



AGENDA CANNABIS TASK FORCE MEETING

June 12, 2018, 3:00 PM - 5:00 PM
Board Room, Service and Resource Centre,
411 Dunsmuir Street, Nanaimo, BC

Pages

1. **CALL THE MEETING OF THE CANNABIS TASK FORCE TO ORDER:**
2. **INTRODUCTION OF LATE ITEMS:**
3. **ADOPTION OF AGENDA:**
4. **ADOPTION OF MINUTES:**

4 - 8

- a. **Minutes**

Minutes of the Cannabis Task Force Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC, on Thursday, 2018-May-10 at 3:00 p.m.

5. **PRESENTATIONS:**

6. REPORTS:

a. Cannabis Task Force Recommendations

9 - 21

To be introduced by Dale Lindsay, Director of Community Development

Purpose: That the Cannabis Task Force recommend to Council:

Recommendations:

1. That Staff be directed to prepare and introduce zoning bylaw amendments to clarify that Cannabis Retail Stores are a separate use from retail.
2. That proposed Cannabis Retail Stores be required to submit site specific rezoning applications.
3. That the attached rezoning criteria, including recommended minimum 150m separation from schools and daycares and 300m from another Cannabis Retail Store, be endorsed.
4. That specific business license fees for Cannabis Retail Stores not be established at this time and that business license fees for Cannabis Retail Stores be considered as part of any future review of liquor license fees.
5. That Staff be directed to prepare and introduce zoning bylaw amendments to replace the existing use of "Medical Marihuana Growing and Production" with "Cannabis Production and Processing" and permit this as a use in the I4 (Industrial) Zone.
6. That Staff be directed to prepare and introduce zoning bylaw amendments to allow small scale cannabis production in the I1 (Highway Industrial) and I2 (Light Industrial) zones subject to the development of an odour abatement strategy.
7. That cannabis production not be permitted in the Agricultural Rural Residential Zones (AR1 and AR2).
8. That no further restrictions be placed on the personal production of cannabis beyond those established by the Federal and Provincial Governments.
9. That Council adopt an updated and revised smoking bylaw to regulate the smoking of cannabis in public areas.
10. Direct Staff to complete a review of the Cannabis related bylaws and regulations one year following the adoption of the associated bylaws.

7. OTHER BUSINESS:

8. QUESTION PERIOD:

9. ADJOURNMENT:

MINUTES
CANNABIS TASK FORCE MEETING
BOARD ROOM, SERVICE AND RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
THURSDAY, 2018-MAY-10, AT 3:00 P.M.

Members: Councillor J. A. Kipp, Chair
Mercedes Beaudoin-Lobb
Dr. Paul Hasselback
Robert Laurie (vacated at 5:09 p.m.)
Philippe Lucas
Dennis McMahon
Cpl Mahn Nguyen (vacated at 5:09 p.m.)
Rob Whitton

Absent: Sgt Rob Christenson

Staff: D. Lindsay, Director of Community Development
B. Corsan, Deputy Director of Community Development
(vacated at 4:37 p.m.)
H. Davidson, Manager of Permit Centre and Business Licencing
(vacated at 5:05 p.m.)
L. Rowett, Manager of Current Planning & Subdivision (entered at
3:04 p.m. and vacated at 5:02 p.m.)
D. Stewart, Planner (entered at 3:01 p.m. and vacated at 4:35 p.m.)
N. Tiwana, Recording Secretary

1. CALL THE CANNABIS TASK FORCE MEETING TO ORDER:

The Cannabis Task Force Meeting was called to order at 3:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Councillor Kipp advised that he would bring forward an item under Agenda Item 6 (b) regarding point of sale.
- (b) Councillor Kipp advised that Delegations has been added under Agenda Item 7 and that later on during the meeting time would be allotted for the delegates to provide their names.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes from the Cannabis Task Force Meeting held in the Board Room, Service and Resource Centre, 411 Dunsmuir Street, Nanaimo, BC on Thursday, 2018-April-19 at 3:00 p.m. be adopted. The motion carried unanimously.

