



CANNABIS REGULATION BYLAW ENFORCEMENT POLICY

Applicability: Electoral Areas

Effective Date: October 24, 2018

PURPOSE:

To establish policy for the investigation and enforcement of cannabis zoning regulations.

BACKGROUND:

The Electoral Area zoning bylaws were amended by the Board to establish regulations for the production and sale of cannabis in advance of the Federal Government's *Cannabis Act*, which took effect October 17, 2018, so that existing businesses and property owners operating out of compliance with Federal law prior to legalization would not receive legal non-conforming status.

It is recognized that federal and provincial regulation of cannabis is evolving, and that further amendments to CVRD cannabis regulations will be required in order to better align CVRD zoning bylaws with the Provincial and Federal regulation of cannabis. Feedback received during the public hearing for the cannabis regulation zoning bylaw amendments suggests that further adjustments are necessary to better address community and industry concerns with how the CVRD regulates the production and sale of cannabis. It is expected that further amendments to the CVRD's cannabis regulations are forthcoming, and it would be premature to enforce aspects of cannabis regulation during this process.

Until the CVRD's zoning regulations relating to cannabis sales and production have been amended and this policy has been updated or repealed, the following enforcement policy applies.

DEFINITIONS:

Cannabis Production (Personal – Home Cultivation)

The use of no more than 10% of the gross floor area of a residential dwelling or accessory structure and the carrying on of any of the following activities in accordance with the requirements of *Access to Cannabis for Medical Purposes Regulations* or the *Cannabis Act*:

1. the cultivation, growth, harvesting and processing of plants or parts of plants of the genus *Cannabis* by an individual for their personal use or consumption, or for the personal use or consumption of another individual where authorized under Part 2 of the *Access to Cannabis for Medical Purposes Regulations*;
2. the processing of raw materials, testing, destruction, alteration, manufacturing, assembling, packaging and labelling of plants or parts of plants of the genus *Cannabis* by an individual for personal use or consumption; and
3. the storage and transshipment of materials, goods or products, or the storage of materials, goods and products derived from plants or parts of plants of the genus *Cannabis* by an individual for personal use or consumption.

Cannabis Storefront Retail

The use of lands, buildings or structures for the marketing and sales of cannabis to the final consumer, who attends the premises, provided that the consumer product is stored and sold from within a building.

POLICY:

1. Complaints regarding property used for “cannabis production (personal – home cultivation)” use will be received and recorded, but not investigated or pursued.
2. Complaints regarding property used for “cannabis storefront retail” use will be received and recorded, but not investigated or pursued unless the subject property is not zoned for commercial or industrial use.
3. Complaints regarding health and safety bylaw violations or violations of other applicable bylaws and regulations will be investigated and enforced in accordance with the CVRD’s general Bylaw Compliance and Enforcement Policy.
4. The CVRD retains the discretion to amend or repeal the Cannabis Regulation Bylaw Enforcement Policy and to initiate enforcement action for non-compliant uses in the future. This policy does not amount to acceptance of cannabis production (personal - home cultivation) use or cannabis storefront retail use, or any other use not permitted under the terms of applicable zoning bylaws and the *Local Government Act*.

Approved by: Board Approval date: October 24, 2018
