



<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES  Meeting on May 27, 2013</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>LICENSING OF METHADONE PHARMACIES AND CLINICS PUBLIC PARTICIPATION MEETING</b>

**RECOMMENDATION**

That on the Recommendation of Managing Director of Development and Compliance Services and Chief Building Official the proposed by-law attached hereto as Appendix A **BE INTRODUCED** at the Municipal Council Meeting on June 11, 2013 to provide for the licensing and regulation of methadone pharmacies and clinics.

**PREVIOUS LICENSING BY-LAW REPORTS**

October 31, 2011 – Draft Licensing By-law Report - Built and Natural Environment Committee  
 March 6, 2012 – Public Participation Meeting - Public Safety Committee.

**CHRONOLOGY OF PLANNING REPORTS**

November 8, 2010 - A report to the Planning Committee recommending that a draft report on methadone clinics be received and circulated for review and comment by City Departments, the College of Physicians and Surgeons, the College of Pharmacists, the Centre for Mental Health and Addiction, other key stakeholders and the general public.

November 15, 2010 A report to the Planning Committee recommending the adoption of an Interim Control By-law prohibiting new methadone clinics and dispensaries and expansions to existing methadone clinics and dispensaries within the City of London boundaries for a period of 1 year.

January 31, 2011 A report to the Planning Committee recommending that Civic Administration be directed to provide legal and planning representation at an Ontario Municipal Board Hearing in support of the Interim Control By-law .

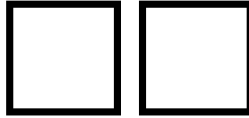
March 7, 2011 A report to the Built and Natural Environment Committee recommending that an information report outlining progress made on the methadone clinic and dispensary study be received. The report also detailed next steps in the consultation process.

April 20, 2011 A report to the Built and Natural Environment Committee recommending that a discussion paper be received. The report also detailed next steps in the consultation process.

August 15, 2011 A report to the Built and Natural Environment Committee detailing the decision of the Ontario Municipal Board as it pertained to the Interim Control By-law.

October 31, 2011 A report to the Built and Natural Environment Committee recommending that a proposed land use policy and regulatory framework for methadone clinics and methadone pharmacies be received and circulated to stakeholders and the general public for review and comment.

February 22, 2012 A report to the Planning and Environment Committee recommending Official Plan and Zoning By-law Amendments.



**BACKGROUND**

**ONTARIO METHADONE MAINTENANCE TREATMENT SERVICE MODEL**

The Province has established a service delivery model whereby the majority of methadone service delivery is being carried out by for-profit organizations (doctors and pharmacists in private clinics and pharmacies). As a result, private companies are selecting sites and operating methadone clinics in a manner suiting their business model and local market conditions (including available real estate). These business decisions are not unlike other types of medical services such as general medical practitioners, dentists, or medical specialists. The municipality is responsible for land use planning and responds to proposals for new methadone clinics in accordance with the Planning Act and Official Plan policies.

**CITY OF LONDON METHADONE CLINIC AND METHADONE PHARMACY POLICIES**

The City of London established an Interim Control By-law in order to conduct a thorough study of methadone maintenance treatment in London. This by-law was appealed to the Ontario Municipal Board. In its decision to this appeal, the Ontario Municipal Board considered it appropriate to denote a distinction between methadone clinics and other clinics. Methadone clinics, while providing similar services as other clinics, may have the potential to create land use impacts specific to the use. The Board indicated that planning for methadone clinics and dispensaries was appropriate.

Following the hearing, the City continued to research the subject and on March 20, 2012, Council established Official Plan policies and amended Zoning By-law regulations to plan for new methadone clinics and methadone pharmacies. The policies were grounded on two primary goals:

- “Plan for these uses in locations that best meet the needs of those who use methadone clinics and methadone pharmacies,” and,
- “Minimize the potential for land use conflicts that can be generated by methadone clinics and methadone pharmacies.”
- 

As a result, methadone clinics are defined as a separate and distinct use within municipal planning documents. Policies were established to meet both of these goals, directing these uses to a variety of locations. Council’s decision to adopt these policies was not appealed to the Ontario Municipal Board.