5. REPORTS:

(a) Local Government Options for the Regulation of Legal Cannabis

Dale Lindsay, Director of Community Development, prepared a report and highlighted the following:

- B.C. confirms 30g limit in a public place for an adult;
- Licencing scheme is almost identical as liquor;
- Local Governments to approve any retail stores;
- Province will determine who is eligible to have a licence;
- B.C. says no 'caps' on number of stores and no distance rules will apply;
- Local Governments have power to decide whether they want stores in their community.

Task Force discussion took place regarding the topics mentioned in the report and Dale Lindsay, Director of Community Development, provided maps that showed areas of distinction and concern throughout Nanaimo when looking at licencing. The following topics were addressed:

- The map(s) showing locations of urban nodes, liquor stores(1km), corridors, commercial uses regardless of what they are, buffer of school properties, parks, libraries, etc.;
- Consumption of liquor and/ or cannabis and what is safer;
- Security requirements- zoning, bylaws;
- Look at potential utility usage based on individual applications;
- Creating Bylaws- look at enforcement;

It was moved and seconded that the Cannabis Task Force receive the report titled Local Government Options for the Regulation of Legal Cannabis dated 2018-MAY-10, for information. The motion carried unanimously.

Discussion continued regarding:

- Siting for Retail
 - The options available for retail store siting and benefits (if any) between the options
 - *Option C* probably won't be put forward;
 - *Option A*- tough one to consider for retail in Nanaimo;
 - Site specific zoning- discussion about the options for 'A' and how we could make it work;
 - Considering Province rules and how often they change them;
 - Adding criteria for different interests is plausible.
 - *Option B*- a few members in agreeance that this option is good;

- maybe a hybrid of *Option A & B* will work
- Siting for Commercial;
 - liquor guidelines and what other municipalities are doing;
 - consider distance from retail store to school as it is relatable to liquor;

By unanimous consent the Cannabis Task Force requested that Dale Lindsay, Director of Community Development, gather statistics from other urban settings regarding their standard practice for distance between liquor stores and schools.

- commercial use and what to expect with applications, see attachment 1 as reference
- grandfathering operations- no legal conforming businesses in the City; the Province will decide;
- Bill C-45 will have similar restrictions to an adult store (blacked out, no kids);

By unanimous consent the Cannabis Task Force requested that Bill C-45 be distributed via email and provide hard copies for the next meeting;

- Nuisance description considered for stores (i.e. filtration- no open containers in Government run stores);
 - updating Bylaws- around commercial production
 - *Option A preferable among group*
- Personal Cultivation
 - *Option B preferable*
- Public Consumption
 - concerns about public safety and health (i.e. second hand smoke, vaping, etc.);
 - Smoking Bylaw- public consumption bylaw for smoking tobacco but nothing for cannabis.
 - *Option A preferable among group*
- Look at production versus processing;
 - are we trying to encourage small businesses?
 - economy in 5-10 years from now
 - odours and consideration to Good Neighbour Agreement
 - limits to small business growers

Councillor Kipp called for names of interested speakers from the Public and decided to break to allow time for names to be submitted and brought forward during Agenda Item 7- Question Period.

The Cannabis Task Force meeting recessed at 4:32 p.m.

The Cannabis Task Force meeting reconvened at 4:37 p.m.

6. OTHER BUSINESS:

a) Next Meeting Dates

It was moved and seconded that the next meeting date, June 12, 2018, be adopted. The motion carried unanimously.

b) Point of Sale

Consideration of Point of Sale was deferred to the next meeting.

7. QUESTION PERIOD:

(a) Delegations

1. Matt O'Donnell
 - Strongly suggest Option A
 - Big picture with all 30 dispensaries they've been operating as retail
 - Concern is over-regulating businesses
 - Tobacco is more dangerous but widely available
 - Suggest no cap- let fair market decide
2. Richard Scott
 - Provided an operator perspective
 - Prefers private consumption over public consumption
 - Need to have place to consume- onsite preferable(vape lounge)
3. Dean Gaudry
 - Society to debate how to treat cannabis
 - Market will decide who survives and who doesn't
 - Option B is best option; if province doesn't decide then someone should
 - Interested in providing recreational cannabis
4. Stefana Herman
 - Fair treatment for public
 - Complaints aren't necessarily related to business that is operating
 - Filter systems will be an option for odours
 - Security is more of an issue when operating a business

