



## Village of Chase Policy ADM-30

**Title: ADM – 30 Controlled Substance Application Policy**

**Date Adopted: August 28, 2018**

**Revised:**

**Date Effective: August 28, 2018**

**Reviewed:**

**Special Notes / Cross Reference: This Policy is to be used in conjunction with all other applicable bylaws and legislation**

**POLICY:** Regulations applicable to all Business License applications within the Village of Chase.

**PURPOSE:** To set guidelines and direction for receiving and processing Business License applications for controlled substances including cannabis and liquor. The Province of British Columbia has determined what they consider to be acceptable content and acceptable form of local government input on liquor and cannabis license applications.

Therefore, the Village of Chase has developed the following policy to outline the process by which Council shall review, evaluate, and provide input on liquor primary, food primary, and special occasion liquor license and retail cannabis license applications in the Village of Chase.

### **DEFINITIONS:**

**BUSINESS LICENCE** means a document issued in accordance with Business License Bylaw 735-2011 or its replacements, authorizing the carrying on of a commercial or industrial undertaking of any kind or the providing of professional, personal or other services for the purpose of gain or profit whether only based within the Village of Chase or actually operating within the Village, and shall include subsidiary operations which are a demonstrably integral part of the principal Business. Individually licensed businesses shall be differentiated by type of business irrespective of joint ownership or co-location.

**CONTROLLED SUBSTANCE** means a substance included in Schedule II of the *Controlled Drug and Substances Act* of Canada, 1996 chapter 19, as amended from time to time, and includes ethyl alcohol as defined in the *Liquor Control and Licensing Act* of BC.

**VILLAGE** means the municipality of the Village of Chase.

### **APPLICATION PROCEDURE:**

1. All applicants shall complete the application form as per *Schedule A* and submit payment. The Village of Chase will not accept applications that do not contain the following information:
  - The name, address, and signature of the applicant;
  - The name and address of the property owner and the signature of the property owner consenting to the application;
  - The legal description and street address of the subject property;
  - Receipt of a copy of a completed LCRB application form (for new applications);
  - For temporary amendments to a License, applications must be submitted no less than 6 (six) weeks prior to the requested date to be considered;
  - Application fee;



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- Type of application being made:
  - i) Application for a New Controlled Substance License;
  - ii) Application for an Amendment to Existing Controlled Substance License;
  - iii) Application for a Food Primary License;
  - iv) Application for a Temporary Amendment to a Liquor License;

### LOCAL GOVERNMENT RESOLUTIONS

2. Council may pass a resolution based on a specific term or condition; however, prior to doing this Council shall ensure that the term or condition is within the legislative jurisdiction of the Liquor and Cannabis Regulations Branch (LCRB) to impose or enforce.

Council may decide through a resolution, to:

- a) Support of a new provincial primary license
- b) Support of a new provincial primary license with conditions. These conditions may include a restriction on hours, or imposing landscaping requirements
- c) Not support a new provincial primary license

Administration will undertake the following procedures to gather the opinion of nearby residents:

- a) Require the application to submit a *Controlled Substance License Application* as per *Schedule A* along with the requisite fee. Applications will be processed in the order that referrals are received from the LCRB.
  - b) Advise all property owners in writing within 50 metres of the proposed location and provide a 10-day time limit to receive any feedback.
  - c) Refer the LCRB application to the RCMP
  - d) Prepare a report to Council containing all feedback from residents, the RCMP, and include technical comments from Administration
3. Upon completion the resolution or comment shall be forwarded to the LCRB, the applicant, and the License Inspector.

### APPLICATIONS FOR NEW CONTROLLED SUBSTANCE LICENSE (\$1,000.00 Application Fee)

4. The Village will provide written notification to owners or tenants in occupation of the parcels which are the subject of the application, and all parcels within a distance of 50 metres from the land that is the subject of the application at least 10 days prior to the date on which Council will consider the application. The notification shall advise the public of the nature of the application and may include the proposed seating capacity and hours of operation and indicate that there is an opportunity to be heard by Council at a hearing.

The Village shall advertise in the local newspaper, the publication to appear not less than 3 and not more than 10 days before the date of the hearing before Council on the application. The advertisement shall advise the public of the nature of the application, and their opportunity to be heard by Council at a hearing.

Where an application for a local government resolution is associated with an application for rezoning to permit the licensed establishment, the Public Hearing for the rezoning shall be used to obtain public input. Where no rezoning is involved, Council shall hold a hearing to obtain public input that shall be advertised as noted above.