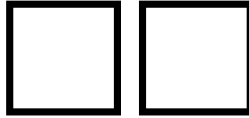
The Official Plan clearly highlights the importance of methadone clinics and methadone pharmacies:

*Methadone maintenance treatment represents an important facet of health care delivery within the City of London.*

Methadone clinics and pharmacies are critical to delivering methadone maintenance treatment which helps those who have addictions to cope with these addictions and, in many cases, work towards rehabilitation. The research prepared by the City of London through its comprehensive study describes the escalation of the drug addiction problem in Ontario and in London and the critical importance of methadone maintenance treatment in addressing this problem.

As noted above, the Official Plan sets out two primary goals to guide the planning of methadone facilities in London (see above). In line with these goals, these uses have been directed to specific Official Plan designations “*subject to meeting the goals, evaluation criteria, requirements and Planning Impact Analysis policies of this Plan:*

- i. Regional Facility;*
- ii. Enclosed Regional Commercial Node;*
- iii. New Format Retail Commercial Node;*
- iv. Community Commercial Node;*



- v. *Auto-oriented Commercial; and,*
- vi. *Office Area.*”

There are also evaluation criteria that apply to sites that are within these designations. It is noteworthy that all of the criteria are to be met. The Official Plan reads as follows:

*Zoning to allow for methadone clinics and methadone pharmacies shall be established through a zoning by-law amendment to allow for a full community consultation process. Zoning amendments to permit methadone clinic and methadone pharmacy uses will only be allowed where all of the following criteria are met:*

- i. Sites must be well served by public transit;*
- ii. Property boundaries for proposed methadone clinics and methadone pharmacies must be a minimum of 300m from any elementary or secondary school property;*
- iii. Property boundaries for proposed methadone clinics and methadone pharmacies must be a minimum of 300m from any municipal library, municipal pool, municipal arena, the Western Fairgrounds and the Boys and Girls Club;*
- iv. Sites must be large enough to accommodate parking requirements;*
- v. Planning Impact Analysis policies of this Plan will apply.*

Generally, this evaluation is intended to ensure that proposals for methadone clinics and methadone pharmacies are developed in locations that provide access to the service and minimize potential for land use impacts.

**DEFINITION OF THE USE**

The Zoning By-law Z.1 generally defines Methadone Clinics as providing methadone prescriptions to clients as more than an ancillary activity. In the case of Methadone Clinics “ancillary” means methadone is prescribed to 40 or less clients per day. Clinics that provide methadone prescriptions to more than 40 patients daily are considered “methadone clinics” and those that provide methadone prescriptions to 40 or less clients daily may operate as a “regular” clinic in accordance with the Zoning By-law.

Methadone clinics may also include ancillary services such as counselling, laboratory testing, physical therapy, medical care and pharmacy uses. Pharmacies ancillary to a methadone clinic may dispense methadone as part of its normal functions.

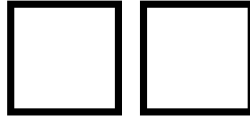
**LICENSING**

On October 31, 2011, a draft licensing by-law for Outpatient Addiction Treatment Clinics and Dispensaries was presented to BNEC. Concurrently, proposed Official Plan and Zoning By-law amendments were being circulated for public comment. A public meeting was held on March 6, 2012 to receive comments on the proposed licensing by-law. Based on comments received at this public meeting and numerous public consultation sessions, Administration has made further amendments to the licensing by-law. Municipal Law Enforcement Staff worked closely with Planning Division Staff undertaking research, interviewing stakeholders and attending various public meetings. Much of the background research undertaken for the planning reports was relied on in the preparation of the draft licensing by-law.

**Municipal Purpose**

The municipal purpose of the proposed licensing by-law is to focus on the health, safety and well being of persons or clients of methadone clinics or pharmacies and the maintenance of the quality of life of local neighbourhoods in which these facilities are located. The municipal purpose is synonymous with the two primary Official plan goals of planning for these uses in locations that best meet the needs of those who use methadone clinics and methadone pharmacies and minimizing the potential for land use conflicts that can be generated by methadone clinics or methadone pharmacies. Also, the municipal purpose also has regard to the “*Community Services Plan Goals*” of the Official Plan which specifically identifies the goal of “*...providing social services for a safe and secure community...*”

City Council has recently approved a document entitled “Towards a Community Addiction and Mental Health Strategy for London”. This strategy was prepared by City of London staff



following an extensive conversation with stakeholders and service providers including the Southwest Local Health Integration Network, London hospitals, the Crown Attorney's office and the London Police Service. The strategy calls for focused investment from the Province for addiction and mental health supports in concert with London CARES. If successful, these efforts will lead to fewer citizens being homeless or precariously housed and involved in intravenous injection of opiates. The municipal purpose of the proposed licensing by-law recognizes the importance of providing medical services to London's citizens.