D. Stewart, Planner, vacated the Board Room at 4:35 p.m.

B. Corsan, Deputy Director of Community Development, vacated the Board Room at 4:37 p.m.

L. Rowett, Manager of Planning and Subdivision, vacated the Board Room at 5:02 p.m.

5. Karly Wilson
 - Investigate prohibitions in Canada
 - Cannabis is correct term
 - Standard practice is not always best practice
 - Looking at larger cities methods should not guide us

H. Davidson, Manager of Permit Centre and Business Licensing, vacated the Board Room at 5:05 p.m.

6. Rodrigo Bastias
 - Discussed Options A,B,C
 - Putting A & B together makes a hybrid option
 - Think about the Community & Education

R. Laurie vacated the Board Room at 5:09 p.m.
Cpl. M. Nguyen vacated the Board Room at 5:09 p.m.

8. ADJOURNMENT:

It was moved and seconded at 5:12 p.m. that the meeting terminate. The motion carried unanimously.

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

DATE OF MEETING June 12, 2018

AUTHORED BY DALE LINDSAY, DIRECTOR, COMMUNITY DEVELOPMENT

SUBJECT CANNABIS TASK FORCE RECOMMENDATIONS

OVERVIEW

Purpose of Report

To provide the Cannabis Task Force with recommendations for the regulation of cannabis production, processing, distribution and consumption in the City of Nanaimo.

Recommendation

That the Cannabis Task Force recommend to Council:

1. That Staff be directed to prepare and introduce zoning bylaw amendments to clarify that Cannabis Retail Stores are a separate use from retail.
2. That proposed Cannabis Retail Stores be required to submit site specific rezoning applications.
3. That the attached rezoning criteria, including recommended minimum 150m separation from schools and daycares and 300m from another Cannabis Retail Store, be endorsed.
4. That specific business license fees for Cannabis Retail Stores not be established at this time and that business license fees for Cannabis Retail Stores be considered as part of any future review of liquor license fees.
5. That Staff be directed to prepare and introduce zoning bylaw amendments to replace the existing use of "Medical Marihuana Growing and Production" with "Cannabis Production and Processing" and permit this as a use in the I4 (Industrial) Zone.
6. That Staff be directed to prepare and introduce zoning bylaw amendments to allow small scale cannabis production in the I1 (Highway Industrial) and I2 (Light Industrial) zones subject to the development of an odour abatement strategy.
7. That cannabis production not be permitted in the Agricultural Rural Residential Zones (AR1 and AR2).
8. That no further restrictions be placed on the personal production of cannabis beyond those established by the Federal and Provincial Governments.
9. That Council adopt an updated and revised Smoking Bylaw to regulate the smoking of cannabis in public areas.
10. Direct Staff to complete a review of the Cannabis related bylaws and regulations one year following the adoption of the associated bylaws.

BACKGROUND

During the meetings on 2018-APR-19 and 2018-MAY-10, the Cannabis Task Force discussed options available for local governments when considering the regulation and implications of legal cannabis. The task force was asked to consider the following:

- How will the City address Retail Cannabis Stores?
- What changes, if any, need to be done to existing regulations around Cannabis production and processing in the community?
- Are further restrictions beyond that imposed in Bill 30 required for personal cultivation?
- Do City bylaws or regulations need updates or revisions to address public consumption?

DISCUSSION

Siting Approval and Licensing of Cannabis Retail Facilities

Options:

Option A – Consider as retail.

Option B – Clarify that cannabis retail facilities are separate from general retail and that site specific rezoning is required in order to be permitted.

Option C – Prohibit cannabis retail in the city.

If the City proceeds with option A or B guidelines and application criteria should be established to assist in the evaluation of proposed cannabis stores.

As outlined in the previous report Local governments also have the ability to further regulate cannabis retail stores through business licensing powers. Licensing could further restrict, regulate or establish; licencing fees, hours of operation, age of persons on the premises, security requirements, signage or measures to prevent nuisances.

