance By-law, the Noise By-law, the Sewer Use By-law, and the Sign By-law.

APPENDIX "A"

Bill XXX

BY-LAW NUMBER 2019-***

A By-law of The Corporation of the City of Barrie to licence, regulate and govern Cannabis Production Facilities within the municipality and to repeal by-law 2015-058.

WHEREAS Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 ("The Municipal Act, 2001") provides a municipality with the broad authority to pass by-laws necessary or desirable for municipal purposes;

AND WHEREAS Section 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS Section 10 (2) of the Municipal Act, 2001 provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS Section 151 of the Municipal Act, 2001 provides that without limiting sections 9, 10 and 11 of the Act, a municipality may provide for a system of license with respect to a business;

AND WHEREAS Section 391 (1) of the Municipal Act, 2001 provides that a municipality may impose fees and charges on persons;

AND WHEREAS Section 436 of the Municipal Act, 2001 provides that a municipality may pass a by-law providing that the municipality may enter on lands at any reasonable time for the purposes of carrying out an inspection to determine whether a by-law of the municipality has been complied with;

AND WHEREAS pursuant to motion 15-G-130 the Council of The Corporation of the City of Barrie has deemed it expedient to license, regulate and govern various businesses operating within the City of Barrie;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1.0.0.0 **DEFINITIONS**

1.1.0.0 For the purpose of this by-law:

1.1.1.0 **ADDITIONAL FEE** - means a fee, in addition to the licence fee, imposed by the City on a Licensee at any time during the term of the Licence for costs incurred by the City attributable to the activities of a Cannabis Production Facility.

1.1.2.0 **APPLICANT** - means a person who is required to be licensed pursuant to this by-law or who has made application for a licence to the Issuer of Licences and shall include both new and renewal applications.

- 1.1.3.0.0 **APPROPRIATE AUTHORITY HAVING JURISDICTION** - means:
- a) with regard to building matters, the Chief Building Official for the City, or his designate(s); and,
 - b) with regard to Fire safety matters, the Chief Fire Official for the City, or his designate(s).
- 1.1.4.0.0 **BUSINESS LICENSING APPEAL COMMITTEE** – means a quasi-judicial body that operates independently of the licensing and enforcement functions performed by By-law Services of the City of Barrie and shall be a committee of citizens appointed by Council from time to time.
- 1.1.5.0.0 **BY-LAW** – means any by-law passed by Council.
- 1.1.6.0.0 **CANNABIS PRODUCTION FACILITY** - means a wholly enclosed building, structure or part thereof, used to possess, produce, sell, provide, ship, deliver, transport or destroy marihuana or cannabis by a Licensed Producer authorized by Health Canada through the applicable Federal legislation. This shall also include but not be limited to any facility that requires a Health Canada licence in connection with or as part of, the production of Cannabis such as micro-cultivation, cultivation licences and licences for research
- 1.1.7.0.0 **CHIEF BUILDING OFFICIAL** - means the person who may, from time to time, be appointed by Council to the position of Chief Building Official in conformity with the provisions of the Building Code Act, .S.O. 1992, c. 23, as amended, or his designate.
- 1.1.8.0.0 **CHIEF FIRE OFFICIAL** - means the person who may, from time to time, be appointed by Council to the position of Chief of Barrie’s Fire and Emergency Service or his designate.
- 1.1.9.0.0 **CHIEF OF POLICE** - means the person who may from time to time, be appointed by the Barrie Police Services Board to the position of Chief of Police of the Barrie Police Service.
- 1.1.10.0.0 **CITY** – means The Corporation of the City of Barrie
- 1.1.11.0.0 **CITY EMPLOYEE** – means an officer, servant or other employee of the City, but does not include:
- a) a member of Council;
 - b) a Council appointee to a local board and whose remuneration from the City results from his/her membership on such local board or other body;
 - c) an employee of a local board or other body; or,
 - d) a municipal auditor.
- 1.1.12.0.0 **CLERK** – means the Clerk of the City or his designate.
- 1.1.13.0.0 **COUNCIL** – means the Council of The Corporation of the City of Barrie.
- 1.1.14.0.0 **FEES BY-LAW** - means a by-law passed by the City to establish fees and charges enacted by the City from time to time.



