

**1. CALL TO ORDER**

**2. ADOPTION OF THE AGENDA**

**2.1 Adoption of the Agenda**

Recommendation:

*That the February 5, 2019, Special Council Meeting Agenda be adopted as circulated.*

**3. BYLAWS**

**3.1 Zoning Amendment Bylaw No. 4099 (Cannabis) - Third Reading and Adoption**

Recommendation:

*That Council give Zoning Amendment Bylaw No. 4099 for Cannabis Regulations third reading and adoption.*

**3.2 Development Procedures Amendment Bylaw No. 4100 (Cannabis) - Final Reading**

Recommendation:

*That Council give Development Procedures Amendment Bylaw No. 4100 (Cannabis) third reading.*

**3.3 Fees & Charges Amendment Bylaw No. 4101 (Cannabis) - Final Reading**

Recommendation:

*That Council give Fees & Charges Amendment Bylaw No. 4101 (Cannabis) final reading.*

**3.4 Business Amendment Bylaw No. 4102 (Cannabis) - Final Reading**

Recommendation:

*That Council give Business Amendment Bylaw No. 4102 (Cannabis) final reading.*

**3.5 Delegation of Authority Amendment Bylaw No. 4103 (Cannabis) - Final Reading**

Recommendation:

*That Council give Delegation of Authority Amendment Bylaw No. 4103 (Cannabis) - final reading.*

**3.6 Bylaw Notice Enforcement Amendment Bylaw No. 4104 (Cannabis) - Final Reading**

Recommendation:

*That Council give Bylaw Notice Enforcement Amendment Bylaw No. 4104 (Cannabis) - final reading.*

**3.7 2019 Water and Sewer Rate Amendment Bylaws - Final Reading**

Recommendation:

*That Council give Waterworks Regulation Amendment Bylaw No. 4105 and Sewer Regulation Amendment Bylaw No. 4106 final reading.*

**4. ADJOURNMENT**

**4.1 Adjournment of the Meeting**

Recommendation:

*That the February 5, 2019, Special Council Meeting be adjourned.*

## Zoning Amendment Bylaw No. 4099 - Third Reading and Adoption

### RECOMMENDATION:


*That Council give Zoning Amendment Bylaw No. 4099 for Cannabis Regulations third reading and adoption.*

### REPORT SUMMARY

Upon conclusion of a public hearing scheduled for February 5, 2019, Zoning Amendment Bylaw No. 4099 will be available for Council to give third reading and adoption.

Note: Section 480 of the Local Government Act permits Council to adopt a zoning bylaw at the same meeting at which the bylaw received third reading.

### OPTIONS

#	Description
1 	Give third reading and adoption to the Bylaw.
2	Request that additional information be received and determine next steps after receipt of that information.
3	Give only third reading (and defer adoption) of the Bylaw.

## Committee of Council Report

### Regulations & Policy for Cannabis

#### Committee Recommendation

At the December 04, 2018 Committee of Council meeting, the Development Services Report, Cannabis Retail Zoning & Policy, was considered, and the following motion was passed:

*That Committee of Council recommend that Council:*

1. Give 1<sup>st</sup> and 2<sup>nd</sup> reading to the Zoning Bylaw Amendment Bylaw;
2. Give first three readings to amendments to the Development Procedures Bylaw, Fees and Charges Bylaw, Business Bylaw, Delegation of Authority Bylaw, and Notice of Enforcement Bylaw; and
3. Approve the Cannabis Establishment Policy prior to adoption of the bylaw amendments.

The following motion is now before Council for decision:

*That Council:*

1. Give 1<sup>st</sup> and 2<sup>nd</sup> reading to Zoning Bylaw Amendment Bylaw 4099;
2. Give first three readings to:
  - a) Development Procedures Bylaw Amendment Bylaw 4100;
  - b) Fees and Charges Bylaw Amendment Bylaw 4101;
  - c) Business Bylaw Amendment Bylaw 4102;
  - d) Delegation of Authority Bylaw Amendment Bylaw 4103;
  - e) Notice of Enforcement Bylaw Amendment Bylaw 4104; and
3. Approve the Cannabis Establishment Policy (as presented in Attachment #1 of this report).

#### ATTACHMENTS

Attachment #1: Cannabis Establishment Policy

Attachment #2: Zoning Bylaw Amendment Bylaw 4099

~~Attachment #3: Development Procedures Bylaw Amendment Bylaw 4100~~

~~Attachment #4: Fees and Charges Bylaw Amendment Bylaw 4101~~


Attachment #5: Business Bylaw Amendment Bylaw 4102

~~Attachment #6: Delegation of Authority Bylaw Amendment Bylaw 4103~~

~~Attachment #7: Notice of Enforcement Bylaw Amendment Bylaw 4104~~

Attachment #8: December 04, 2018 report to Committee, "Cannabis Retail Zoning & Policy" (excluding attachments)

CITY OF



POLICY

Subject	Planning	Policy #
Policy Title	Cannabis Establishment Policy	
Authority	Legislative	X
	Administrative	
		Effective Date: 2019-xx-xx
		Review Date: 2024-xx-xx
Issued By: Director of Development Services		Issue Date: 2019-xx-xx
Distributed by: Resource folder		

**Purpose:**

The Cannabis Establishment Policy provides a framework for consideration of applications to amend the Zoning Bylaw to permit a cannabis use, including new cannabis retail outlets, cannabis manufacturing, and cannabis distribution facilities.

The policy also informs the City's response to a request for comment on an application for a cannabis retail outlet licence from the Liquor & Cannabis Regulation Branch (LCRB).

**Associated Regulations and Policy Documents:**

This policy is to be applied in conjunction with:

- policies and land use designations of the Official Community Plan
- regulations of the Development Procedures Bylaw
- regulations of the Business Bylaw
- regulations of the Smoking Bylaw
- regulations of the Sign Bylaw
- any other relevant bylaws or policies as may be adopted by Council from time to time.

**Policy****1. Site specific rezoning to permit a cannabis retail outlet use**

- a) A site proposed for a cannabis retail outlet should be:
  - i. designated as Downtown Commercial, Neighbourhood Commercial, Highway Commercial or Transit Corridor Commercial by the land use designations map of the Official Community Plan;
  - ii. located at least 1 kilometre from a property zoned to permit a cannabis retail sales use. For clarity, this distance criterion applies to private cannabis retail outlets and outlets owned or operated by a government agency. It also applies if a site is zoned to permit a cannabis retail sales use but does not include a cannabis retail sales business; and,

- iii. located at least 250 metres from a school, playground, community centre or sports field.
- b) In addition to the siting criteria defined in section 1(a), the following factors will be considered in evaluation of a rezoning application for a cannabis retail sales use:
  - i. Distance to other uses, such as child care facilities, community gathering spaces, recovery homes and emergency shelters;
  - ii. Potential impacts to residents, if the proposed use is to be located in a building with a mix of commercial and residential uses;
  - iii. Access for vehicles, including potential traffic impacts and parking availability;
  - iv. Access for pedestrians and cyclists, including proximity to public transit;
  - v. The proposed size of the outlet is appropriate to the site's context;
  - vi. The proposed interior layout does not include space that could accommodate product sampling;
  - vii. The proposed exterior design is sensitive to the design and character of surrounding land uses, location and design of signage is discreet and the overall design character is visually appealing; and
  - viii. Storefronts do not include opaque window coverings, bars on windows, metal shutters or signage in windows.
- c) In evaluating the distance criteria of section 1(a), consideration will be given to potential impacts of geographical and physical barriers such as rail corridors, bridges, rivers and highways.

## **2. Site specific rezoning to permit a cannabis manufacturing or distribution facility use**

- a) A site proposed for a cannabis manufacturing or distribution facility use should be:
  - i. Designated as Heavy Industrial or General Industrial by the land use designations map of the Official Community Plan; and,
  - ii. Located at least 250 metres from a school, playground, community center or sports field, if the proposal includes a manufacturing or processing function. For clarity, this requirement does not apply to a distribution facility.
- b) In addition to the siting criteria defined in section 2(a), the following factors will be considered in the evaluation of a rezoning application for a cannabis manufacturing or distribution facility use:
  - i. Distance to other uses, such as child care facilities, community gathering spaces, recovery homes, emergency shelters and residential uses;
  - ii. Potential impacts to the community, including residents and businesses adjacent to the proposed location;
  - iii. Access for vehicles, including potential traffic impacts and parking and loading availability; and
  - iv. The proposed size and scale of the manufacturing or processing uses.

- c) In evaluating the distance criteria of section 2(a), consideration will be given to potential impacts of geographical and physical barriers such as rail corridors, bridges, rivers and highways.

### **3. Licence Amendments**

- a) The siting criteria and factors applicable to evaluation of a rezoning application will also be applied in the evaluation of an application to amend a non-medical cannabis retail licence.