Staff Recommendation:

Staff support Option B and recommend that the Task Force make the following associated recommendations to Council:

1. That Staff be directed to prepare and introduce zoning bylaw amendments to clarify that Cannabis Retail Stores are a separate use from retail.
2. That proposed Cannabis Retail Stores be required to submit site specific rezoning applications.
3. That the attached rezoning criteria, including recommended minimum 150m separation from schools and daycares and 300m from another Cannabis Retail Store, be endorsed.
4. That specific business license fees for Cannabis Retail Stores not be established at this time and that business license fees for Cannabis Retail Stores be considered as part of any future review of liquor license fees.

As the regulatory and licensing scheme for proposed CRSs is very similar to that of liquor distribution Staff is recommending that the City follow the same approach as what is required for licensed retail stores (liquor stores). By amending the zoning bylaw to clarify that Cannabis Retail Stores are a separate use that is not currently permitted in any zone all new stores will require site specific rezoning. Staff is of the opinion that this option best positions the City to control the approval of cannabis sales as opposed to relying on a yet to be determined provincial referral criteria which is subject to change.

In order to assist with the evaluation of site specific rezoning applications Staff recommend that Cannabis Retail Store Rezoning Criteria be established. The proposed guidelines (see attachment 1) include a recommended minimum separation from schools and daycares of 150m and 300m from another CRS.

Currently all businesses in Nanaimo pay a yearly business license fee of \$165 with the following exceptions:

- Casino - \$3,000
- Escort Service/Massage Parlour- \$3,000
- Cabaret/Lounge/Pub - \$1,100
- Financial Institution - \$1,110

At present a LRS (liquor store) pays the \$165 business license fee, while liquor primary establishments pay \$1,100. A review of licensing fees for liquor establishments will be included within the City's upcoming revisions to the Liquor Control Strategy. As such Staff are recommending that the business license fee for a CRS be consistent with a LRS and set at \$165, but that the fee be reviewed in conjunction with liquor related licensing fees as part of the Liquor Control Strategy review.

As the proposed Provincial Act is anticipating that the Province will regulate the operation of a licensed Cannabis Store including, signage, security, and hours of operation Staff are not recommending that the City establish additional restrictions through the creation of a cannabis specific business bylaw at this time.

Siting and Approval of Commercial Production and Processing

Options:

Option A – Retain production and processing as a site specific use.

Option B – Add production and/or processing as an outright use within one or more zones.

Staff Recommendation:

Staff support Option B and recommend that the Task Force make the following associated recommendations to Council:

5. That Staff be directed to prepare and introduce zoning bylaw amendments to replace the existing use of "Medical Marihuana Growing and Production" with "Cannabis Production and Processing" and permit this as a use in the I4 (Industrial) Zone.

6. That Staff be directed to prepare and introduce zoning bylaw amendments to allow small scale cannabis production in the I1 (Highway Industrial) and I2 (Light Industrial) zones subject to the development of an odour abatement strategy.
7. That cannabis production not be permitted in the Agricultural Rural Residential Zones (AR1 and AR2).

At present the Zoning Bylaw only allows “Medical Marihuana Growing and Production” as a site specific use within the I4 (Industrial) zone. With the adoption of the pending Federal Cannabis Act (Bill C-45) federally regulated facilities will be authorized to produce cannabis for both the medical and recreational market. As such staff are recommending the zoning bylaw reference to Medical Marihuana be replaced with a more all encompassing term of “Cannabis Production and Processing”.

In addition to broadening the definition to include the growing of recreational cannabis staff are also recommending that the use be added as an outright use in the I4 (Industrial) zone. If this amendment is approved “Cannabis Production and Processing” will be allowed on all properties within the I4 zone without the need for rezoning. The I4 zone is the City’s heavy industrial zone and is limited to lands at Duke Point. In Staff’s opinion Cannabis Production is consistent with the intent of the zone and in keeping with other heavy industrial uses such as chemical plants, composting facilities, concrete plants, and livestock processing.

In response to the Federal Governments intention to create a distinction between micro or craft cannabis producers and large scale producers, Staff recommend that small scale cannabis production be permitted within the I1 (Highway Industrial) and I2 (Light Industrial) zones. Staffs recommendation is conditional that the growing of cannabis be done within a building and the development of an odour abatement strategy for each business. Staff recommend that small scale production be limited to a maximum of 200m², which is in keeping with the Federal government’s definition of a micro cannabis producer.

