

REPORT FROM THE DEPUTY CLERK AND ACCESSIBILITY COORDINATOR

DESCRIPTION

Re: Draft Personal Recreational Cannabis By-law

RECOMMENDATION

That the report from the Deputy Clerk and Accessibility Coordinator be received;

And that the draft Personal Recreational Cannabis By-Law be available for public comment for a two week time frame once committee input has been included;

And that staff report back to the By-Law and Planning Committee with a summary of public comments.

BACKGROUND

Recreational cannabis was legalized on October 17, 2018 by the federal government. It is now legal to purchase and use cannabis for recreational purposes across Canada. As of April 2019, cannabis has been available for purchase through provincially licensed private recreational cannabis retail stores.

Since the legalization of the recreational use of cannabis, there has been no public regulation By-Law developed or amendments to the current property standards bylaw to address concerns around location and/or security of cannabis on residential property. Due to the lack of these public and private rules and regulations around cannabis growth and recreational use, certain members of the Elliot Lake community have expressed concerns regarding these issues.

The Clerks and Planning Department has been tasked with researching cannabis regulations specifically utilizing the *Municipal Guide to Cannabis Legislation* in order to develop a local Cannabis By-Law suited for the residents of Elliot Lake and the community as a whole. While there are many different rules and regulations when it come to medial and the growth and operational of post legalization of Cannabis, the regulation of personal recreational use has not yet progressed this far.

ANALYSIS

While enforcing federal law on controlled substances falls to local police and the RCMP, municipalities have the ability to develop by-laws to address community impacts. With legalization, Municipal Enforcement Officers could include inspection and compliance with provincial building codes and

municipal bylaws, including responding to concerns over nuisance issues when it comes to matters the cultivation of cannabis.

This report proposes a brand new By-Law for the City of Elliot Lake. Currently there are no rules or regulations in place in order to enforce any kind of safety measures when it comes to the cultivation of recreational cannabis. The proposed By-Law will allow enforceability of the sections identified for the health and safety of Elliot Lake community members.

Bill C-45, the proposed Cannabis Act As outlined by the federal government, the Cannabis Act seeks to achieve the following objectives:

- *Restrict youth access to cannabis;*
- *Regulate promotion or enticements to use cannabis;*
- *Enhance public awareness of the health risks associated with cannabis;*
- *Establish strict product safety and quality requirements;*
- *Allow adults to possess and access regulated, quality-controlled, legal cannabis;*
- *Reduce the burden on the criminal justice system.*

For local governments, the *Cannabis Act* has significant implications for local land use regulation, business regulation and licensing, and the regulation of public consumption and personal cultivation of cannabis. There will also be, to a certain extent, variations across provincial and territorial jurisdictions.

When implementing a strategy to regulate cannabis locally, the City of Elliot Lake could first consider and work within any existing or anticipated provincial and federal initiatives

| Summary of possible roles and responsibilities | | |
|---|---|--|
| Federal | Provincial/Territorial | Municipal |
| <ul style="list-style-type: none"> - Cannabis production - Cannabis possession limits - Trafficking - Advertising - Minimum age limits (18) - Oversight of medical cannabis regime, including personal cultivation registration | <ul style="list-style-type: none"> - Wholesale and retail distribution of cannabis - Selection of retail distribution model - Workplace safety - Discretion to set more restrictive limits for: <ul style="list-style-type: none"> • minimum age for consumption • possession amount | <ul style="list-style-type: none"> - Zoning (density, location) - Retail locations - Home cultivation - Business Licensing - Building Codes - Nuisance - Smoking restrictions - Odours - Municipal workplace safety - Enforcement - Regulations around public consumption - Personal possession - Municipal cost considerations related to local policing |

Local governments are entitled to interpret enabling legislation broadly enough to address emerging issues and respond effectively to community objectives. However, they cannot extend its scope beyond what the wording of the legislation can reasonably bear. Some enabling legislation across Canada may allow local governments to deal with particular uses on a “conditional use” or “direct control” basis, which might be particularly appropriate in the case of new land use activities (such as those associated with cannabis) whose impacts are not well-understood at the outset.

Municipal governments should monitor the development of the relevant provincial or territorial regime before initiating their own regulations. Local governments might not wish to allow the use of residential premises for the cultivation of cannabis plants for non-medical use.

Possible regulatory language

Under the *Cannabis Act*, Part 1, authorizations are for commercial-scale operations. Part 2 deals with personal use and designated person production as originally authorized under the Medical Marijuana Access Regulations.

FINANCIAL IMPACT

Schedule fees/fines as applicable once implemented.

LINKS TO STRATEGIC PLAN

This project aligns with the City’s Strategic Plan through Environmental stewardship and Health and community wellness.

SUMMARY

Adopting the new Personal Recreational Cannabis Regulation By-law will enable Enforcement Officers to respond to these issues efficiently and effectively.

It is recommended that the proposed by-law be open for public review for a period of two weeks and brought back to committee partnered with a synopsis of community input.