THE CITY OF WINNIPEG

BY-LAW NO. 59/2022

A By-law of THE CITY OF WINNIPEG to amend the Community Safety Business Licensing By-law No. 91/2008 in order to ensure that Designated Cannabis Growers are duly regulated.

WHEREAS on March 25, 2021, Council directed the Winnipeg Public Service to report back within 180 days with additional details on options to create a licensing regime to protect the health and safety of our communities by regulating the cultivation of cannabis for medical purposes on behalf of other registered users;

AND WHEREAS on October 28th, 2021, Council received that report back from the Winnipeg Public Service, and directed the Winnipeg Public Service to proceed with the proposed licensing frameworks and to report back within a further 180 days with draft amendments to the Doing Business in Winnipeg By-law No. 91/2008;

AND WHEREAS on February 24th, 2022, Council amended the title of "the Doing Business in Winnipeg By-law No. 91/2008" to "the Community Safety Business Licensing By-law No. 91/2008";

NOW THEREFORE, the City of Winnipeg in Council assembled, enacts as follows:

Community Safety Business Licensing By-law amended

1 The Community Safety Business Licensing By-law No. 91/2008 is amended by:

a. Adding the following header immediately after section 85(4);

Division 11 – Designated Growers

b. Adding the following as Division 11 immediately preceding the header reading "PART 4 - ADMINISTRATION":

Definitions
85.1 *In this Division*

"designated cannabis production facility" *means a "cannabis production facility, designated" as defined under the Winnipeg Zoning By-law No. 200/2006;*

"designated grower" *means a person licenced to operate a designated cannabis production facility under this Division;*

"monitored alarm system" *means a monitored alarm system as defined under the Alarms By-law No. 4676/87;*

"registered patient" *means a person who is registered to consume cannabis or cannabis products for personal medical purposes pursuant to the federal* Cannabis Regulations, SOR/2018-144*, or its successor; and*

"secure cannabis storage area" *means an area of the designated cannabis production facility where cannabis and cannabis products may be safely and securely stored.*

Licence required
85.2 *A person must not carry on the business of operating a designated cannabis production facility without holding a subsisting Designated Grower Licence issued under this By-law.*

Approvals required before licence issued
85.3(1) *This section does not apply to the renewal of a licence.*

85.3(2) *The designated employee must not issue a Designated Grower Licence to any person unless that person provides the designated employee with:*

(a) Verification from a City employee authorized to administer and enforce the Winnipeg Zoning By-law that operation of the designated cannabis production facility on the premises for which the licence is sought is permitted under that zoning by-law;

(b) Verification that the person has obtained a permit for a monitored alarm system under the Alarm By-law No. 4676/87 for the premises;

(c) A copy of all permits or authorization that are required for work to make the premises appropriate for cannabis production, including:
i. Electrical permits;
ii. Building permits;
iii. Permits authorizing the installation of heating, ventilation and air conditioning systems; and
iv. Any other permits or authorizations that the designated employee may request.

(d) A copy of all permits or authorizations that are required by the provincial or federal authorities, including registration certificates issued by Health Canada; and

(e) Documents, in a form approved by the designated employee, that demonstrate that the person seeking to use the premises as a designated cannabis production facility:
i. Is a registered owner of the premises; or
ii. If not a registered owner of the premises, has permission from all registered owners to use the premises as a designated cannabis production facility.

85.3(3) *The designated employee must not issue a Designated Grower Licence to a person planning to grow 6 or more cannabis plants unless that person provides the designated employee with:*

(a) *Floor plans of the premises at which the proposed designated cannabis production facility would be located, indicating:*
    i. *where the cannabis plants would be located;*
    ii. *where cannabis or cannabis products would be processed; and*
    iii. *where the secure cannabis storage area would be located.*

(b) *Disposal plans for any cannabis or cannabis product that is not provided or delivered to the registered patient;*

(c) *Storage plans for any cannabis or cannabis product produced prior to the designated grower providing or delivering such goods to the registered patient;*

(d) *Plans for the provision or delivery of cannabis or cannabis products to the registered patient; and*

(e) *The names of all persons to be employed, engaged, or otherwise involved in the operation of the designated cannabis production facility.*

85.4(1)
Designated grower responsibilities
Upon receiving a Designated Grower Licence, the designated grower must:

(a) *Maintain all required mechanical and electrical equipment in good working order;*

(b) *Immediately notify the designated employee when there are changes to any permits, authorizations, approvals, plans, or other information required under section 85.3, including the suspensions, expirations, or cancellations of any permits, authorizations, or approvals;*

(c) *Immediately produce any permits, authorizations, or approvals required under section 85.3, or a copy of any such permits, authorizations, or approvals, upon the request of an enforcement officer; and*

(d) *Within 10 days of receiving a request for access from the designated employee, provide access to the designated cannabis production facility for any City of Winnipeg building inspector, zoning field officer, enforcement officer, or fire inspector.*

85.4(2)
Additional responsibilities for designated growers with 6+ plants
In addition to the requirements set out under section 85.4(1), where there are 6 or more cannabis plants in the designated cannabis production facility, the designated grower must:

(a) *Adhere to the floor plan submitted under section 85.3(3)(a);*

(b) *Dispose of all excess cannabis or cannabis product in accordance with the disposal plan submitted under section 85.3(3)(b);*

(c) Store all cannabis or cannabis products in the secure cannabis storage area, and in accordance with the storage plan submitted under section 85.3(3)(c), until such goods can be provided or delivered to the registered patient; and

(d) Provide or deliver all cannabis or cannabis products to the registered patient in accordance with the plan submitted under section 85.3(3)(d).

85.4(3)
Inspections following expiry, suspension, or revocation of licence
After the expiry, suspension, or revocation of the Designated Grower Licence, and upon request from the designated employee or an enforcement officer, the former licence-holder must make reasonable efforts to provide an enforcement officer with access to the premises listed on the Designated Grower Licence to confirm that that the premises are no longer being used as a designated cannabis production facility.

Coming into force
2 This By-law will come into force 130 days after it is given third reading by Council.

RECEIVED FIRST READING on this day of , 202__.

RECEIVED SECOND READING on this day of , 202__.

RECEIVED THIRD READING on this day of , 202__.

DONE AND PASSED this day of , 202__.

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Mayor

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City Clerk

Approved as to content:

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Director of Community Services

Legally reviewed and certified as to form:

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for Director of Legal Services
and City Solicitor