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- 1.1.15.0.0 **FIRE PREVENTION OFFICER** - means the person who is appointed Fire Prevention Officer under the provisions of the City by-law which governs and regulates the Fire and Emergency Services Department of the City.
- 1.1.16.0.0 **GENERAL INSPECTION REPORT** - means a confirmation document issued by the Electrical Safety Authority to an Applicant that there are no electrical defects identified in the Premises or that all electrical defects have been corrected.
- 1.1.17.0.0 **ISSUER OF LICENCES** - means a person appointed to the position of Manager of Enforcement Services or Supervisor of Enforcement Services with the City from time to time.
- 1.1.18.0.0 **LICENCE** - means a City of Barrie Business Licence issued pursuant to this by-law.
- 1.1.19.0.0 **LICENSEE** - means a person who has been issued a licence pursuant to this by-law either in the current calendar year or in a previous calendar year and shall include an Applicant.
- 1.1.20.0.0 **MAINTAIN** – means to be in charge of, or have control of the operation of a business, and shall include the operation of a vehicle.
- 1.1.21.0.0 **MANUFACTURING AND PROCESSING** – means a building or part of a building in which the process of producing or assembling a product by hand or mechanical power and machinery is carried on.
- 1.1.22.0.0 **MARIHUANA or CANNABIS** – shall be considered interchangeable terms and means the substance referred to as “Cannabis (marihuana)” in the Controlled Drugs and Substances Act, S.C. 1996, c. 19.
- 1.1.23.0.0 **MONTH** - means calendar month.
- 1.1.24.0.0 **MUNICIPAL LAW ENFORCEMENT OFFICER** - means a person appointed under the authority of the Police Services Act for the purpose of enforcing City by-laws.
- 1.1.25.0.0 **NOTICE OF ADDITIONAL FEE** – means a written notice from the Issuer of Licences or his designate to a licensee advising them of their requirement to pay an Additional Fee pursuant to the Fee’s By-law.
- 1.1.26.0.0 **NUISANCE** – means any activity or action which disturbs or is likely to disturb any individual
- 1.1.27.0.0 **OFFICER** – means a Municipal Law Enforcement Officer or other law enforcement officer as appointed by the Council of The Corporation of the City of Barrie, the Barrie Police Services Board, or a Provincial Offences Officer.
- 1.1.28.0.0 **OPERATE** – means to manage, work, control, maintain, put or keep in a functional state any business.
- 1.1.29.0.0 **OWNER** – means the registered owner of the lands and premises or the person or his authorized agent in lawful control of the premises, building or occupancy and who permits the operation or maintenance of any business.

- 1.1.30.0.0 **PERSON** – includes any individual, corporation, partnership, company, association or party and the heirs, executors, administrators, or other legal representative of such person, to whom the context can apply according to law; shall include any group of persons comprising a society or other organization and shall include the plural wherein the context requires. Wherever the word “he” or “him” is used, it shall mean and include the feminine or neuter gender wherever the context so requires.
- 1.1.31.0.0 **PREMISE** - means land, including any and all buildings or other structures thereon and includes any vehicle or conveyance used in the operation of the business.
- 1.1.32.0.0 **RESPONSIBLE PERSON IN CHARGE** – shall be defined as set out in *Cannabis Act* as amended from time to time or his designate.
- 1.1.33.0.0 **SHALL** – is mandatory and not directory.
- 1.1.34.0.0 **ZONING CERTIFICATE** – means a certificate duly issued by the City approving the use for which the Licence application has been made on the property where the business is located, in accordance with the City’s Zoning By-law as amended from time to time.
- 2.0.0.0.0 **GENERAL PROVISIONS**
- 2.1.0.0.0 **REQUIREMENT TO OBTAIN A BUSINESS LICENSE**
- 2.1.1.0.0 Every person carrying on, conducting, operating, maintaining, keeping or engaging in any Cannabis Production Facility shall be required to obtain a City of Barrie Business Licence from the Issuer of Licences.
- 2.2.0.0.0 **APPLICATION FOR NEW LICENCE**
- 2.2.1.0.0 Any person required to obtain a licence pursuant to this by-law shall apply in writing on the appropriate application form as provided by the Issuer of Licences and shall deposit, at the time of application, with the Issuer of Licences, all required Business Licence Fees as set out in the Fees By-law for each business category as well as any required approvals, inspections or documentation required by the provisions of this by-law or as deemed necessary by the Issuer of Licences.
- 2.2.2.0.0 The Issuer of Licences shall not issue a licence until:
- a) all required approvals and inspections have been obtained by the applicant;
 - b) the required documentation has been provided; and
 - c) the business licence fees have been paid in full.
- 2.2.3.0.0 There shall be a separate application for each premise to be used or person to be licensed.
- 2.2.4.0.0 The applicant shall comply with any and all requirements as set out in this by-law as well as any other provisions which may govern the business, place or premise used in the carrying on of the business and/or the persons carrying on the business or engaged in it and to which the application pertains.