The municipal purpose of the proposed licensing by-law is also supported by Council's Strategic Plan and the key principle of Respect and Integrity – treating people fairly and honestly.

### **Definition of Terms**

For the purposes of consistency and interpretation the definition of methadone clinic and methadone pharmacy in the proposed licensing by-law mirror the definition in the zoning by-law. The definitions take into consideration those facilities which currently provide ancillary prescribing or dispensing services as a small percentage of their predominant use. The client base of 40 daily visits was based on the time allotted to serve patients and prescribe methadone in a clinical setting and the time it takes to dispense methadone in a pharmacy. The 40 daily client benchmark is a reasonable level to recognize ancillary use and clinics and pharmacies which provide services to more than 40 clients per day should be directed to locate in areas zoned for this use and be accordingly licensed.

### **Prohibitions**

The proposed by-law contains prohibitions which will be referenced to in an application to a Senior Regional Judge for set fine wording. The prohibitions forbid persons from operating methadone clinics or pharmacies without holding a current valid licence. It is also prohibited to falsify that a person is licensed when in fact they are not. Persons are not permitted to operate if a term or condition of the licence is not in full compliance. Also, a person is not permitted to operate if their licence is under suspension.

### **By-law Administration**

The administration of proposed by-law is assigned to the Licence Manager who has the authority to undertake the following duties: receiving and processing applications; powers to issue, refuse to issue, renew, revoke or suspend a licence; and impose conditions on licences. Where an applicant or licensee does not agree with the decision of the Licence Manager, the applicant or licensee is entitled to request a hearing in accordance with the City's Hearings Officer's By-law.

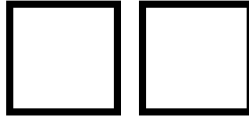
### **By-law Regulations**

The proposed licensing by-law contains several regulations.

#### **Daily Log**

**Municipal Purpose** - health, safety and well-being of persons or clients

The by-law includes a regulation requiring the licensee to maintain a log providing a daily summary of the number of patients for which methadone was prescribed or dispensed. There were several comments received at the public meeting in March 2012 with respect to privacy and confidentiality within a medical setting. The purpose of the log is to record the number of patients attending the methadone clinic or pharmacy on a daily basis. There is absolutely no requirement for the licensee to include any personal information in the log about the clients or patients. The log would only contain a daily summary of the number of patients for which methadone was prescribed or dispensed. The log must be kept on the premise for the current calendar year and one year prior and must be available for immediate viewing by an Enforcement officer upon their request.



Security Cameras

Municipal Purpose - health, safety and well-being of persons or clients; minimizing impacts on surrounding properties

During the previous public meetings and at scheduled workshops, comments were made about the perceived increase of drug related criminal activity and loitering near or in front of methadone clinics. In the Research Study and Proposed Policies and Regulations Report prepared by the Planning Division, issues of loitering, criminal activity and littering are noted. In some cases, methadone treatment centers require patients to enter into a contract that discourages loitering outside the facility and behaving in an anti-social manner. London Police Service indicated that between 2006 and 2012, they have responded to over 250 calls for service to one specific methadone clinic in London. Three police projects were undertaken at that time ( Spring Clean, Pumpkin, Corridor) that involved a methadone clinic on Dundas Street. Numerous drug related and trespassing charges were laid. In addition, there are many examples of littering of drug paraphernalia, including needles, in the area of methadone clinics.

Previous reports on methadone licensing suggested requirements for security cameras and security guards. During public discussions, concerns were raised with respect to security guards and the privacy and dignity of clients. These are very valid comments. However, in today's society, persons are being videotaped when undertaking common activities such as visiting a bank, convenience store or even City Hall. Several medical clinics in London were visited and many have visible security cameras directed at entrance ways and areas adjacent to the medical building. It would be in the public's interest to require methadone pharmacies and clinics to install and maintain security cameras capable of recording images of the exterior areas surrounding their location. The cameras could be accessed by enforcement agencies for investigation purposes upon request.