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Reports to Council regarding controlled substances licenses shall include technical information from Administration relevant to the following issues, which the LCRB requires Council to consider and comment on in their resolution:

- The location of the establishment;
- The proximity of the establishment to other public facilities;
- The hours of service;
- The seating capacity (only for liquor primary);
- Traffic, noise, parking and zoning;
- Population, density, and trends;
- Relevant socio-economic information; and
- The impact on the community if the application is approved.

The Corporate Officer shall refer all applications to the RCMP for comment prior to preparing the report for Council.

### **APPLICATIONS FOR AMENDMENTS TO EXISTING CONTROLLED SUBSTANCE LICENSE (\$300.00 Application Fee) (Occupant Load Increase, Winery Endorsement, Permanent Hour Extension)**

5. The Village will provide written notification to owners or tenants in occupation of the parcels, which are the subject of the application, and all parcels within a distance of 50 metres from the land that is the subject of the application at least 10 days prior to the date on which Council will consider the application. The notification shall advise the public of the nature of the application and the existing operation, and their opportunity to be heard by Council at a hearing.

On the date identified in the public notice Council will hear the applicant and any other person deemed to be affected or having an interest in the application.

Reports to Council regarding new liquor primary or cannabis retail licenses shall provide information relevant to the following issues, which the LCRB requires Council to consider and comment on in their resolution:

- The location of the establishment;
- The proximity of the establishment to other public facilities;
- The seating capacity and hours of service;
- Traffic, noise, parking and zoning;
- Population, density, and trends;
- Relevant socio-economic information; and
- The impact on the community if the application is approved.

The Corporate Officer shall refer all applications to the RCMP for comment prior to preparing the report for Council.



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### **FOOD PRIMARY LICENSE APPLICATIONS (\$300.00 Application Fee) (Late Night Hour Extensions Beyond Midnight and Patron Participation Entertainment)**

6. The Village will provide written notification to owners or tenants in occupation of the parcels, which are the subject of the application, and all parcels within a distance of 50 metres from the land that is the subject of the application at least 10 days prior to the date on which Council will consider the application. The notification shall advise the public of the nature of the application and the existing operation, and their opportunity to be heard by Council at a hearing.

On the date identified in the public notice Council will hear the applicant and any other person deemed to be affected or having an interest in the application.

Reports to Council regarding new controlled substance licenses shall provide information relevant to the following issues, which the LCRB requires Council to consider and comment on in their resolution:

- The potential for noise if the application is approved;
- The impact on the community if the application is approved;
- Whether the application will result in the establishment operating in a manner contrary to the primary purpose of the establishment, which is the service of food

The Corporate Officer shall refer all applications to the RCMP for comment prior to preparing the report for Council.

### **TEMPORARY AMENDMENTS TO LIQUOR LICENSES (\$100.00 Application Fee) (Special Occasion Hour Extensions or Temporary Occupant Load Increase) \*Applications must be received no less than 6 (six) weeks prior to requested date(s) to be considered.**

7. Applications for a temporary amendment to a Liquor Primary or Food Primary License, which require local government comment shall undergo the following process.

At a Council meeting or a Committee of the Whole meeting where a resolution is to be considered, the Corporate Officer shall present a comprehensive report and draft resolution for the Council's consideration. The report to Council shall provide information relevant to the following issues, which the LCRB requires Council to consider and comment on in their resolution:

- The potential for noise if the application is approved;
- The impact on the community if the application is approved;

The Corporate Officer shall refer all applications to the RCMP for comment prior to preparing the report for Council.



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Schedule "A"

**CONTROLLED SUBSTANCE LICENSE APPLICATION**

<b><u>Application Type:</u></b>	<b><u>Fee:</u></b>
<input type="checkbox"/> <i>Controlled Substance License, New</i>	\$1000.00
<input type="checkbox"/> <i>Controlled Substance License, Amendment to Existing</i> <i>(Occupant load increase, winery endorsement, permanent hour extension)</i>	\$300.00
<input type="checkbox"/> <i>Food Primary License</i> <i>(Late night hour extensions beyond midnight and patron participation entertainment)</i>	\$300.00
<input type="checkbox"/> <i>Liquor/Food Primary License, Temporary Amendment</i> <i>(Special occasion hour extensions or temporary occupant load increase)</i>	\$100.00

Name of Applicant(s): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_ Email: \_\_\_\_\_

License Number(s) Affected: \_\_\_\_\_

Name of Owner(s): \_\_\_\_\_  
*(if different from applicant)*

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number(s): \_\_\_\_\_ Email: \_\_\_\_\_

Legal Description of Licensed Property: \_\_\_\_\_

Address of Licensed Property: \_\_\_\_\_

Present Zoning: \_\_\_\_\_ Present Use: \_\_\_\_\_

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE OF APPLICANT**