### **4. Public Consultation**

- a) An application for rezoning to permit a cannabis use must include documentation of input gathered from surrounding residents and businesses.
- b) Council or Committee may direct that an applicant hold an advertised public information meeting in its consideration of a rezoning application or request for comment on a cannabis licence.

### **5. Conditions of Rezoning**

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw:

- (i) The posting of a minimum of two signs within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall provide the public with information on the Smoking Bylaw;
- (ii) The installation of a filtration system designed to eliminate odor impacts on surrounding lands and a requirement to maintain this system;
- (iii) Funding for off-site improvements (e.g., sidewalks, crosswalks, street lighting, street trees, road works);
- (iv) Specified hours of operation;
- (v) Implementation of measures to create a community benefit; and
- (vi) Any other conditions as may be required by Council.

#### **Responsibility:**

Director of Development Services

**END OF POLICY**

CITY OF PORT COQUITLAM  
ZONING AMENDMENT BYLAW, 2019

Bylaw No. 4099

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Zoning Bylaw, 2008, No.3630, 2019, Amendment Bylaw, 2019 No. 4099”.

2. ADMINISTRATION

Zoning Bylaw, 2008, No.3630 is amended as follows:

- 2.1 In Section I – Definitions, by deleting the definition for medical marihuana production and inserting the following:

“**Cannabis production facility** means premises used for the cultivation of cannabis, but only to the extent authorized by a licence under section 62 of the Cannabis Act, and may include related accessory activities such as processing, testing, research and development, packaging and storage.”

- 2.2 In Section II – Zones and Zone Regulations, by replacing Clause 6(d) with the following:

“6(d) Cannabis dispensaries, compassion clubs, and all other premises in which cannabis product is kept or offered for sale or consumption on the premises other than residential premises in which cannabis is produced as authorized by the *Cannabis Distribution Act*, a licensed pharmacy, or a cannabis production facility.”

- 2.3 In Section II – Zones and Zone Regulations, Notes 2 and 5(c) to Table 1.4, by replacing “medical marihuana” with “cannabis”;

- 2.4 In Section II – Zones and Zone Regulations, Table 4.3 and Note 19 to Table 4.3, by replacing “medical marihuana” with “cannabis” wherever it occurs.

READ A FIRST TIME this

READ A SECOND TIME this

PUBLIC HEARING held this

READ A THIRD TIME this

ADOPTED this

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Mayor

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Corporate Officer



CITY OF PORT COQUITLAM  
BUSINESS AMENDMENT BYLAW, 2019

Bylaw No. 4102

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Business Bylaw, 2010, No. 3725, Amendment Bylaw, 2019, No. 4102”.

2. ADMINISTRATION

Business Bylaw, 2010, No. 3725 is amended as follows:

- 2.1 By adding the following definition of cannabis retail outlet to Section 2.  
Definitions:

“**Cannabis retail outlet** means premises licensed under the *Cannabis Control and Licensing Act* to provide for the sale of cannabis for consumption off premises.”

- 2.2 By adding “cannabis” to the definition of mobile vendor, as follows:

“**Mobile Vendor** means a person who, either on his or her own account or as an officer, servant, or agent of another, sells or offers for sale goods (including food and beverages but excluding liquor and cannabis), or services from a motor vehicle.”

- 2.3 By adding “cannabis” to the definition of street vendor, as follows:

“**Street Vendor** means a person who, either on his or her own account or as an officer, servant, or agent of another, sells or offers for sale food items, excluding liquor and cannabis, from a Vending Cart.”

- 2.4 By adding cannabis to subsection (k) in Section 39 Street Vendors as follows:

“(k) shall only sell food items, excluding liquor and cannabis;”

- 2.3 By adding cannabis to subsection (f) in Section 40 Mobile Vendors, as follows:

“(f) shall only sell food items, excluding liquor and cannabis;”

2.4 By adding the following under Schedule A, Part I - Category A:

CLASSIFICATION OF BUSINESS	FEE CLASSIFICATIONS	ANNUAL LICENCE FEES PAYABLE
Cannabis Retail Outlet	For each business	\$1500

READ A FIRST TIME this

READ A SECOND TIME this

READ A THIRD TIME this

ADOPTED this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

## Retail Sale of Cannabis – Public Input Summary and Recommendations

### RECOMMENDATION:

That Committee of Council recommend that Council:

1. Give 1<sup>st</sup> and 2<sup>nd</sup> reading to the Zoning Bylaw Amendment Bylaw;
2. Give first three readings to amendments to the Development Procedures Bylaw, Fees and Charges Bylaw, Business Bylaw, Delegation of Powers Bylaw, and Notice of Enforcement Bylaw, as outlined in Attachments # 3, 4, 5, 6, and 7; and
3. Approve the Cannabis Establishment Policy prior to adoption of the bylaw amendments.

### PREVIOUS COUNCIL/COMMITTEE ACTION

At the July 24<sup>th</sup>, 2018 Community & Intergovernmental Committee meeting, the following motion was passed:

*That the Community and Intergovernmental Committee authorize staff to consult with cannabis industry representatives, local businesses and the broader community on regulations and policies proposed to be applied to land use decisions related to the production and retail sale of cannabis in Port Coquitlam.*

### REPORT SUMMARY

To answer the question “How do you think Port Coquitlam should regulate the retail sale of non-medical cannabis?”, the City conducted a public consultation process during the month of September 2018. The comments received through this process were generally supportive of the direction proposed in the July staff report, including separation of sales outlets by at least 1 km, although some residents would prefer to prohibit the use entirely. The consultation revealed a number of concerns with respect to how the City could enforce its smoking regulations, ensure children’s safety, promote storefronts with a high quality of design, and provide education related not only to the City’s regulations but also health and safety aspects associated with use of cannabis.

In view of the feedback received, this report recommends Council introduce a Zoning Bylaw amendment that would permit cannabis uses on a site-specific basis. It further recommends that a Cannabis Establishment Policy be approved to inform prospective applicants and guide Council in its consideration of rezoning applications. In response to the feedback obtained through the consultation process, the recommended policy incorporates amendments to increase the distance between a cannabis retail facility and sites such as schools and playgrounds, includes additional locational considerations such as major roads, watercourses and gathering places in the siting criteria, and require information on signage.

### BACKGROUND

Further to Committee’s direction to proceed with the public consultation, a Cannabis Retail Sales information webpage was posted on the City’s website to provide the public with information and

promote participation in an online survey, which was open from September 1 to October 1, 2018. An advertisement in the Tri-City News and press release were also issued to promote awareness of the survey. An open house was held on September 26, 2018 from 5pm-7pm in the Gathering Place, at which there were storyboards outlining the proposed regulatory and policy framework and handouts encouraging attendees to respond to the survey. For stakeholders who could not attend the open house, staff also sent a request for comment by email. The stakeholders identified for this purpose included various levels of government, industry and health professionals, private cannabis producers and the Downtown Port Coquitlam Business Improvement Association. Over 900 community members and stakeholders responded to the online survey, approximately 40 attended the open house, and 6 provided written comments additional to the survey.

### **DISCUSSION**

Feedback relevant to the proposed municipal regulations is summarized as follows:

- 75% of respondents agreed with the City permitting retail sale of cannabis through a site-specific rezoning process, where consideration would rest with Council based on whether the outlet meets locational and design guidelines
- 35% of respondents believed that a 1 km separation between cannabis retail outlets would make sense, while 30% suggested outlets be limited to one per commercial area instead of using a distance criteria and 28% did not support imposing a minimum separation
- 55% of respondents agreed with the proposal that a cannabis sales use could be approved next door to liquor sales, while 25% felt there should be a distance requirement
- 54% of respondents suggested the distance between a cannabis retail outlet and schools, sports fields, playgrounds and other public spaces where children gather should be greater than the proposed 200 metres; 37% said this separation made sense
- 63% of respondents felt that no further criteria to that proposed would be needed, while 37% suggested adding guidelines for hours of operation (e.g., same as liquor sales), ensuring a well-lit storefront, and appropriate signage
- Other suggestions included that the City:
  - prohibit the use,
  - apply similar conditions as for liquor sales
  - educate as to where the public can ingest cannabis in public
  - limit the number of retail sales outlets within the city to a maximum of only 2 or 3; and
  - remove buffers to sensitive land use

The majority of comments from respondents addressed issues outside of powers delegated to local governments, such as the sale of cannabis to minors, the quality of the product within a retail outlet, and the need for educated, knowledgeable staff. Another key concern was the potential for loitering or consumption issues around outlets.

Survey respondents identified as follows:

- 80% Port Coquitlam residents;

## Retail Sale of Cannabis – Public Input Summary and Recommendations

- 17% employees or owners of a Port Coquitlam business; and
- 2% prospective cannabis retail outlet operators.

Other respondents included other Tri-City residents, community volunteers and past Port Coquitlam residents.

Attendees at the open house ranged from local residents requesting clarification on the proposed regulatory framework to interested cannabis retail operators looking at potential locations within Port Coquitlam. Staff provided clarification on the proposed timeline for Council to adopt a policy and amend its bylaws, as well as the proposed initial 30-day intake of applications before initiating evaluation. Similar to the online survey, there was concern about public consumption, access by minors, and allowing retail outlets.