Posting of Licence

Municipal Purpose - health, safety and well-being of persons or clients; minimizing impacts on surrounding properties

The posting of City issued licences is standard procedure. It allows clients to determine if they are in a licensed premise to purchase a product or receive a service. The City issued licence must be posted in a prominent or visible location.

Fees

The proposed by-law contains a licence fee of \$700 which represents costs associated with licence administration, inspection services and enforcement.

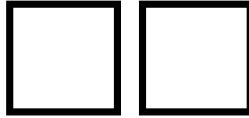
<b>CONCLUSION</b>
-------------------

City Council has recently passed Official Plan and Zoning By-law amendments addressing methadone clinics and methadone pharmacies. Throughout the public discussions on Official Plan and zoning proposals, the issue of licensing was discussed. The municipal purpose of the proposed licensing by-law is to focus on the health, safety and well being of persons or clients of methadone clinics or pharmacies and the maintenance of the quality of life of local neighbourhoods in which these facilities are located. A by-law to provide for the licensing and regulation of methadone clinics and methadone pharmacies complements the Official Plan policies and zoning by-law regulations.

--	--

<b>PREPARED BY:</b>	<b>REVIEWED &amp; CONCURRED BY:</b>
<b>O.KATOLYK, MLEO (C) MANAGER OF LICENSING AND MUNICIPAL LAW ENFORCMENT SERVICES</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

cc: City Solicitors Office  
City Planner



Appendix A

Bill No.  
2013

By-law No.

A By-law to provide for the licensing and regulation of Methadone Clinics and Methadone Pharmacies in the City of London.

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the *Municipal Act, 2001*), provides that a municipal power shall be exercised by by-law:

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality; in paragraph 6, Health, safety and well being of persons, in paragraph 7, Services and things that the municipality is authorized to provided under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 11 Business Licensing;

AND WHEREAS subsection 151 of the *Municipal Act, 2001* provides that, without limiting sections 9 and 10 of the Act, a municipality may provide for a system of licences with respect to a business;

AND WHEREAS the Council for the City of London considers it necessary and desirable for the public to regulate the Methadone Clinics and Methadone Pharmacies for the purpose of protecting the health, safety and well being of persons and to not negatively impact surrounding properties;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

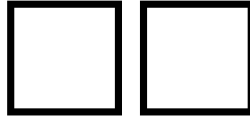
AND WHEREAS Council for the City of London is of the opinion that the delegation of legislative powers under this by-law to the Licence Manager and the Hearings Officer including without limitation to the power to issue and impose conditions on a licence are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and,
- (c) for the use of its property including property under its control;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and any person who contravenes such an order is guilty of an offence;

AND WHEREAS it is deemed expedient to pass this by-law;



NOW THEREFORE The Council of The Corporation of the City of London hereby enacts as follows:

## 1.0 DEFINITIONS

1.1 For the purpose of this By-law:

“**Applicant**” means a person applying for a licence under this By-law;

“**Chief of Police**” means the chief of police for the London Police Service;

“**City**” means The Corporation of the City of London;

“**Council**” means the Municipal Council of The Corporation of the City of London;

“**Chief Building Official**” means the Chief Building Official as appointed by Council pursuant to the *Building Code Act*;

“**Enforcement Officer**” means a Municipal Law Enforcement Officer appointed by the Council or a police officer with the London Police Services;

“**Fire Chief**” means the Chief of London Fire Services of the City or a person delegated by him or her for the purposes of this By-law;

“**Hearings Committee**” means a person or body that has been delegated the power or duty to hold a hearing or provide an opportunity to be heard for the purpose of this By-law;

“**Hearings Officer**” means a Hearings Officer appointed under the City’s Hearings Officer By-law A.-6653-121, as amended;

“**Licensee**” means any person licensed under this By-law;

“**Licence Manager**” means the Managing Director of Development and Compliance Services;

“**Manager of Municipal Law Enforcement Services**” means the Manager of Municipal Law Enforcement Services of the City or a person delegated by him or her for the purposes of this By-law;

“**Municipality**” means the land within the geographic limit of the City of London;

“**Methadone Clinic**” means a clinic or medical office which wholly, or in part, is used for the prescription of methadone as more than an ancillary activity and may include other support services such as, but not limited to, a methadone pharmacy, the provision of counselling services, and/or laboratories, but does not include a hospital. For the purposes of this definition, an ancillary activity shall mean prescribing methadone to a maximum of 40 clients per day.