As previously noted approximately 16% of the lands in the City of Nanaimo are zoned for agricultural use and the majority of those lands are designated for use other than agricultural by the OCP. Given the limited amounts of agricultural lands in the City and as the many of the remaining parcels are in close proximity to residential lands, Staff do not recommend adding cannabis production to the Agricultural Rural Residential Zones (AR1 and AR2) at this time.

Personal Cultivation of Cannabis

Options:

Option A – Consider further restriction on personal cultivation.

Option B - No further restrictions beyond those put in place through Federal and Provincial legislation.

Staff Recommendation:

Staff support Option B and recommend that the Task Force make the following associated recommendation to Council:

8. That no further restrictions be placed on the personal production of cannabis beyond those established by the Federal and Provincial Governments.

Public Consumption of Cannabis

Options:

Option A – Repeal and replace existing Municipal Smoking Bylaw to ensure vaping and smoking of cannabis are clearly included.

Option B – No additional restriction beyond those outlined in the Cannabis Control and Licensing Act.

Staff Recommendation:

Staff support Option A and recommend that the Task Force make the following associated recommendation to Council:

9. That Council adopt an updated and revised smoking bylaw to regulate the smoking of cannabis in public areas.

Sections 61 through 67 of the draft Provincial Cannabis Control and Licensing Act clarify where public consumption is not permitted including, but not limited to; school property, health board property, parks and associated outdoor public places, a workplace, a common area in an apartment, in a vehicle or boat (regardless if the vehicle is in motion or not), a bus stop, or taxi stand.

Although the province has provided rules surrounding consumption of cannabis, as well as, locations where it is prohibited, Section 68 stipulates that where any person is found to have contravened the Act by smoking cannabis in a prohibited area, the owner of the property shares vicarious liability and is also deemed to have contravened the applicable section of the Act. The Act further stipulates that if the owner of the property is deemed to have taken reasonable steps to prevent the contravention, then said action will be considered a reasonable defence to the charge.

As such, and in order to mitigate any liability that the City may have should any person be found guilty of a contravention on City-owned property, Staff recommend that a new bylaw (see attachment B) be adopted. The updated smoking bylaw clarifies that cannabis smoking or vaping is restricted the same as tobacco smoke and defines that areas within the community where the activity is prohibited including; any part of a park, beach designated public space, transit stop or City property. As a municipal bylaw, there will be the ability for City Bylaw Enforcement Officers to issue tickets for violations.

Annual Review

As the final regulatory system is not yet in place and as the production and distribution schemes will likely evolve as the Federal and Provincial Governments further consider the legalization of Cannabis, Staff recommend that the City of Nanaimo regulations be reviewed one year following their adoption and as such recommend that the Task Force recommend that Council

10. Direct Staff to complete a review of the Cannabis related bylaws and regulations one year following the adoption of the associated bylaws.

ATTACHMENTS

ATTACHMENT A - CRS Rezoning Policy
ATTACHMENT B – Draft Smoking Bylaw

Submitted by:

Dale Lindsay
Director, Community Development



CANNABIS RETAIL STORE REZONING CRITERIA

BACKGROUND

The Federal Cannabis Act (Bill C-45) is expected to come into effect by late summer/ early fall and will permit the legal sale of recreational cannabis. A Cannabis Retail Store (CRS) shall only be permitted in certain commercial zones within the City of Nanaimo. The following draft criteria are based on existing regulations established for liquor retail stores and are presented to the Cannabis Task Force for discussion.

PROPOSED CRITERIA

1. Location

- 1.1. The proposed CRS should be located on, or in close proximity to, a provincial highway, urban arterial or urban major collector road, as defined in the City's *Functional Road Classification Working Plan*, or in an urban node, commercial centre or corridor, as designated in the City's *Official Community Plan*.
- 1.2. The proposed CRS should not be located directly adjacent, or in close proximity, to a school or licensed daycare facility; a minimum separation of 150 metres from these facilities is considered necessary as measured from the front door of the CRS to the school or daycare property line.
- 1.3. The proposed CRS may not be located adjacent, or in close proximity, to a nightclub or liquor retail store.
- 1.4. The proposed CRS should not be located within 300m of another CRS as measured from the front doors of the CRS. Where the CRS is to be located within a dense urban area (i.e.: downtown), consideration shall be given to the overall urban density and context of the area.