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- 2.2.5.0.0 The Issuer of Licences, upon receipt of the application for a licence may make, cause to be made, or request, any additional documents, investigations or inspections to be made in respect of such application for a licence as the Issuer of Licences deems appropriate or in the interest of the general public, and any costs incurred for such inspection or documents shall be at the applicant's expense.
- 2.2.6.0.0 The applicant shall be responsible for obtaining all necessary inspections, documents and approvals as set out in this by-law, as set out on the application form and as deemed necessary by the Issuer of Licences.
- 2.2.7.0.0 Upon receipt of a completed application for a licence and the appropriate fees for a licence have been paid, the Issuer of Licences may, prior to the issuance of any such licence:
- a) make any inquiries to any municipal official or employee who has carried out inspections relative to the business under application;
 - b) receive reports from such municipal officials and employees as may be deemed necessary; and,
 - c) inquire into all relevant matters in order to ascertain if the applicant is entitled to a licence under the provisions of this by-law.
- 2.2.8.0.0 Upon being satisfied that the applicant is entitled to obtain a licence under the provisions of this by-law, the Issuer of Licences shall prepare and issue a licence to the said applicant.
- 2.2.9.0.0 Except as may otherwise be specified within this by-law or specified as a Special Condition as authorized by this by-law, every licence shall expire one year from the date it was issued.
- 2.3.0.0.0 **APPLICATION FOR RENEWAL LICENCE**
- 2.3.1.0.0 Any person required to renew a licence previously granted under this by-law, shall submit to the Issuer of Licences, an application form for renewal of the licence as provided by the Issuer of Licences. Every applicant shall obtain any and all inspections, approvals and documentation as required by this by-law or as deemed necessary by the Issuer of Licences.
- 2.3.2.0.0 The Issuer of Licences shall not issue a licence until all required approvals and inspections have been obtained by the applicant, required documentation has been provided, business licence fees have been paid in full, and all taxes are paid up to the City of Barrie.
- 2.3.3.0.0 Where the Issuer of Licences receives an application for renewal of a licence previously granted under this by-law and the appropriate fees have been paid, he shall, prior to the issuance of any such licence:
- a) make any inquiries to any municipal official or employee who has carried out inspections or investigations relative to the business under application;
 - b) receive reports from such municipal officials and employees as may be deemed necessary;
 - c) make inquiries into all relevant matters in order to ascertain if the applicant is entitled to obtain a renewed licence under the provisions of this by-law;
 - d) ensure that all inspections, approvals and documents as may be required have been obtained; and

e) inquire into any and all relevant changes in circumstances since the previous licence was issued to the applicant.

2.3.4.0.0 There shall be a separate application for each premise to be used or person to be licensed.

2.3.5.0.0 Where the Issuer of Licences is satisfied that the applicant is entitled to obtain a licence under the provisions of this by-law, the Issuer of Licences shall prepare and issue a licence to the said applicant.

