



CITY OF ST. ALBERT ADMINISTRATIVE BACKGROUNDER

TITLE: SMOKING BYLAW AMENDMENT - CANNABIS

On May 22, 2018 Councillor Joly provided notice in accordance with Section 23 of Procedure Bylaw 3/2018 that she intended to bring forward the proposed motion below.

In order for Council to debate the motion, the motion must be formally moved.

PROPOSED MOTION(S):

That smoking recreational cannabis is prohibited within 5m of commercial areas that are publicly accessible, excluding private residential areas.

BACKGROUND:

On April 13, 2017, the federal government introduced legislation for cannabis legalization which is expected to come into effect in the summer of 2018, or shortly thereafter. The province introduced Bill 26: *An Act to Control and Regulate Cannabis* on November 16, 2017 and the *Gaming and Liquor Amendment Regulation* on February 15, 2018, both of which include stipulations regarding smoking and vaping of cannabis. The City of St. Albert has the ability to introduce further restrictions regarding the public consumption of cannabis, and Administration will be proposing amendments to the City's Smoking Bylaw, as well as proposing a new Cannabis Consumption Bylaw, at the June 25, 2018 City Council meeting.

Administration's understanding of the proposed motion noted above is that the intent would be to restrict smoking and vaping of cannabis in "commercial areas", meaning outside of businesses and in the parking lots of businesses, with an exception carved out for private residential areas that may be contained within the commercial area, such as those developments where the main floor is commercial in nature with residential units above ground. A reference to the Land Use Bylaw commercial districts would be a sufficient means of accommodating this intent.

Administration recommends not adopting the proposed motion for the following reasons:

- The Land Use Bylaw refers to commercial and industrial districts, but it would not be as simple as referring to only those for the purposes of restricting smoking and vaping of cannabis as intended in this motion, because businesses are also contained within the Direct Control Mixed Use (DCMU)

and Direct Control Northwest Urban Village (DCNUV) districts. The DCMU and DCNUV districts are those that contain ground floor businesses with residential units located above. If this definition of “commercial areas” is used, an exemption for residential units will have to be carved out. The problem Administration foresees with this definition is that it will be convoluted and complicated, making it unclear for individuals to understand what is expected of them, as it will not be clear to individuals what district they are in at any given time, and making it unclear for the purposes of enforcement; and

- The more convoluted and detailed the restrictions for smoking and vaping cannabis are, the more difficult it will be to educate the public about the rules, as well as to enforce the rules.

Some alternatives that could be considered instead of this proposed motion are to:

- Increase the distance within which smoking and vaping of cannabis is prohibited from doorways, windows or air intakes of buildings. Currently, the distance is prescribed at 5 metres, but this could be increased to 10 or 20 metres (for example). However, if this was done, an exemption would need to be carved out for those residential units that may be within 10 or 20 metres of doorways, windows, or air intakes (such as condos located above a ground floor business); or
- Prohibit all smoking and vaping of cannabis in public in the City of St. Albert.

These alternatives would provide a clearer understanding to individuals about what the rules are and would allow for better enforcement.

Report Date: June 11, 2018
Author(s): Marta Caufield
Committee/Department: Legal and Legislative Services
General Manager: Michelle Bonnici
City Manager: Kevin Scoble