2. Building & Site

- 2.1. The size of the proposed CRS should be consistent with the nature of the immediate area and the size of existing retail stores within the area.
- 2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.
 - 2.2.1. The revitalization of a heritage building is encouraged.
- 2.3. Outside the downtown core, consideration should be given to a requirement for on-site parking and loading for every CRS.

3. Community Impact

- 3.1. The applicant must outline his or her awareness of potential negative impacts of the proposed CRS on the community, and must identify the specific measures that will be taken to minimize or prevent these impacts from occurring.
 - 3.1.1. Possible measures could include efforts to prevent service to minors, minimize smells, prevent smoking or cannabis consumption on or near the premises, property maintenance and beautification programs designed to prevent unsightliness, etc.
 - 3.1.2. Consideration must be given to the impact CRS's will have when they are located in close proximity to libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.
- 3.2. Projected traffic volumes and on-street parking demands associated with the proposed CRS should not adversely impact nearby residential and commercial areas.
- 3.3. The support of the local community, neighbouring property owners and the local neighbourhood association for the proposed CRS is important to Council's decision.
- 3.4. All rezoning applications for CRS must be referred to the RCMP and reviewed by the City's Community Vitality Committee and Community Planning and Development Committee.

APPLICATION REQUIREMENTS

In order to be considered, each rezoning application for a CRS must be accompanied by a number of specific items, in addition to the standard items, which must accompany all rezoning applications. In all, each rezoning application for a CRS must include:

- a copy of the Provincial preliminary letter of approval for the proposed CRS and a description of the proposed CRS outlining:
 - the proposed size of the facility
 - the facility's proposed operating hours
 - the specific market segment being targeted
 - measures taken to minimize odours associated with cannabis
- a market study, which indicates clearly the evidence of market demand for the proposed facility
- a community impact statement that outlines the proposed CRS's potential
 - positive impacts on the community
 - negative impacts on the community
 - measures to be taken to prevent and/or address the negative impacts

CITY OF NANAIMO

BYLAW NO.

A BYLAW TO REGULATE SMOKING IN THE CITY OF NANAIMO

WHEREAS the Council of the City of Nanaimo has been granted authority under Section 8(3)(i) of the *Community Charter*, S.B.C. 2003, c.26 (the "Community Charter") in relation to public health;

AND WHEREAS Section 9(4) of the *Community Charter*, and the Public Health Bylaws Regulation, B.C. Reg. 42/2004, requires that a bylaw to be adopted under subsections 2(a) or (b) of B.C. Reg. 42/2004 not be adopted unless a copy of it is first deposited with the Minister of Health and the local government has consulted with either the Regional Health Board or Medical Health Officer responsible for public health matters within the municipality;

AND WHEREAS a copy of this bylaw has been deposited with the Minister of Health and the Council of the City of Nanaimo has consulted with the Medical Health Officer;

AND WHEREAS it has been determined by Health Canada that environmental smoke whether from tobacco, cannabis, heated vapor or the burning of other substances can contain Class A carcinogens, similar to benzene and asbestos, contain fine particles that can be inhaled deep into the lungs causing harm both locally and in other parts of the body, and is a health hazard to the inhabitants of the city of Nanaimo;

AND WHEREAS it is generally recognized by scientific and medical communities that no level of environmental smoke exposure is safe and scientific research has determined that whether smoking indoors or outdoors exposure to significant levels of environmental smoke can occur;

AND WHEREAS it is desirable for the purposes of maintaining, promoting and preserving the public health of the inhabitants of the city of Nanaimo, to prohibit, regulate and impose requirements in relation to smoking in the city of Nanaimo;

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This bylaw may be cited as the "Smoking Regulation Bylaw 2018 No. ".

2. Definitions

In this bylaw, unless the context otherwise requires,

"Beach"	means an area adjacent to the shore of the ocean or other body of water that has public access.
"Burning"	means to produce smoke, vapour or other substances that can be dried and/or burned into vapour.