2.4.0.0.0 **FORM OF LICENCE**

2.4.1.0.0 Every licence shall show therein:

- a) the operating name of the business or person to whom the licence is issued;
- b) the operating address of the premise or location for which the licence is issued;
- c) the category or type of licence granted;
- d) the date of issue;
- e) the effective date of the licence;
- f) the date of expiration; and
- g) shall be signed by the Issuer of Licences or his designate.

2.5.0.0.0 **ADMINISTRATION FEE**

An administration fee as set out in the Fee's By-law will apply to the following:

Duplicate Licenses:

2.5.1.0.0 In the event that a licence issued under this by-law is lost or destroyed, the Issuer of Licences upon satisfactory proof of such loss or destruction, and upon payment of a replacement fee, the Issuer of Licences shall issue a duplicate of the original licence, upon which shall be stamped or marked the word "DUPLICATE".

Change of Name:

2.5.2.0.0 Where ownership of a business is not changed or affected but the operating name of a business changes, the licensee shall immediately notify the Issuer of Licences and upon payment of a fee and being satisfied that there have been no other changes in the circumstances of the licensed business, the Issuer of Licences may issue a replacement of the original licence. The licensee shall return and surrender his original licence in order to affect such a change.

2.6.0.0.0 **CHANGE OF OWNERSHIP:**

2.6.1.0.0 Every licensee shall, upon change of ownership of the licensed business return and surrender his current licence to the Issuer of Licences. The new owner shall make application for a new licence as set out in this by-law.

2.7.0.0.0 **CHANGE OF PREMISE OR LOCATION**

2.7.1.0.0 Where a currently licensed business changes location or premise, such new location or premise shall not be deemed to be licensed. The applicant must immediately make application for a new licence under the provisions of this by-law and shall surrender to the Issuer of Licences the licence issued in respect of his previous location or premise.

2.8.0.0.0 **LICENCES PERSONAL**

2.8.1.0.0 No person shall enjoy a vested or property right in any licence or the continuance of any licence and such licence and such rights shall remain the property of the City.

2.8.2.0.0 Licences are not transferable.

2.9.0.0.0 **NUISANCE ABATEMENT**

2.9.1.0.0 Every person required to be licensed under this by-law, in addition to any other provisions or requirements expressed elsewhere in the by-law, shall:

- a) at all times maintain and keep safe and clean and in good condition and repair any place or premise for which the licence is issued;
- b) not breach or violate or cause, suffer, or permit any breach or violation of any by-law of the Corporation or of any Local Board, thereof, or of any statute, Order-in-Council, or Regulation of the Legislature of the Province of Ontario or the Parliament of Canada or of any Agency, Board or Commission thereof, in, upon, or in connection with the business or premise for, or in relation to which such licence was issued;
- c) not cause, suffer or commit any nuisance to arise in, on, or in connection with the place or premise for which the licence was issued;
- d) not cause, suffer or permit any shouting, noise or other disturbance on, in or in connection with the place or premise for which the licence was issued, which is unnecessary, unreasonable or contrary to any municipal by-law prohibiting the same; and if any such shouting, noise or other disturbance occurs, the licensee shall immediately take steps to cause the same to be abated;
- e) not cause, suffer, or permit any obstruction on any highway, lane or public place in front of or adjoining the place or premise for which the licence was issued; and
- f) not cause, suffer or permit any profane, offensive or abusive language or disorderly conduct in, on, or in connection with any place or premise for which the licence was issued.

2.9.2.0.0 Every person who acquires a licence that is issued under this by-law is responsible for the due performance and observance of all the provisions of this by-law by himself and by his employees and all other persons in or upon the premise which is licensed under the provisions of this by-law.

2.10.0.0.0 **INSPECTION**

2.10.1.0.0 An Officer as defined by this by-law or other duly appointed individual may at all reasonable times, inspect or cause to be inspected the premise, facilities, equipment, vehicles, and other property used or kept for hire in connection with the carrying on of a business which is licensed or which is required to be licensed pursuant to this by-law.