In response to the feedback, the following changes are incorporated into the recommended Cannabis Establishment Policy:

- An increase from 200m to 250m as the distance required between a retail cannabis outlet and schools, playgrounds, community centres and sports fields.
- Providing clarification that in evaluating distance criteria, consideration will be given to potential impacts of geographical and physical barriers, such as rail corridors, bridges, rivers and highways.
- Adding a policy that proximity to community gathering spaces such as Leigh Square be considered in addition to shelters and recovery homes on a case-by-case basis as may be relevant.
- Including a policy that signage be regulated through the rezoning process to avoid flashy and inappropriate signage on store fronts.

While a larger number of respondents suggested that the City allow one retail sales outlet in each of its commercial districts rather than requiring a 1km separation, this is not proposed as there is no accepted definition of a commercial district and acceptable locations may be found where a site is designated for commercial uses but not within a defined district.

Implementation of the proposed bylaw amendments and new policy will address many of the concerns voiced by the community, and staff will monitor impacts as this use becomes established to determine what initiatives may be need to better inform the public as well as enforce regulations. Specific information will be developed to guide prospective applicants for retail cannabis facilities on requirements to apply for the pre-requisite site-specific rezoning.


### **FINANCIAL IMPLICATIONS**

None

### **OPTIONS**

(Check = Staff Recommendation)

## Retail Sale of Cannabis – Public Input Summary and Recommendations

#	Description
1 	Recommend that Council amend the Zoning Bylaw, Development Procedures Bylaw, Fees and Charges Bylaw, Business Bylaw, Delegation of Powers Bylaw, Bylaw Notice of Enforcement Bylaw and adopt a new Cannabis Establishment Policy.
2	Request amendment of the draft bylaw amendments and proposed policy or obtain additional information prior to their consideration.
3	Determine that no changes will be made to existing policies and regulations at this time.

### **ATTACHMENTS**

Attachment #1: July 24, 2018 Cannabis Uses Regulatory and Policy Review report to the Community and Intergovernmental Committee

~~Attachment #2: Proposed Zoning Bylaw Amendment~~

~~Attachment #3: Proposed Development Procedures Bylaw Amendment~~

~~Attachment #4: Proposed Fees and Charges Bylaw Amendment~~

~~Attachment #5: Proposed Business Bylaw Amendment~~

~~Attachment #6: Proposed Delegation of Powers Bylaw Amendment~~

~~Attachment #7: Proposed Bylaw Notice Enforcement Bylaw Amendment~~

~~Attachment #8: Proposed Cannabis Establishment Policy~~

~~Attachment #9: Summary of Questionnaire Responses~~

**Lead author(s):** Graeme Muir, Jennifer Little

## Retail Sale of Cannabis – Public Input Summary and Recommendations

### RECOMMENDATION:

That the Community and Intergovernmental Committee authorize staff to consult with cannabis industry representatives, local businesses and the broader community on regulations and policies proposed to be applied to land use decisions related to the production and retail sale of cannabis in Port Coquitlam.

### PREVIOUS COUNCIL/COMMITTEE ACTION

At the February 20, 2018 meeting of the Finance and Budget Committee, staff were directed to examine appropriate bylaw licencing fees & regulations for cannabis businesses.

### REPORT SUMMARY

With the impending changes in federal and provincial legislation which will permit cannabis production and sale for non-medical purposes, this report brings forward a draft policy and regulatory framework to be applied to cannabis in Port Coquitlam. The Zoning Bylaw currently prohibits all cannabis-related sales, activities and paraphernalia other than a licensed pharmacy, residential premises and sites specifically zoned to permit a medical marihuana production facility. The proposed direction is to allow the retail sale of cannabis or its production if a site is specifically zoned for this use and to guide decisions by a policy applicable to cannabis establishments. This approach is similar to how the City currently regulates neighbourhood pubs and liquor sales and ensures that the appropriateness of a specific site from a land use perspective can be considered. The report seeks Committee approval to undertake a focused consultation process in review of a draft policy and proposed regulations.

### BACKGROUND

#### **A: Legislative Framework:**

The Government of Canada recently adopted the *Cannabis Act* (Bill C-45). Once the Act comes into force on October 17, 2018, the production and distribution, sale and possession of non-medical cannabis throughout Canada will be authorized. The *Cannabis Act* will permit adults over a specific age to purchase non-medical cannabis from a retailer authorized by the province or territory in the form of dried cannabis, cannabis oils, fresh cannabis and seeds and has imposed a requirement that cannabis products must not be visible from outside a retail outlet. The federal government has detailed specific restrictions, while implicitly allowing both provincial and local governments to further supplement regulations. It will provide 75% excise tax revenue to provincial and territory governments, and has delegated decisions on revenue sharing with local governments to these bodies.

The following chart and an attachment, *Cannabis Legislation and Licencing*, depict jurisdictional authority and responsibility for the different aspects of cannabis legalization. Notably, the federal government will continue to licence medical and non-medical production and distribution facilities. It has established a framework which will allow for micro-growers as well as larger facilities.



## Retail Sale of Cannabis – Public Input Summary and Recommendations

JURISDICTIONAL AUTHORITY			
ACTIVITY	FEDERAL	PROVINCIAL	MUNICIPAL
Possession limits*	✓		
Trafficking	✓		
Advertising & packaging*	✓		
Impaired driving	✓	✓	
Medical cannabis	✓		
Seed-to-sale tracking system	✓		
Production (cultivation & processing)	✓	✓	✓
Age limit*	✓		
Public health	✓	✓	
Education	✓	✓	✓
Taxation	✓	✓	
Personal cultivation*	✓		
Workplace safety	✓		
Distribution & wholesaling		✓	
Retail model		✓	
Public consumption		✓	✓

\*Provinces will have the ability to impose additional restrictions to these areas of federal jurisdiction

Source: Based on information taken from City of New Westminster Council report dated January 29<sup>th</sup>, 2018.

The *Access to Cannabis for Medical Purposes Regulation* will continue to govern medical-cannabis uses which do not fall under the Cannabis Act.

In May 2018, the Legislative Assembly of British Columbia passed the *Cannabis Control and Licensing Act*. This Act provides a broad framework of provincial authoritative responsibilities including delegated powers to local governments. It augments federal legislation to regulate sales and the promotion of sales, supply and production, minimum age of purchase, personal possession limits, public consumption and areas prohibited for smoking, personal cultivation and public education. The Province has also included provisions for impaired drivers and work place safety surrounding the use of cannabis.

The *Cannabis Distribution Act* establishes a wholesale cannabis distribution monopoly through the British Columbia Liquor Distribution Branch and a retail model that will include both public (BC government-run) and private retail stores with in stores and online sales. Retail sales will be permitted in stand-alone, self-contained stores; online sales will only be permitted through the provincial government. Additional uses such as sampling or consumption on premise are prohibited. The Province has not yet defined a model of taxation or revenue sharing with municipalities.



Local governments have been delegated the ability to determine whether cannabis uses are a permitted land use within their community. Municipalities are also able to set regulations that enforce zoning bylaws as it relates to restrictions for cannabis-related businesses and restricting where cannabis can be consumed in public, personal cultivations, business licence regulations (such as hours), odours and security, application fees, certain signage requirements, public nuisance complaints and public education.

Municipalities are limited in their ability to control cannabis production on properties within the Agricultural Land Reserve as the Agricultural Land Commission has defined cannabis cultivation to be consistent with the definition of a “farm use” in the ALC Act. The province has recently clarified that municipalities may prohibit cannabis production in an industrial-style production facility or other non-soil based structure within agricultural areas.

### **B: Current policies, regulations and approval processes:**

**British Columbia Liquor and Cannabis Regulation Branch:** The BC Liquor Control and Licensing Branch has been renamed, and its role expanded, to be the governing body that will take on the responsibility of licensing and monitoring the retail sale and distribution of non-medical cannabis as well as liquor. The Branch has announced it intends to begin accepting applications for retail outlets in early August, and will follow an application process similar to the one it uses for liquor retail outlets. This process includes a request for municipal comments on an application prior to the issuance of a licence. The Branch is still determining details on its application process and approval conditions, including security requirements and coordination with municipal approvals. It has advised it will not allow cannabis sales within the same premises as an outlet permitted to offer liquor sales or tobacco sales but will not otherwise require a cannabis retail sales use be separated from other uses. It is also not contemplating setting a limit on the number of licences it will issue. Additional information on provincial requirements is provided in the attached bulletin, *Local Government’s Role in Licensing Non-Medical Cannabis Retail Stores*.

**Official Community Plan:** The policies of the Plan support a vibrant and strong economy with a mix of business sectors and direct commercial activities to areas designated for commercial uses. It includes policies to protect agricultural lands for farming uses and directs industrial uses such as production and manufacturing to areas designated for industrial uses. These policies are considered to be sufficient to guide Council’s decisions on cannabis production and sales and no changes are proposed.