“Cannabis”	means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to in Schedule 2 of the Cannabis Act (a non-viable seed of a cannabis plant; a mature stalk, without any leaf, flower, seed or branch, of such a plant; fibre derived from a stalk; the root or any part of the root of such a plant).
“City”	means the City of Nanaimo.
“Customer Service Area”	means a partially enclosed or unenclosed area, including a balcony, patio, yard or side walk, that is part of or connected to or associated with a business or use in a building, facility or premises that includes the service of food or beverages to persons for consumption on site.
“Designated Public Space”	Includes, but is not limited to, public playing fields, public playground, public squares, and outdoor public places where individuals may gather for the purpose of education, worship, entertainment, recreation, business, amusement or queue for the receipt of any service.
“E-Cigarette”	means a product or device, whether or not it resembles a cigarette, containing an electronic or battery-powered heating element capable of vapourizing an e-substance intended to be inhaled by the user of the device directly through the mouth or release into the air.
“Facility”	means any building, structure or premise to which the City holds right of ownership, except those buildings which the City has leased to other agencies and/or the province for the purpose of residential housing.
“Outdoor Workplace”	means any outdoor place used in conjunction with the workplace, such as, patios, decks, etc.
“Park”	means any real property owned or occupied by the City for the purpose of pleasure, recreation or community use by the public, including but not limited to: parks, playgrounds, sports fields, trails, paths, plazas, skateboard parks and beaches.
“Person”	includes an individual or corporation.
“Property”	means that which belongs exclusively to the City, and to which legal rights apply.
“Premise”	means a portion of a building, facility, customer service area or designated public space in respect of which a person does not have exclusive possession.
“Smoke” or “Smoking”	means to purposely inhale, exhale smoke from or burn or carry, a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking device or electronic smoking device that burns tobacco, cannabis, or any other substance, but does not apply to the ceremonial use of tobacco in connection with a traditional aboriginal cultural activity.
“Transit Stop”	means a sign-posted location where public transit vehicles or vehicles for hire stop to pick up and drop off passengers and includes a transit shelter.
“Vapour Product”	means an e-cigarette, e-substance and a cartridge for a component of an e-cigarette.

3. Prohibitions

3.1 A person must not smoke in, at, on or within 7.5 metres of any of the following:

- a. any part of a Beach within the city
- b. a Customer Service Area
- c. any Designated Public Space
- d. any Outdoor Workplace
- e. any part of a Park
- f. any Property
- g. any Premise
- h. a Transit Stop measured from the sign that identifies the Transit Stop location.

3.2 No person shall Smoke in any place where prohibited by the *Tobacco and Vapour Products Control Act* and Regulation as amended or re-enacted from time to time.

4. Offences and Penalties

Any person who violates any provisions of this bylaw, or which suffers or permits any act or thing to be done in contravention of this bylaw, or which refuses or omits or neglects to fulfill, observe, carry out or perform any duty or obligations imposed by this bylaw to which a person is convicted of an offence in a prosecution under the *Offence Act* is liable to a fine of not less than FIFTY DOLLARS (\$50) and not more than TEN THOUSAND DOLLARS (\$10,000); or, if an information is laid by means of a ticket, in accordance with Section 264 of the *Community Charter*, as amended or re-enacted from time to time; a fine will be prescribed as stipulated in Schedule 'A' of this bylaw.

5. Severability

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

6. Effective Date

This bylaw shall come into full force and effect immediately following adoption.

7. Previous Bylaw Repeal

City of Nanaimo "Smoking Regulation Bylaw 1987 No. 3200" and amendments thereto are hereby repealed.

PASSED FIRST READING 2018-
PASSED SECOND READING 2018-
PASSED THIRD READING 2018-
DEPOSITED WITH THE MINISTRY OF HEALTH SERVICES this 2018-
ADOPTED 2018-

MAYOR

CORPORATE OFFICER

(Bylaw No.)

SCHEDULE 'A'

FINE SCHEDULE

Fines for tickets issued pursuant to this bylaw, shall be as follows:

<u>Description of Offence</u>	<u>Section #</u>	<u>Amount of Fine</u>
Smoking where prohibited	3	\$250