“**Methadone Pharmacy**” means a pharmacy which wholly, or in part, is used for the dispensing of methadone as more than an ancillary activity, but does not include a hospital. For the purposes of this definition, an ancillary activity shall mean dispensing methadone to a maximum of 40 clients per day.

## 2.0 PROHIBITIONS

2.1 No person shall operate a Methadone Clinic or Methadone Pharmacy without holding a current valid licence issued under the provisions of this By-law.

2.2 No person shall hold himself, herself or itself out to be licensed under this By-law if they are not.

2.3 No person shall contravene or fail to comply with a term or condition of his, her or its licence imposed under this By-law.





**2.4** No person shall operate a Methadone Clinic or Methadone Pharmacy while their licence issued under this By-law is under suspension.

### **3.0 ADMINISTRATION**

**3.1** The administration of this By-law is assigned to the Licence Manager who shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation may:

- (a) receive and process all applications for all licenses and renewals of licences under this By-law;
- (b) issue licenses in accordance with the provisions of this By-law;
- (c) impose terms and conditions on licences in accordance with this By-law; and,
- (d) refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

### **4.0 APPLICATIONS FOR A LICENCE AND RENEWAL OF LICENCE**

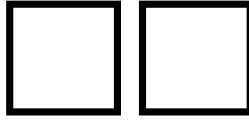
**4.1** Every application for a licence and renewal licence shall be made to the Licence Manager on the forms provided by the Licence Manager. Without limitation, every application for a licence or a renewal shall include the following information:

- (a) the name, municipal address and telephone number of each Applicant or Licensee;
- (b) if the Applicant or Licensee is a partnership, the name, address and telephone number of each partner;
- (c) if the Applicant or Licensee is a corporation, the address of its head office, the name, address and telephone number of each director and officer;
- (d) the municipal address and legal description of the business;
- (e) a sworn statement by the Applicant or Licensee certifying the accuracy, truthfulness and completeness of the application;
- (f) if the Applicant or Licensee is a partnership, a sworn statement by each partner certifying the accuracy, truthfulness and completeness of the application; and,
- (g) if the Applicant or Licensee is a corporation, a sworn statement by an officer of the corporation duly authorized for that purpose certifying the accuracy, truthfulness and completeness of the application.

**4.2** Every person applying for a licence or a renewal of a licence shall provide in full at the time the application is submitted all of the information requested on the application form as well as:

- (a) payment of the prescribed fee as set out in Schedule "A" of this By-law;
- (b) if the Applicant or Licensee is a corporation, a copy of the incorporating documentation, a copy of the last initial notice or notice of change which has been filed with the provincial or federal government and a Certificate of Status issued by the Ministry of Government and Consumer Services dated no later than fifteen (15) days prior to the date of the application;
- (c) any other documentation or information as may be required in any other Part of this By-law and by the Licence Manager.

**4.3** The Licence Manager may require affidavits in support of an application for or a renewal of a licence.



**4.4** Every application may be subject to investigations by and comments or recommendations from the municipal or provincial department or agencies as the Licence Manager deems necessary including but not limited to:

- (a) the Chief Building Official;
- (b) the Fire Chief;
- (c) the Manager of Municipal Law Enforcement Services; and
- (d) the Chief of Police.

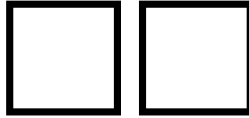
## **5.0 ISSUANCE OF LICENCES**

**5.1** Every licence issued under this By-law shall be in the form and manner as provided by the Licence Manager and without limitation shall include on its face the following information;

- (a) the licence number;
- (b) the name, address and telephone number of each Licensee;
- (c) the date the licence was issued and the date it expires; and,
- (d) the municipal address of the premise to be used for the Methadone Clinic or Methadone Pharmacy.