**Zoning Bylaw:** All cannabis related sales, activities and paraphernalia are prohibited other than a licensed pharmacy, residential premises and sites specifically zoned to permit a medical marijuana production facility and licensed under the *Access to Cannabis for Medical Purposes Regulation*. An amendment to the Zoning Bylaw would be required to permit any cannabis uses (retail or production).

**Development Procedures Bylaw:** This bylaw defines the process for consideration of applications under the BC Liquor Control and Licensing Act, including amendments to the

Zoning Bylaw and applications referred to the City. It would need to be amended to define the process for consideration of an application involving cannabis.

**Business Bylaw:** Businesses within the City which are compliant with municipal, provincial and federal legislation may be licensed pursuant to this regulation. It provides a general classification and fees for different business types, based on the level of administrative work and enforcement for each license and can set additional conditions on specific types of businesses to mitigate impacts. Liquor establishments are included in the bylaw as a distinct category and an annual fee of \$1500.00 is imposed for a licence. An amendment would be required to set an appropriate fee for a cannabis establishment.

**Smoking Control Bylaw:** Smoking, including cannabis, is prohibited in places of assembly, parks and playgrounds, outdoor public space and within proximity to building entrances. While it is unlikely an amendment to the bylaw would be needed due to the legalization of cannabis by senior governments, there may be more enforcement requests and any policy to permit cannabis will need to consider measures to ensure public awareness of the regulation.

**Liquor Establishment Policy:** Council adopted this policy to provide a framework for consideration of applications that are referred to the City for comment under *the Liquor Control and Licencing Act* and when a site-specific rezoning application is made to permit a liquor retail sales outlet. This policy serves as a valuable comparable to the potential policy and process to be applied to cannabis retail sales outlets.

### **C: Emerging Policy and Regulatory Frameworks for Cannabis Uses**

Many BC municipalities have taken a precautionary approach to the impending legalization of non-medical cannabis by prohibiting the use until further details on the federal and provincial regimes were finalized. Some have drafted discussion papers or are exploring regulatory frameworks. These frameworks vary in approach as, for example, Vancouver is permitting cannabis retail stores in commercial zones subject to certain restrictions, while Victoria, Courtenay, New Westminster and Port Moody are considering site-specific rezonings. The City of Burnaby and District of Mission are exploring frameworks which would restrict the retail sale of cannabis to government-run stores. New Westminster has proposed a detailed framework including regulations on cannabis manufacturing and warehousing, staffing, public consumption and personal cultivation. Richmond, Pitt Meadows and Abbotsford are expecting the retail sale of cannabis will continue to be prohibited throughout their cities for the time being.

The attached *Municipal Framework Comparison Table* provides a sample of published approaches to regulating retail sales being taken or considered by municipalities in BC and Canada, and within US jurisdictions which have legalized marihuana. This information indicates a mixed approach being taken permitting cannabis retail uses. Several municipalities are proposing to limit to the number of stores they will permit, have defined specific geographic locations or properties where stores will be considered or are instituting lottery selection systems.

## Retail Sale of Cannabis – Public Input Summary and Recommendations

The province requires liquor retail outlets to be located 1km apart from each other. A few municipalities are mirroring this requirement in their proposed framework while others have set much lower separation. Some are also looking to set a minimum distance between cannabis and liquor retail outlets.

The minimum distance being proposed to separate uses where children and youth tend to congregate (schools, daycares, parks, playgrounds, youth centers, community centers) from cannabis uses is ranging from 150 m to 300m. Most municipalities are noting concerns with proximity to other potentially sensitive land uses, such as churches, shelters, transition or recovery homes, healthcare facilities, and libraries and may add proximity criteria encompassing these uses.

The Province has set hours of operation to be 9am to 11 pm; some municipalities are choosing to set more restrictive opening hours.

Some municipalities are requiring cannabis retail stores to include security measures such alarm systems, surveillance cameras, and a minimum number of employees on site at all times. Other municipalities have identified concerns with odour and are implementing requirements for air filtration systems.

Concerns about aesthetics of the storefront are being addressed through the adoption of guidelines with respect to acceptable window coverings, security bars or shutters, signage, and the visual display of product from outside the store (supplementing federal regulations which prohibit such display).

The Province is prohibiting sampling, consumption, edibles and online sales; requires criminal record checks and mandates employee training. Some municipalities are choosing to duplicate provincial requirements within their regulatory approach.

### DISCUSSION:

#### A. Site Specific Zoning in accordance with Council Policy:

This report proposes that applications for cannabis-related uses be considered through a site specific zoning bylaw amendment process, similar to the approach the City uses to regulate liquor establishments.

The report further proposes that the review of rezoning applications for cannabis establishments be guided by a policy to be adopted by Council that would detail the City's criteria for evaluation of the application, including location, potential impacts to the community, size and layout and meet the requirements for comment set by the British Columbia Liquor and Cannabis Regulation Branch. For discussion purposes, the attached policy has been drafted.

The policy proposes that the following criteria and application submission requirements apply to retail cannabis sales uses:

- Locate in areas designated for commercial land uses in the Official Community Plan

## Retail Sale of Cannabis – Public Input Summary and Recommendations

- Separate outlets by a minimum distance of 1 kilometre (which is the same requirement as applicable to liquor retail outlets)
- Not impose a distance requirement between cannabis and liquor premises (they cannot be the same premises per provincial rules but may be next door to each other)
- Impose a 200-metre distance requirement from schools, playgrounds, community centers and sports fields
- Not locate within the Downtown core, in keeping with the *Recommendations for a Downtown Action Plan*<sup>1</sup>
- Consider the location of other facilities such as child care facilities, churches, shelters and recovery homes on a case-by-case basis as may be relevant
- Obtain input from residents and businesses, which may be particularly relevant if a location is proposed within a mixed-use buildings
- Consider vehicular and pedestrian routes/access and evaluate potential impact (for example, a relatively large cannabis retail sales outlet may require improvements)
- Design the interior space layout to discourage sampling or consumption on the premises (these activities are prohibited)
- Design the storefront to be visually appealing and sensitive to the character of surrounding land uses

To mitigate potential impacts of the use, conditions of zoning bylaw adoption would be considered by Council as appropriate for the application. These conditions could include one or more of the following requirements:

- signage to inform clients of the City's smoking restriction
- an air filtration system designed to mitigate odours to surrounding uses
- measures to address site impacts (e.g., offsite improvements) as identified in review of the application
- measures to address concerns as may be identified by the public such as limited hours of operation
- implementation of any measures that may be proposed to create a community benefit.

The draft policy does not set criteria or propose conditions of approval that would duplicate requirements of the senior levels of government.

The draft policy also sets out criteria for applications to manufacture and distribute cannabis is also proposed (medical and non-medical). These are similar to those proposed for a retail cannabis sales outlet with the primary exception that the permitted land use designations are light, general or heavy industrial designations and a 500m distance from community facilities.

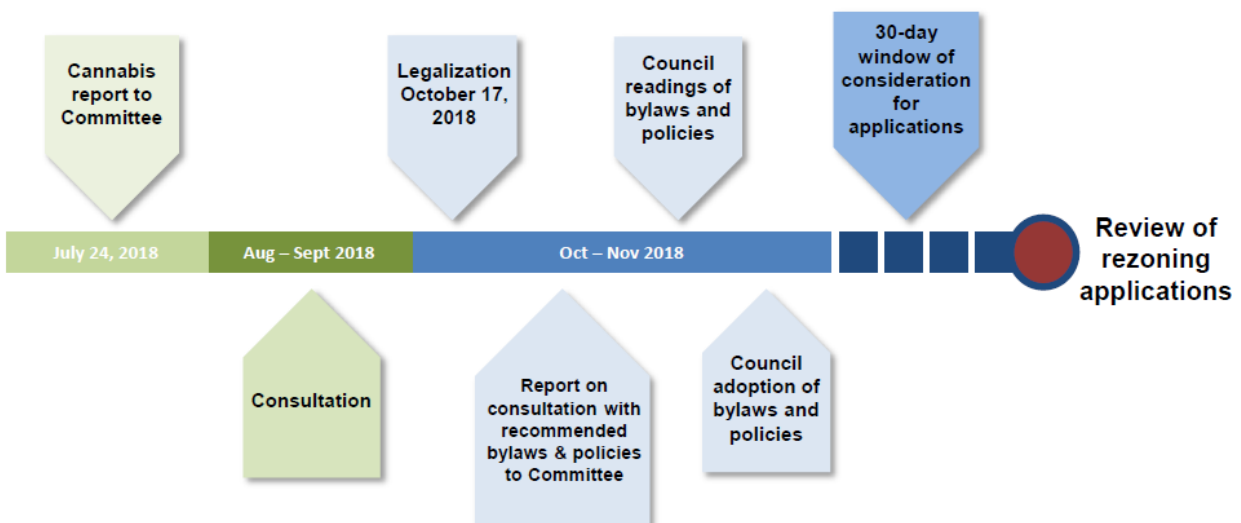
<sup>1</sup> This Plan specifically notes the intent to attract business of a high quality to the Downtown, creating a vibrant street presence. As cannabis retail sales are to be highly restricted in terms of who can enter the premises, no display of product, and signage, the use would be incompatible with this intent.