2.10.2.0.0 Upon inspection, every person shall produce all relevant licences and permits, invoices, vouchers or like documents and all documents required to be kept and maintained under this by-law which may be removed by an Officer for the purpose of photocopying and such documents shall be returned to the premise within forty-eight (48) hours of removal.

2.10.3.0.0 The Issuer of Licences may waive the requirement for any inspection, approval or documentation as may be required pursuant to this by-law where such inspection, approval or documentation is not applicable to the carrying on of the business which is licensed or required to be licensed under this by-law.

2.11.0.0.0 **POSTING OF LICENCE**

2.11.1.0.0 The person to whom a licence is issued shall post the current licence on the premise or that part thereof to which the licence pertains in such a position that may be readily seen and read by persons entering the premise. All licences issued under this by-law shall be prominently and conspicuously posted on the licensed premise at all times.

2.12.0.0.0 **REFUSAL TO GRANT A LICENCE**

2.12.1.0.0 The Issuer of Licences may refuse to grant or issue a licence to any applicant who:

- a) has past breaches of this by-law;
- b) has failed to comply with the requirements of this by-law or other applicable by-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity; or
- c) has outstanding taxes owing to the City of Barrie; or
- d) has a tenant with outstanding taxes owing to the City of Barrie; or
- e) has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.

2.12.2.0.0 The Issuer of Licences may also refuse to grant or issue a licence to any applicant where the Issuer of Licences believes it is not in the public interest to do so.

2.13.0.0.0 **SUSPENSION/REVOCAION**

2.13.1.0.0 The Issuer of Licences may suspend or revoke a licence issued to any licensee who:

- a) has past breaches of this by-law; or
- b) has failed to comply with the requirements of this by-law or other applicable by-laws of the City or of any Local Board thereof, or of any Statute, Order-in-Council, or Regulation of the Provincial Legislature or the Parliament of Canada, or of any Agency, Board of Commission thereof, in, upon or in connection with the applied for licensed activity of the business or premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licence activity; or
- c) has outstanding taxes owing to the City of Barrie; or
- d) has a tenant with outstanding taxes owing to the City of Barrie; or
- e) has any outstanding fines imposed under the Provincial Offences Act for the contravention of any provision of this by-law or any other municipal by-law or Provincial statute where such fine is associated with an offence arising out of the conduct, operation or activity within or in conjunction with such business.

2.13.2.0.0 The Issuer of Licences may also suspend or revoke any licence issued to any applicant where the Issuer of Licences believes it is in the public interest to do so.

2.13.3.0.0 Any suspension of a licence may be subject to such terms and conditions as the Issuer of Licences may prescribe.

2.14.0.0.0 **NOTICE AND APPEAL**

2.14.1.0.0 Where the Issuer of Licences refuses to issue, suspends, or revokes a licence the Issuer of Licences shall notify the applicant or licensee in writing of such decision and the said notice shall set out the grounds upon which the licence is refused, suspended or revoked and shall state that the Applicant or Licensee may appeal such decision by filing an appeal with the Clerk of the municipality in writing within fifteen (15) days as set out in this by-law.

2.14.2.0.0 Where the Issuer of Licences refuses to issues, suspends or revokes a licence under this by-law, the Applicant or Licensee may appeal the decision to the Business Licensing Appeal Committee by filing with the Clerk, an appeal in writing of the said decision within fifteen (15) days of the date of mailing of the decision of the Issuer of Licences.

2.14.3.0.0 The Business Licensing Appeal Committee may, after the appropriate hearing is conducted, grant a licence, refuse a licence, revoke a licence, or suspend a licence and such decision may be subject to such terms as the Business Licensing Appeal Committee may impose and the decision of the Business Licensing Appeal Committee shall be final and binding upon any applicant or licensee.