**5.2** Every licence that is issued for the first time, and every renewal thereof, is subject to the following conditions of obtaining, continuing to hold and renewing a licence all of which shall be performed and observed by the Applicant or the Licensee:

- (a) the Applicant or Licensee shall pay the prescribed licence fee as set out in Schedule "A" of this By-law;
- (b) the Applicant or Licensee shall pay all fees and fines owed by the Applicant or Licensee to the City;
- (c) the Applicant or Licensee shall have a contractual or proprietary interest in the premises upon which the Methadone Clinic or Methadone Pharmacy is to be operated which will enable the Applicant or Licensee to carry on the business;
- (d) the Applicant or Licensee shall allow, at any reasonable time and when permitted by law, the City to inspect the premises used for the Methadone Clinic or Methadone Pharmacy;
- (e) the premises used for the Methadone Clinic or Methadone Pharmacy shall be in accordance with the requirements of the *Building Code Act* and the Regulations thereunder, the *Fire Protection and Prevention Act*, and the Regulations thereunder, and the City's Property Standards By-law CP-16;
- (f) the premises used for the Methadone Clinic or Methadone Pharmacy are not constructed or equipped so as to hinder the enforcement of this By-law;
- (g) the use of the premises used for the Methadone Clinic or Methadone Pharmacy is permitted or conforms with the uses permitted under the applicable zoning by-law or is a legal non-conforming use;
- (h) the operation of the Methadone Clinic or Methadone Pharmacy shall comply with all federal and provincial laws;
- (i) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, shall not afford reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the



operation of the Methadone Clinic or Methadone Pharmacy in accordance with the law or with honesty or integrity; and

- (j) if the Applicant or Licensee is a partnership or a corporation, any change in the composition of the partnership or of the officers and/or directors of the corporation shall be reported to the Licence Manager within ten (10) days.

**5.3** The issuance of a licence or renewal thereof under this By-law is not intended and shall not be construed as permission or consent by the City for the Licensee to contravene or fail to observe or comply with any law of Canada, Ontario or any by-law of the City.

**5.4** A licence issued under this By-law shall be valid only for the period of time for which it was issued.

**5.5** Every licence, at all times, is owned by and is the property of the City and is valid only in respect of the person and for the Methadone Clinic or Methadone Pharmacy named therein. A separate licence shall be required for each Methadone Clinic or Methadone Pharmacy.

**5.6** The Licensee shall notify the Licence Manager of any change in ownership of the Methadone Clinic or Methadone Pharmacy and shall surrender his, her or its licence to the Licence Manager within seventy-two (72) hours of the completion of such change.

**5.7** All licence fees and inspection fees paid under this By-law are non-refundable.

## **6.0 REGULATIONS**

**6.1** The Licensee shall ensure that:

- (a) a log is maintained by the Licensee providing a daily summary of the number of patients for which methadone was dispensed or prescribed; no personal information shall be entered in the log ; the log shall be kept on the premise for the current year and previous year and be made available for immediate review by an Enforcement Officer upon their request;
- (b) a fully-operational security camera system that has been approved by the Licence Manager that is capable of recording images of the exterior area adjacent to the subject building be installed and maintained and that access to the information recorded by the security camera system be limited to an Enforcement Officer to access the information for law enforcement purposes and to the licensee;
- (c) a legible copy of the licence issued under this By-law is posted and maintained in a prominent and visible position inside the Methadone Clinic or Methadone Pharmacy.

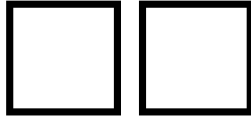
## **7.0 POWERS OF THE LICENCE MANAGER**

**7.1** The power and authority to issue or renew a licence, refuse to issue or refuse to renew a licence, to cancel, revoke or suspend a licence, to impose terms and conditions, including special conditions, on a licence, are delegated to the Licence Manager.

**7.2** (a) The Licence Manager shall issue a licence or renew a licence where the requirements or conditions of this By-law have been met.

(b) The Licence Manager may refuse to issue, refuse to renew or revoke or suspend a licence or impose a term or condition on a licence on the following grounds:

- (i) the conduct of the Applicant or Licensee, or any partner, officer, director, employee or agent of the Applicant or Licensee, affords reasonable cause to believe that the Applicant or Licensee will not carry on or engage in the



operation of the Methadone Clinic or Methadone Pharmacy in accordance with the law or with honesty or integrity;

- (ii) there are reasonable grounds to believe that an application or other documents provided to the Licence Manager by or on behalf of the Applicant or a Licensee contains a false statement;
- (iii) an Applicant or Licensee is carrying on activities that are in contravention of this By-law;
- (iv) an Applicant or Licensee is not in compliance with any federal or provincial law or City by-law, including this By-law; or
- (v) an Applicant or Licensee does not meet all of the requirements of this By-law or that the Methadone Clinic or Methadone Pharmacy does not comply with the provisions of this By-law.