### B. Rezoning Application Process

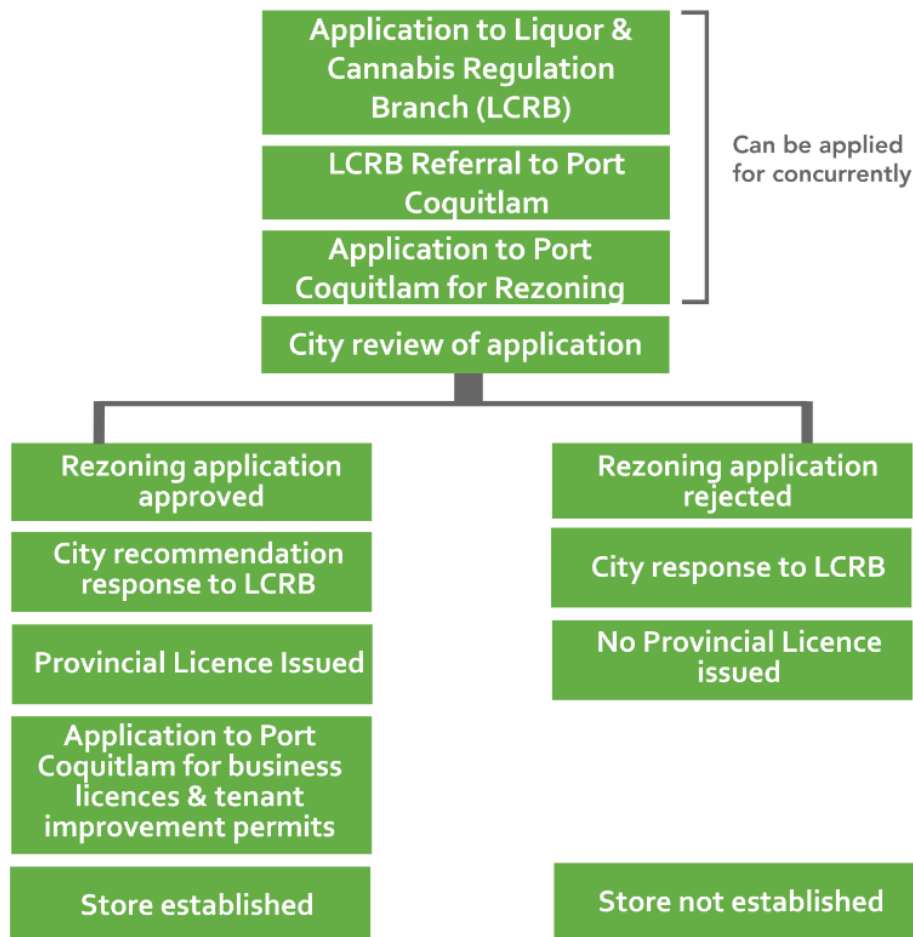
There is significant interest being expressed by both local and national firms wishing to open a cannabis retail outlet in the City. Although an application to amend the Zoning Bylaw may be submitted at any time, potential applicants are being advised that staff are not in a position to evaluate an application to permit a cannabis retail use until such time as Council has adopted a policy to guide decisions on retail locations and amended its bylaws to establish appropriate regulations.

Once Council adopts the proposed bylaw amendment and policy, a concurrent review process is recommended to apply to all rezoning applications for cannabis retail outlets. This approach would defer consideration of all applications until 30 days after the date of adoption. Staff would then review all applications commencing on that date rather than review of applications in date order. This process is intended to permit the City to evaluate each application before giving approval to rezone a specific location, ensuring that the distance criteria does not impact which of the initial applications may be approved but allowing for all initial applications to be considered on their merits. Applications for new cannabis retail outlets received after the 30-day period would be considered in date order, allowing for Council to make its decisions on the initial applications and establish permitted locations.

### Timeframe for Approval of Cannabis Policy & Bylaw Amendments



### Cannabis Retail Application Process



The Cannabis Retail Application Process diagram illustrates how the provincial process is tied to the municipal process. The Branch will not issue a licence until it has received a submission from the City indicating the City's response to its referral. The City would be in a position to provide the response after the rezoning bylaw is approved (or rejected). Additional clarification and refinement on how the municipal and provincial approval processes are to be coordinated is anticipated after the Province has gained experience in application processing.

#### C. Implementation Requirements:

The following bylaws would need to be amended to implement the proposed changes:

- amendment of the Zoning Bylaw to allow cannabis uses
- amendment of the Development Procedures Bylaw to set out the process for consideration of Branch referrals, including application requirements



## Retail Sale of Cannabis – Public Input Summary and Recommendations

- amendment of the Fees and Charges bylaw to set fees for applications
- amendment of enforcement bylaws to set penalties for infractions
- amendment of the Business Licence bylaw to permit issuance of a business licence for a cannabis retail sales use.

If Committee approves the recommendations of this report, the bylaw amendments would be drafted over the summer months.

### D. Consultation

This report recommends a focused public consultation process be undertaken prior to finalizing the cannabis establishment policy and that it take place during the months of August and September for report back to the Community and Intergovernmental Committee in early fall. The proposed consultation includes:


- posting information on the City's website including this report and the draft policy
- issuing a press release
- placing an advertisement in the Tri-City News to inform the public (residents and businesses) that the City is seeking feedback on the draft policy and will be hosting a public input opportunity for this purpose
- holding an open house / public input opportunity in mid-September
- soliciting input on the draft policy from stakeholders such as UBCM, the Liquor and Cannabis Licensing Branch, cannabis industry representatives and the Downtown Business Improvement Association.

### **FINANCIAL IMPLICATIONS:**

Allowing for consideration of cannabis uses is not expected to have significant financial implications (rezoning and business licence fees will be set to cover processing costs). There may be a financial benefit to the City through senior government taxation, but how the tax revenue will be shared is yet to be determined.

### **OPTIONS**

(Check = Staff Recommendation)

#	Description
1 	Authorize staff to consult with cannabis industry representatives, local businesses and the broader community on regulations and policies proposed to be applied to land use decisions related to the production and retail sale of cannabis in Port Coquitlam. If this option is selected, it is anticipated that a Public Hearing could be held in November.

## Retail Sale of Cannabis – Public Input Summary and Recommendations

2	Direct staff to bring forward a proposed Cannabis Establishment Policy and amending bylaws to be applied to land use decisions related to the production and retail sale of cannabis to Council for its consideration of approval. If this option is selected, the earliest date that a Public Hearing could be held would be October 9 <sup>th</sup> and adoption in November.
3	Request amendments to the draft policy or further information be brought back to Committee when it next meets in September.

### **ATTACHMENTS**

~~Attachment #1: Cannabis Legislation and Licencing~~

~~Attachment #2: Local Government's Role in Licensing Non-Medical Cannabis Retail Stores~~

~~Attachment #3: Municipal Framework Comparison Table~~

~~Attachment #4: Proposed Cannabis Establishment Policy~~

**Lead author(s):** Jennifer Little, Graeme Muir



CITY OF PORT COQUITLAM  
ZONING AMENDMENT BYLAW, 2019

Bylaw No. 4099

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Zoning Bylaw, 2008, No. 3630, Amendment Bylaw, 2019 No. 4099”.

2. ADMINISTRATION

Zoning Bylaw, 2008, No. 3630 is amended as follows:

- 2.1 In Section I – Definitions, by deleting the definition for medical marihuana production and inserting the following:

“**Cannabis production facility** means premises used for the cultivation of cannabis, but only to the extent authorized by a licence under section 62 of the Cannabis Act, and may include related accessory activities such as processing, testing, research and development, packaging and storage.”

- 2.2 In Section II – Zones and Zone Regulations, by replacing Clause 6(d) with the following:

“6(d) Cannabis dispensaries, compassion clubs, and all other premises in which cannabis product is kept or offered for sale or consumption on the premises other than residential premises in which cannabis is produced as authorized by the *Cannabis Distribution Act*, a licensed pharmacy, or a cannabis production facility.”

- 2.3 In Section II – Zones and Zone Regulations, Notes 2 and 5(c) to Table 1.4, by replacing “medical marihuana” with “cannabis”;

- 2.4 In Section II – Zones and Zone Regulations, Table 4.3 and Note 19 to Table 4.3, by replacing “medical marihuana” with “cannabis” wherever it occurs.