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- 2.14.4.0.0 The Business Licensing Appeal Committee, in considering whether or not to grant a licence, refuse a licence, revoke a licence, or suspend a licence shall have regard for the following:
- a) whether or not the Applicant or Licensee and the premises, facilities, equipment, vehicles or other personal property used or kept for hire in connection with the carrying of a business which is licensed or which is required to be licensed pursuant to this by-law complies with all requirements of this by-law;
 - b) whether or not the Applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this by-law;
 - c) whether or not the Applicant or Licenses has committed past breaches of this by-law;
 - d) whether or not the Applicant or Licensee has failed to comply with any requirements of any other applicable by-law of the City or any Local Board thereof or of any statute, Order-in-Council, or Regulation of the Provincial Legislation or the Parliament of Canada, or of any Agency, Board or Commission thereof, in, upon or in connection with the activity or the premise, facilities, equipment, vehicles and other property used or kept for hire in connection with the licensed activity or activity required to be licensed; and
 - e) whether or not the Applicant or Licensee or his tenant has any outstanding taxes owing to the City in respect of the business or premises in question.
- 2.14.5.0.0 Where an appeal is received, the Clerk shall fix a date and time for such matter to be considered by the Business Licensing Appeal Committee and shall mail a Notice of Hearing to the Applicant or Licensee (at his last address as shown in the records of the Issuer of Licences) and to any person who has applied to be heard with regard to the matter.
- 2.14.6.0.0 Such Notice of Hearing shall be mailed at least fifteen (15) days prior to the date and time fixed for such hearing.
- 2.14.7.0.0 At such hearing the Business Licensing Appeal Committee shall receive a report, either verbally, or in writing, from the Issuer or Licences and from such other officers or employees of the Corporation who may be involved in the matter being considered by the Business Licensing Appeal Committee.
- 2.14.8.0.0 At the hearing before the Business Licensing Appeal Committee, the Applicant or Licensee, either personally or through his agent or solicitor shall be afforded the opportunity to present such material and evidence relevant to the issue before the Committee as he may deem appropriate and he may ask questions of any person presenting evidence or a report to the Business Licensing Appeal Committee relevant to the said issues.
- 2.14.9.0.0 For the purpose of this by-law, a quorum of the Business Licensing Appeal Committee shall be a majority of the members of the Committee and a decision by the majority of members present shall be the decision of the Committee.
- 2.14.10.0.0 The Business Licensing Appeal Committee may, after having heard all of the evidence and submissions made to it by the Applicant or Licensee, and the Issuer of Licences re-convene In-Camera to debate the matter and to reach its decision.



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- 2.14.11.0.0 The decision made by the Business Licensing Appeal Committee to issue a licence, reinstate a licence, refuse to issue a licence, revoke a licence or suspend a licence may be subject to such terms as the Business Licensing Appeal Committee shall impose and the decision of the Business Licensing Appeal Committee shall be final and the decision binding on the Applicant or Licensee.
- 2.14.12.0.0 Every person engaging in the business, for which he is required to be licensed by the provisions of this by-law, shall be responsible to comply with all of the provisions of this by-law with respect to the business.
- 2.15.0.0.0 **ENFORCEMENT**
- 2.15.1.0.0 An Officer as defined by this by-law or other duly appointed individual shall enforce the provisions of this by-law.
- 2.15.2.0.0 No person shall obstruct, hinder, or otherwise interfere with an Officer or other duly appointed individual in the lawful carrying out of their duties and responsibilities under the provisions of this by-law.
- 2.15.3.0.0 Where a Licensee contravenes any provision of this by-law, an Officer may:
- a) Serve a written Notice on the Licensee or person in charge at the time, advising of the contravention and directing compliance; or
 - b) In addition to a written notice, if deemed appropriate, the Officer may also assign the appropriate Service fee associated with such violation or notice as set out in the Fees By-law as amended from time to time.
- 2.16.0.0.0 **NOTICE**
- 2.16.1.0.0 Any notice required to be given or served under this by-law shall be considered given or served, if delivered personally or sent by registered mail, addressed to the Person to whom delivery or service is required to be made at the last known address appearing on the records of the Issuer of Licences .
- 2.16.2.0.0 When service is made by registered mail, the service shall be deemed to be effected on the seventh (7th) day after the date provided on the letter, unless the Person on whom services is being made establishes that he did not, acting in good faith, through absence, accident, illness, or other cause beyond his control, receive the notice until a later date
- 2.17.0.0.0 **REGISTRY**
- 2.17.1.0.0 The Issuer of Licences shall keep a licence register in which shall be recorded the full operating name and address of each licensee, the address of the place or premise in which the licensee carries on, conducts, operates, maintains, keeps, or engages in the business, trade, occupation for which the licence was issued, the number of the licence, the date of issue, the amount of the licence fee paid, the date of expiry of the licence, the type of licence issued, and any other particulars or observations pertaining to the same which are useful or necessary.