**7.3** Notwithstanding any other provision of this By-law, the Licence Manager may impose terms and conditions on any licence at issuance, renewal or any time during the term of the licence, including special conditions, as are necessary in the opinion of the Licence Manager to give effect to this By-law.

**7.4** Where the Licence Manager is of the opinion that:

- (a) an application for a licence or renewal of a licence should be refused;
- (b) a reinstatement should not be made;
- (c) a licence should be revoked;
- (d) a licence should be suspended, or,
- (e) a term or condition of a licence should be imposed;

the Licence Manager shall make that decision.

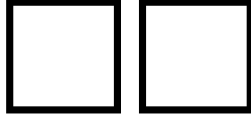
**7.5** Where the Licence Manager has made a decision under subsection 7.4, the Licence Manager's written notice of that decision shall be given to the Applicant or the Licensee by regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be effected by registered mail to the address of the corporation's registered head office.

**7.6** The written notice to be given under subsection 7.5 shall:

- (a) set out the grounds for the decision;
- (b) give reasonable particulars of the grounds;
- (c) be signed by the Licence Manager; and,
- (d) state that the Applicant or Licensee is entitled to request a hearing by a Hearings Officer if the Applicant or Licensee files with the City Clerk a notice of appeal in writing and the appeal fee as set out in Schedule "A" of this By-law within ten (10) days after the notice in subsection 7.5 is served. The notice of appeal must comply with the requirements as set out in Schedule 1 of the City's Hearings Officer By-law A.-6653-121, as amended

**7.7** Where no appeal is registered within the required time period, the decision of the Licence Manager shall be final.

**7.8** Despite subsection 7.6 where a licence is voluntarily surrendered by the Licensee for revocation, the Licence Manager may revoke the licence without notice to the Licensee.



## **8.0 HEARINGS BEFORE THE HEARINGS OFFICER**

**8.1** The power and authority to conduct hearings of appeals under this By-law are hereby delegated to the Hearings Officer.

**8.2** The provisions of the City's Hearings Officer By-law A.-6653-121, as amended, apply to all hearings conducted by a Hearings Officer.

**8.3** The Hearings Officer may uphold or vary the decision of the Licence Manager or make any decision that the Licence Manager was entitled to make in the first instance.

**8.4** The decision of the Hearings Officer is final.

## **9.0 ENFORCEMENT**

**9.1** This By-law may be enforced by a City municipal law enforcement officer or a London Police Service police officer.

**9.2** No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including carrying out an inspection.

## **10.0 PENALTY**

**10.1** Any person who contravenes any provision of this By-law is guilty of an offence.

**10.2** A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

**10.3** A person convicted under this By-law is liable to a maximum fine of \$25,000.00 upon a first conviction and a maximum fine of \$50,000.00 for any subsequent conviction.

**10.4** Despite subsection 10.3, where the person convicted is a corporation, the corporation is liable to a maximum fine of \$50,000.00 upon a first conviction and a maximum fine of \$100,000.00 for any subsequent conviction.

**10.5** If this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by this By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and,
- (b) requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

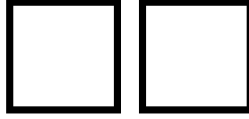
## **11.0 GENERAL**

**11.1** If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

**11.2** If there is a conflict between a provision of this By-law and a provision of any other City by-law, then the more restrictive provision shall apply.

## **12.0 MISCELLANEOUS**

**12.1** This by-law may be referred to as the "Methadone Pharmacy and Methadone Clinics Licensing By-law".



**12.2** This by-law shall come into force and effect on \_\_\_\_\_, 2013.

Passed in Open Council on \_\_\_\_\_, 2013

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading –  
Second Reading –  
Third Reading –

**Schedule "A"- FEES**

Methadone Clinic Licence fee \$700

Methadone Pharmacy Licence fee \$700

Hearings Officer Appeal Fee \$150

Agenda Item # Page #

--	--

(