READ A FIRST TIME this	8 <sup>th</sup> day of	January, 2019
READ A SECOND TIME this	8 <sup>th</sup> day of	January, 2019
PUBLIC HEARING held this	5 <sup>th</sup> day of	February, 2019
READ A THIRD TIME this		
ADOPTED this		

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Mayor

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Corporate Officer

# CITY OF PORT COQUITLAM

## DEVELOPMENT PROCEDURES AMENDMENT BYLAW, 2019

### Bylaw No. 4100

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Development Procedures Bylaw, 2013, No. 3849, Amendment Bylaw, 2019, No. 4100”.

2. ADMINISTRATION

Development Procedures Bylaw, 2013, No. 3849 is amended as follows:

- 2.1 In Section 1 Definitions, definition for “Application”, by adding the following new subsection 7):

“7) obtain a decision on a cannabis retail licence in accordance with the *Cannabis Control and Licensing Act* and Regulation;”

- 2.2 In Section 5 Notification and Signage, by inserting “, cannabis licence” after “liquor licence”.

- 2.3 In Section 11 Licensed Establishment Procedures,

- 2.3.1 By replacing subsection 1 with the following:

“This Division applies to all liquor licence applications and cannabis licence applications referred to Council under the *Liquor Control and Licensing Act* and Regulation and *Cannabis Control and Licensing Act* and Regulation and which do not require a rezoning under the Zoning Bylaw.”;

- 2.3.2 In subsection 2, by replacing “liquor license” with “or liquor or cannabis licence”;

- 2.3.3 In subsection 4 a) by inserting “and *Cannabis Control and Licensing Act* and Regulation” after “and Regulation”; and,

- 2.3.4 In subsection 7 a) by inserting “and *Cannabis Control and Licensing Act* and Regulation” after “and Regulation”.

READ A FIRST TIME this	8 <sup>th</sup> day of	January, 2019
READ A SECOND TIME this	8 <sup>th</sup> day of	January, 2019
READ A THIRD TIME this	8 <sup>th</sup> day of	January, 2019
ADOPTED this		

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Mayor

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Corporate Officer

CITY OF PORT COQUITLAM  
FEES AND CHARGES AMENDMENT BYLAW, 2019

Bylaw No. 4101

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as "Fees and Charges Bylaw, 2015, No. 3892, Amendment Bylaw, 2019, No. 4101".

2. ADMINISTRATION

Fees and Charges Bylaw, 2015, No. 3892 is amended as follows:

In Schedule "D", Development Application Fees & Charges, by adding the following fees to Table 7, Additional Charges and Fees:

	Non-refundable Fee	Refundable Fee
Cannabis Retail Licence		
New licence	\$1000	\$1200
Amendment to licence	\$ 300	\$1200

READ A FIRST TIME this 8<sup>th</sup> day of January, 2019  
READ A SECOND TIME this 8<sup>th</sup> day of January, 2019  
READ A THIRD TIME this 8<sup>th</sup> day of January, 2019  
ADOPTED this

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Mayor

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Corporate Officer

CITY OF PORT COQUITLAM  
BUSINESS AMENDMENT BYLAW, 2019

Bylaw No. 4102

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Business Bylaw, 2010, No. 3725, Amendment Bylaw, 2019, No. 4102”.

2. ADMINISTRATION

Business Bylaw, 2010, No. 3725 is amended as follows:

- 2.1 By adding the following definition of cannabis retail outlet to Section 2.  
Definitions:

“**Cannabis retail outlet** means premises licensed under the *Cannabis Control and Licensing Act* to provide for the sale of cannabis for consumption off premises.”

- 2.2 By adding “cannabis” to the definition of mobile vendor, as follows:

“**Mobile Vendor** means a person who, either on his or her own account or as an officer, servant, or agent of another, sells or offers for sale goods (including food and beverages but excluding liquor and cannabis), or services from a motor vehicle.”

- 2.3 By adding “cannabis” to the definition of street vendor, as follows:

“**Street Vendor** means a person who, either on his or her own account or as an officer, servant, or agent of another, sells or offers for sale food items, excluding liquor and cannabis, from a Vending Cart.”

- 2.4 By adding cannabis to subsection (k) in Section 39 Street Vendors as follows:

“(k) shall only sell food items, excluding liquor and cannabis;”

- 2.3 By adding cannabis to subsection (f) in Section 40 Mobile Vendors, as follows:

“(f) shall only sell food items, excluding liquor and cannabis;”

2.4 By adding the following under Schedule A, Part I - Category A:

CLASSIFICATION OF BUSINESS	FEE CLASSIFICATIONS	ANNUAL LICENCE FEES PAYABLE
Cannabis Retail Outlet	For each business	\$1500

READ A FIRST TIME this 8<sup>th</sup> day of January, 2019

READ A SECOND TIME this 8<sup>th</sup> day of January, 2019

READ A THIRD TIME this 8<sup>th</sup> day of January, 2019

ADOPTED this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

CITY OF PORT COQUITLAM

DELEGATION OF AUTHORITY AMENDMENT BYLAW, 2019

Bylaw No. 4103

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Delegation of Authority Bylaw, 2014, No. 3876, Amendment Bylaw, 2019, No. 4103”.

2. ADMINISTRATION

2.1 That the title, “Director of Engineering and Operations” be replaced with “Director of Engineering and Public Works” ; the title, Director of Parks and Recreation” be replaced with “Director of Recreation”; and the title “Manager of Transportation” be replaced with “Manager of Infrastructure Planning” wherever the title occurs;

2.2 That the spelling of “license” be corrected to “licence” wherever it occurs;

2.3 That Business Licensing subsections 4, 5 and 6 be amended to replace “Manager of Bylaw Services” with “Manager of Planning”;

2.4 That section title “Liquor Licences” be replaced with “Liquor and Cannabis Licences”

2.5 That subsections 24 and 25 be amended to replace “*Liquor Control and Licensing Branch*” with “Liquor and Cannabis Regulation Branch”

2.4 That the following new subsection 26 be inserted and subsequent subsections renumbered accordingly:

**“CANNABIS RETAIL LICENCES**

26. The Committee of Council is delegated the authority to adopt a resolution on a cannabis licence application submitted in accordance with the *Cannabis Control and Licensing Act* to the Liquor and Cannabis Regulation Branch or to make a decision to opt out of providing comment on the application.”

READ A FIRST TIME this 8<sup>th</sup> day of January, 2019

READ A SECOND TIME this 8<sup>th</sup> day of January, 2019

READ A THIRD TIME this 8<sup>th</sup> day of January, 2019

ADOPTED this

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Mayor

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Corporate Officer

CITY OF PORT COQUITLAM

BYLAW NOTICE ENFORCEMENT AMENDMENT BYLAW, 2019

Bylaw No. 4104

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as "Bylaw Notice Enforcement Bylaw, 2013, No. 3814, Amendment Bylaw, 2019, No. 4104".

2. ADMINISTRATION

That Bylaw Notice Enforcement Bylaw, 2013, No. 3814 be amended as follows:

2.1 By adding in the following under Schedule A: Designated Bylaw Contraventions and Penalties:

Zoning Bylaw No. 3630

DESCRIPTION	SECTION NO. IN BYLAW	DISCOUNTED PENALTY IN \$ (within 14 days)	FULL PENALTY IN \$ (after 14 days)	COMPLIANCE AGREEMENT DISCOUNT <sup>(1)</sup>
Prohibited use in cannabis establishment	II 6(d)	100.00	150.00	n/a

READ A FIRST TIME this 8<sup>th</sup> day of January, 2019

READ A SECOND TIME this 8<sup>th</sup> day of January, 2019

READ A THIRD TIME this 8<sup>th</sup> day of January, 2019

ADOPTED this

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

CITY OF PORT COQUITLAM  
WATERWORKS REGULATION AMENDMENT BYLAW, 2019

Bylaw No. 4105

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Waterworks Regulation Bylaw, 2016, No. 3935, Amendment Bylaw, 2019, No. 4105”.

2. ADMINISTRATION

2.1 That “Waterworks Regulation Bylaw, 2016, No. 3935” be amended by replacing Schedule “B” and Schedule “E” with the Schedule “B” and Schedule “E”, attached hereto, and forming part of this Bylaw.

READ A FIRST TIME this	22 <sup>nd</sup> day of	January, 2019
READ A SECOND TIME this	22 <sup>nd</sup> day of	January, 2019
READ A THIRD TIME this	22 <sup>nd</sup> day of	January, 2019
ADOPTED this		

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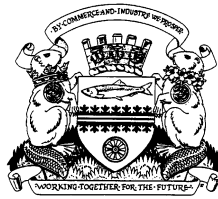
Mayor

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Corporate Officer



## Schedule "B"



### A. Residential Properties:

	Rate
(a) Single Residential dwelling unit	\$448.05
(b) Each additional dwelling unit*	\$448.05
(c) Each townhouse unit	\$419.72
(d) Each apartment unit	\$398.74

\* For each suite or additional dwelling unit located in a duplex or any form of multiple housing including manufactured home parks or individual guest rooms in motels, hotels, boarding houses, rooming houses, bed and breakfast businesses, and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies and not covered in parts (c) or (d) of Sections A and B.