2.18.0.0.0 FEES AND INSPECTIONS

2.18.1.0.0 Table 1 hereunder sets out the inspections, approvals and documentation required to accompany any application.

2.18.2.0.0 Notwithstanding any licence fee to be paid by any applicant as set out in the Fees By-law, a late application fee as set out in the Fees By-law shall also apply to any application received by the City after the due date established for obtaining such licence. Incomplete applications shall be considered not to have been received and may be returned to the applicant or held pending further information. In any case where the application remains incomplete after the date established for obtaining such licence, the late application fee shall apply.

2.18.3.0.0 All fees associated with an application to obtain a new licence or an application to renew an existing licence shall be calculated based on the date in which the application is submitted.

2.19.0.0.0 SCOPE AND AUTHORITY

2.19.1.0.0 Where a matter is subject to provincial or federal regulation, any provision of this by-law is without effect to the extent that it prohibits or regulates the matter in substantially the same way as or in a more restrictive way than the provincial or federal regulation.

2.20.0.0.0 EXPIRY OF LICENCE

2.20.1.0.0 The date of expiry shall be one year from date of issue unless otherwise specified on the license and each renewal of licence shall, thereafter, expire on such date in each subsequent year.

TABLE 1

Category	INSPECTIONS/APPROVALS
Cannabis Production Facility	<ul style="list-style-type: none"> • Copy of Commercial Liability Insurance Certificate - \$2,000,000 • Copy of the Licence to Produce Cannabis issued by Health Canada to the applicant • Copy of Incorporation documents if the Licensed Producer is a corporation • Copy of Registration declaration of partnership (if applicable) • Planning Services - Zoning Certificate • Detailed site plan • Detailed floor plan of all buildings • Barrie Fire and Emergency Services Inspection Certificate • Electrical Safety Authority Inspection Report • Property Standards Officer Inspection Report • Copy of Building Permit issued (if applicable)

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- 3.0.0.0.0 **CANNABIS PRODUCTION FACILITY**
Authority: Municipal Act, S.O. 2001, c.25
- 3.1.0.0.0 **OPERATING CRITERIA**
- 3.1.1.0.0 The applicant shall provide to the Issuer of Licences at the time of application the certificates, reports, documents, licences and information identified in Table 1 and as described herein.
- 3.1.2.0.0 The applicant shall provide to the Issuer of Licences at the time of application, proof of commercial liability insurance in the minimum amount of \$2,000,000, naming the City as an additional Insured.
- 3.1.3.0.0 All insurance required under the provisions of this by-law shall be provided at the time of application in a form acceptable to the City and in the amount as specified pursuant to the applicable sections of this by-law unless otherwise approved or required by Council. Where applicable, Certificates of Insurance shall name The Corporation of the City of Barrie as an additional insured. Further, any liability insurance shall contain an endorsement specifying that the municipality shall be given thirty (30) days written notice of any cancellation, expiration or change in the policy.
- 3.1.4.0.0 If for any reason such liability insurance is cancelled, expires or for any other reason does not remain in effect, the licence for which the insurance was required shall become void on the final date for which the insurance was valid.
- 3.1.5.0.0 The applicant shall submit a copy of a valid Producer's Licence issued by Health Canada to the Issuer of Licences at the time of application and shall adhere to all regulations or conditions set out by Health Canada at all times.
- 3.1.6.0.0 Where the Producer's Licence issued by Health Canada has been issued to a person the applicant shall at the time of application submit the name and contact information of the person to which the Producer's Licence was issued.
- 3.1.7.0.0 Where the Producer's Licence issued by Health Canada has been issued to a corporation the applicant shall at the time of application submit the name and contact information of each of its officers and directors. In addition, the application shall reflect the registered name of the business and the operating name under which they intend to conduct activities.
- 3.1.8.0.0 The applicant shall provide the name and contact information of the Responsible Person in Charge.
- 3.1.9.0.0 The applicant shall submit a copy of the Zoning Certificate issued by the City's Planning Services Department confirming the proposed uses of the property comply with the municipal Zoning By-law and all related development standards.
- 3.1.10.0.0 The applicant shall submit a detailed site plan of the site and a building floor plan for each of the buildings within the site at which the licensed activities will be conducted.
- 3.1.11.0.0 The applicant shall submit a copy of a Fire Inspection Report from Barrie Fire and Emergency Services, which states that an inspection has been conducted of the premises and confirms that the premises is in compliance with all applicable legislation. Such report must be dated within ninety (90) days from the date the application is submitted to the Issuer of Licences.