### B. Meter Rates:

Rates for water shall be for the quantity used in any three (3) month period as indicated by meter, which shall be installed on the water service for the purpose of registering the quantity of water used. All rates for water shall become due and payable the first day of January, the first day of April, the first day of July, the first day of October, each and every year.

0 - 1,500 cubic feet	\$155.90 minimum charge
For the next 3,000 cubic feet	\$4.9949 per hundred cu.ft.
For the next 15,000 cubic feet	\$4.0925 per hundred cu.ft.
Over 19,500 cubic feet	\$2.5289 per hundred cu.ft.

### C. Other Rates:

For premises used solely for residential purposes and which have an unfiltered swimming pool situated thereon:

The rates and penalties provided in Section B of this schedule.

### D. Fire Lines:

For each connection made to the water utility system to provide a standby for fire protection only and not used except in the case of fire:

(a) For a Ten Inch (10") connection	\$ 909.00 per annum
(b) For an Eight Inch (8") connection	\$ 785.00 per annum
(c) For a Six Inch (6") connection	\$ 603.00 per annum
(d) For a Four Inch (4") connection	\$ 460.00 per annum
(e) For a Two Inch (2") connection	\$ 377.00 per annum

## ***Schedule "B" Cont'd***

### **E. Premises Used for Mixed Purposes:**

For premises used for mixed or multiple purposes which include a connection or service to a residential premise as well as another use, the Owner shall pay:

- (i) the rate prescribed under Section A of this schedule for each Residential Premise that, directly or indirectly, receives water from the Water System; plus
- (ii) the rate prescribed under Section B of this schedule for the Non-Residential premises.

The City may send a single invoice covering all non-residential strata lots to the Strata Corporation, or Strata Lot 1, as the City may on a case by case basis decide. If the Rates as set out on the invoice remain unpaid as of December 31 of the billing year, the Director of Engineering & Public Works or designate shall allocate volume of water as set out on the invoice among properties that shall pay the Metered rates as set out above, and determine the charges and penalties owing by the Owners of each strata title lot. Such charges shall be deemed to have been due and payable by each owner as of December 31 and the provisions of Section 231 of the *Community Charter* shall apply.

### **F. Recent purchase or sale**

To meet the eligibility requirements in Section 6 (b) and (c) of the Bylaw, the claimant must be the registered owner of the eligible residence and living on the property as his/her principal residence at the time the application is made. Therefore, the application for the waiver must be made prior to the conveyance of the dwelling. This is because sale of the property is conclusive evidence that it has ceased to be the principal residence of the vendor. Once a conveyance is completed, the vendor is no longer eligible for the waiver.

Circumstances may arise in which full utilities are paid by the vendor but no waiver is claimed. The waiver is a reduction of indebtedness for current year utilities and must be claimed by the individual who actually paid that debt. Since the indebtedness was paid by the vendor, no waiver can be allowed to the purchaser. The waiver cannot be prorated.

### **G. Late Payment Penalties:**

#### ***Accounts billed for Residential purposes***

*A penalty of 5% shall be added to the outstanding balances levied for the current year after:*

- (a) the close of business on March 31<sup>st</sup> in each year; or
- (b) the close of business on May 31<sup>st</sup> in each year.

#### ***Accounts billed for Metered purposes***

*A penalty of 10% shall be added to the outstanding balances levied for the current year after:*

- (a) the penalty date established for the quarter period; or
- (b) thirty (30) days from the billing date.

## ***Schedule "B" Cont'd***

### **H. Senior Citizen's Waiver:**

Every owner and occupier of property who:

- (a) Sixty-five years of age or over at any time during the calendar year in which the charge is assessed; and
- (b) The owner of the property for which the charge is assessed; and
- (c) Who resides on the property and considers it to be his principal residence; and
- (d) Who has not applied for a senior citizen waiver of water rates on any other property in the City of Port Coquitlam during the calendar year in which the charge is assessed; and
- (e) Who does not own any other property as defined in the Assessment Act; and
- (f) The property does not contain a suite; and
- (g) Whose total annual net income (line 236) does not exceed the threshold of \$25,217 per person if they are the sole occupier of the residence or the threshold of \$31,396 if more than one person occupies the residence;

Shall be considered persons in special circumstances where additional benefits are warranted and shall be entitled to a waiver of one half of the applicable annual rate for their principal residence levied under this Bylaw. In order to qualify for the senior citizen's waiver the owner of the parcel shall complete, sign and submit a declaration in the form attached as Schedule E to this Bylaw to the Manager of Revenue and Collections.

A copy of the 2017 Canada Revenue Agency Notice of Assessment MUST be included with the application for a sewer and water fee subsidy.

### **I. Disability Waiver:**

Every owner and occupier of property who:

- (a) Designated as a person with disabilities, and receiving disability assistance, hardship assistance or a supplement, under the *BC Employment and Assistance for persons with Disabilities Act* or is a person with disabilities, or am the spouse or relative with disabilities, and the person with disabilities resides with the owner and the collector has been provided with the required Schedule D; and
- (b) The owner of the property for which the charge is assessed; and
- (c) Who resides on the property and considers it to be his principal residence; and
- (d) Who has not applied for a senior citizen waiver of water rates on any other property in the City of Port Coquitlam during the calendar year in which the charge is assessed; and
- (e) Who does not own any other property as defined in the Assessment Act; and
- (f) The property does not contain a suite; and

## ***Schedule "B" Cont'd***

- (g) Whose total annual net income (line 236) does not exceed the threshold of \$25,217 per person if they are the sole occupier of the residence or the threshold of \$31,396, if more than one person occupies the residence;

Shall be considered persons in special circumstances where additional benefits are warranted and shall be entitled to a waiver of one half of the applicable annual rate for their principal residence levied under this Bylaw. In order to qualify for the senior citizen's waiver the owner of the parcel shall complete, sign and submit a declaration in the form attached as Schedule E to this Bylaw to the Manager of Revenue and Collections.

A copy of the 2017 Canada Revenue Agency Notice of Assessment MUST be included with the application for a sewer and water fee subsidy.

## Schedule "E"

### APPLICATION FOR A SEWER AND WATER USER FEE SUBSIDY.

I am the owner and occupier of \_\_\_\_\_  
(Address)

I am 65 years of age (or over): my date of birth is \_\_\_\_\_ or I am a designated as a person with disabilities, and receiving disability assistance, hardship assistance or a supplement, under the *BC Employment and Assistance for Persons with Disabilities Act* or is a person with disabilities, or am the spouse or relative with disabilities and the person with disabilities reside with the owner.

I live on the property and consider it to be my principal residence and the property does not contain a suite.

I do not own any other property as defined in the Assessment Act.

There are (including myself) \_\_\_\_\_ person(s) living at the above address. The following is my (our) 2017 income.

All income must be shown below, including Pensions, Interest, rent etc.

My total annual net income does not exceed \$25,217 or our household annual net income does not exceed \$31,396.

#### Source of Income

	Amount
1. Owner	
Old Age Pension	_____
Canada Pension	_____
Guaranteed Income Supplement	_____
Other Income	_____
2. Spouse and all other occupants of the household	
Old Age Pension	_____
Canada Pension	_____
Guaranteed Income Supplement	_____
Other Income	_____
	_____
<b>Total Net Income (Line 236)</b>	<b>=====</b>

I have attached a copy of my (our) 2017 Canada Revenue Agency Notice of Assessment(s) ☐

I understand that I will be required to sign this form each year, as long as I remain eligible for this waiver. I agree to provide the collector with any documentation necessary to establish my eligibility for the waiver, including the 2017 Revenue Canada Notice of Assessment.

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE, AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH AND BY VIRTUE OF THE 'CANADA EVIDENCE ACT'.

Print Name \_\_\_\_\_ Signature of Registered Owner \_\_\_\_\_

Phone Number \_\_\_\_\_ Dated at Port Coquitlam, BC this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLEASE COMPLETE AND RETURN BEFORE DUE DATE TO AVOID PENALTIES.

The personal information on this form is collected under the authority of the Municipalities Enabling and Validating Act and will be used for the purpose of determining eligibility for a waiver as per Bylaw No. 3935. If you have any questions about the use and collection of this information, contact the Tax Collector at 604-927-5426.

CITY OF PORT COQUITLAM  
SEWER REGULATION AMENDMENT BYLAW, 2019

Bylaw No. 4106

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The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw is cited as “Sewer Regulation Bylaw, 2016, No. 3936, Amendment Bylaw, 2019, No. 4106”.

2. ADMINISTRATION

2.1 That “Waterworks Regulation Bylaw, 2016, No. 3936” be amended by replacing Schedule “A” and Schedule “D” with the Schedule “A” and Schedule “D”, attached hereto, and forming part of this Bylaw.

READ A FIRST TIME this	22 <sup>nd</sup> day of	January, 2019
READ A SECOND TIME this	22 <sup>nd</sup> day of	January, 2019
READ A THIRD TIME this	22 <sup>nd</sup> day of	January, 2019
ADOPTED this		

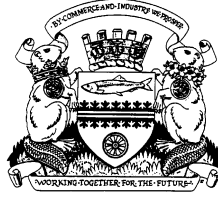
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Mayor

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Corporate Officer

## SCHEDULE "A"



### A. Residential Properties:

	Rate
(a) Single Residential dwelling unit	\$332.43
(b) Each additional dwelling unit *	\$332.43
(c) Each townhouse unit	\$311.78
(d) Each apartment unit	\$295.49

- \* For each suite or additional dwelling unit located in a duplex or any form of multiple housing including manufactured home parks or individual guest rooms in motels, hotels, boarding houses, rooming houses, bed and breakfast businesses, and dormitories, as well as individual stores and individual or complementary rooms for business and personal services occupancies and not covered in parts (c) or (d) of Sections A and B.

### B. Metered Rates:

- |  |          |
|--|----------|
| (a) Metered users  |          |
| (i) 0 to 1,500 cubic feet (minimum charge)               | \$90.59  |
| (ii) over 1,500 cubic feet (rate per hundred cubic feet) | \$2.3140 |

Any owner or occupier of real property other than residential users shall be charged for the use of the sewerage system on the basis of the quantity of water delivered to the real property by the City waterworks system. All rates for sewer shall become due and payable the first day of January, the first day of April, the first day of July, the first day of October, each and every year.

A user of the sewerage system who establishes to the satisfaction of the Director of Engineering & Public Works or designate that the discharge into the sewerage system is less than seventy five percent of the water delivered by the municipal waterworks system to his parcel of real property, by using in whole or in part the water so delivered in an industrial or commercial process or product, or in irrigation; or by discharging the water so delivered or part thereof directly into a natural water course or body of water; shall have the user charge reduced corresponding to the actual quantity of discharge.

### C. Premises Used for Mixed Purposes

For premises used for mixed or multiple purposes which include a connection or service to a residential premise as well as another use, the Owner shall pay:

- (i) the rate prescribed under Section A of this schedule for each Residential Premise that, directly or indirectly, receives water from the Water System; plus
- (ii) the rate prescribed under Section B of this schedule for the Non-Residential premises.

## ***SCHEDULE "A" Cont'd***

The City may send a single invoice covering all non-residential strata lots to the Strata Corporation, or Strata Lot 1, as the City may on a case by case basis decide. If the Rates as set out on the invoice remain unpaid as of December 31 of the billing year, the Director of Engineering & Public Works or designate shall allocate volume of water as set out on the invoice among properties that shall pay the Metered rates as set out above, and determine the charges and penalties owing by the Owners of each strata title lot. Such charges shall be deemed to have been due and payable by each owner as of December 31 and the provisions of Section 231 of the *Community Charter* shall apply.

### **D. Recent purchase or sale**

To meet the eligibility requirements in Section 5(b) or (c) of the Bylaw, the claimant must be the registered owner of the eligible residence and living on the property as his/her principal residence at the time the application is made. Therefore, the application for the waiver must be made prior to the conveyance of the dwelling. This is because sale of the property is conclusive evidence that it has ceased to be the principal residence of the vendor. Once a conveyance is completed, the vendor is no longer eligible for the waiver.

Circumstances may arise in which full utilities are paid by the vendor but no waiver is claimed. The waiver is a reduction of indebtedness for current year utilities and must be claimed by the individual who actually paid that debt. Since the indebtedness was paid by the vendor, no waiver can be allowed to the purchaser. The waiver cannot be prorated.

### **E. Late Payment Penalties:**

#### ***Accounts billed for Residential purposes***

*A penalty of 5% shall be added to the outstanding flat rate balances levied for the current year under Sections A and C of this Schedule after:*

- (a) the close of business on March 31<sup>st</sup> in each year; and
- (b) the close of business on May 31<sup>st</sup> in each year.

#### ***Accounts billed for Metered purposes***

*A penalty of 10% shall be added to the outstanding balances levied for the current year under Section B of this Schedule, after:*

- (a) the penalty date established for the quarter period; or
- (b) thirty (30) days from the billing date.

### **F. Senior Citizen's Waiver:**

Every owner and occupier of property who:

- (a) Sixty-five years of age or over at any time during the calendar year in which the charge is assessed; and
- (b) The owner of the property for which the charge is assessed; and
- (c) Who resides on the property and considers it to be his principal residence; and



## ***SCHEDULE "A" Cont'd***

- (d) Who has not applied for a senior citizen waiver of water rates on any other property in the City of Port Coquitlam during the calendar year in which the charge is assessed; and
- (e) Who does not own any other property as defined in the Assessment Act; and
- (f) The property does not contain a suite; and
- (g) Whose total annual net income (line 236) does not exceed the threshold of \$25,217 per person if they are the sole occupier of the residence or the threshold of \$31,396, if more than one person occupies the residence;

Shall be considered persons in special circumstances where additional benefits are warranted and shall be entitled to a waiver of one half of the applicable annual rate for their principal residence levied under this Bylaw. In order to qualify for the senior citizen's waiver the owner of the parcel shall complete, sign and submit a declaration in the form attached as Schedule D to this Bylaw to the Manager of Revenue and Collections.

A copy of the 2017 Canada Revenue Agency Notice of Assessment MUST be included with the application for a sewer and water fee subsidy.

### **G. Disability Waiver:**

Every owner and occupier of property who:

- (a) Designated as a person with disabilities, and receiving disability assistance, hardship assistance or a supplement, under the *BC Employment and Assistance for persons with Disabilities Act* or is a person with disabilities, or am the spouse or relative with disabilities, and the person with disabilities resides with the owner and the collector has been provided with the required Schedule C; and
- (b) The owner of the property for which the charge is assessed; and
- (c) Who resides on the property and considers it to be his principal residence; and
- (d) Who has not applied for a senior citizen waiver of water rates on any other property in the City of Port Coquitlam during the calendar year in which the charge is assessed; and
- (e) Who does not own any other property as defined in the Assessment Act; and
- (f) The property does not contain a suite; and
- (g) Whose total annual net income (line 236) does not exceed the threshold of \$25,217 per person if they are the sole occupier of the residence or the threshold of \$31,396, if more than one person occupies the residence;

Shall be considered persons in special circumstances where additional benefits are warranted and shall be entitled to a waiver of one half of the applicable annual rate for their principal residence levied under this Bylaw. In order to qualify for the senior citizen's waiver the owner of the parcel shall complete, sign and submit a declaration in the form attached as Schedule D to this Bylaw to the Manager of Revenue and Collections.

A copy of the 2017 Canada Revenue Agency Notice of Assessment MUST be included with the application for a sewer and water fee subsidy.

## SCHEDULE "D"

### APPLICATION FOR A SEWER AND WATER USER FEE SUBSIDY.

I am the owner and occupier of \_\_\_\_\_ (address)

I am 65 years of age (or over): my date of birth is \_\_\_\_\_ or I am a designated as a person with disabilities, and receiving disability assistance, hardship assistance or a supplement, under the *BC Employment and Assistance for Persons with Disabilities Act* or is a person with disabilities, or am the spouse or relative with disabilities and the person with disabilities reside with the owner.

I live on the property and consider it to be my principal residence and the property does not contain a suite.

I do not own any other property as defined in the Assessment Act.

There are (including myself) \_\_\_\_\_ person(s) living at the above address. The following is my (our) 2017 income.

All income must be shown below, including Pensions, Interest, rent etc.

My total annual net income does not exceed \$25,217 or our household annual net income does not exceed \$31,396.

I have not applied for a sewer or water user fee subsidy on any other property during this calendar year.

#### Source of Income

	Amount
1. Owner	
Old Age Pension	_____
Canada Pension	_____
Guaranteed Income Supplement	_____
Other Income	_____
2. Spouse and all other occupants of the household	
Old Age Pension	_____
Canada Pension	_____
Guaranteed Income Supplement	_____
Other Income	_____
	_____
<b>Total Net Income(Line 236)</b>	<b>_____</b>

I have attached a copy of my (our) 2017 Canada Revenue Agency Notice of Assessment(s) ☐

I understand that I will be required to sign this form each year, as long as I remain eligible for this waiver. I agree to provide the collector with any documentation necessary to establish my eligibility for the waiver, including the 2017 Revenue Canada Notice of Assessment.

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE, AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH AND BY VIRTUE OF THE 'CANADA EVIDENCE ACT'.

Print Name \_\_\_\_\_ Signature of Registered Owner \_\_\_\_\_

Phone Number \_\_\_\_\_ Dated at Port Coquitlam, BC this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PLEASE COMPLETE AND RETURN BEFORE DUE DATE TO AVOID PENALTIES.

The personal information on this form is collected under the authority of the Municipalities Enabling and Validating Act and will be used for the purpose of determining eligibility for a waiver as per Bylaw No. 3936. If you have any questions about the use and collection of this information, contact the Tax Collector at 604-927-5426.