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- 3.1.12.0.0 The applicant shall submit a copy of the General Inspection Report issued by the Electrical Safety Authority which certifies that an inspection has been conducted on the premises and confirms that there are no visible fire, shock or electrical safety hazards and that the premises is in compliance with all applicable legislation. Such report must be dated within ninety (90) days from the date the application is submitted to the Issuer of Licences.
- 3.1.13.0.0 Notwithstanding section 3.1.12.0.0, each licensed location operating as a Cannabis Production Facility shall resubmit a General Inspection Report issued by the Electrical Safety Authority every five (5) years from the original date of inspection indicating they continue to be in compliance with all applicable legislation.
- 3.1.14.0.0 The applicant shall arrange for and submit to an inspection by a Property Standards Officer for the City of Barrie to ensure compliance with all applicable by-laws. Such inspection report and approval shall be done on an annual basis prior to submission of a new licence application or prior to the submission of a renewal application.
- 3.1.15.0.0 No person shall perform any work without first having obtained all necessary permits from the appropriate authority having jurisdiction as defined by this by-law.
- 3.1.16.0.0 No person shall:
- a) represent to the public that the Person is licensed under this by-law if the Person is not so licensed;
 - b) contravene or fail to comply with a term or condition of his Licence imposed under this by-law; or
 - c) transfer a Licence issued under this by-law;
- 3.1.17.0.0 No person shall permit any person to loiter, create a disturbance or cause undue noise while on the Premises
- 3.1.18.0.0. The facility, premises, land and activities shall maintain continuous compliance with all applicable municipal by-laws at all times.
- 4.1.0.0.0 **SEVERABILITY**
- 4.1.1.0.0 Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.
- 5.1.0.0.0 **PENALTIES**
- 5.1.1.0.0 Every person who contravenes any provision of this by-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended, shall apply to said fine.
- 5.1.2.0.0 Every person who contravenes the provisions of any section of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contravention by the Corporation, is guilty of an offence under the provisions of the Municipal Act, S.O. 2001, c.25, s. 425(1) (3);



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5.1.3.0.0 Every person who contravenes the provisions of any section of this by-law and every Director or Officer of a Corporation, who knowingly concurs in the contraventions by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001, s. 429 (1) (3) as amended.

5.1.4.0.0 For the purpose of continuous offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act 2001, s. 429 (1) (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.

5.1.5.0.0 For the purpose of multiple offences, every person who contravenes any provision of this by-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act 2001, s. 429 (1) (3) as amended. Despite paragraph 1, the total of all daily fines for the offence is not limited to \$100,000.

6.0.0.0.0 **ENACTMENT**

6.1.0.0.0 This By-law shall come into force and have effect on the ** day of ***** 2019.

READ a first and second time this ** day of *****, 2019.

READ a third time and finally passed this ** day of *****, 2019.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR – J. R. LEHMAN

CITY CLERK – WENDY COOKE