

Subject: Cannabis Control Committee Recommended
Nuisance and Odour By-law

Recommendation:

THAT Committee receive Report 2019-0134 and recommend to Council:

THAT the proposed Nuisance and Odour By-laws by the Cannabis Control Committee be referred to staff for review and comment as part of the overall review and study related to the Interim Control By-law.

Background:

On September 23rd Council meeting, the Chair of the Cannabis Control Committee presented a work plan to Council that anticipated having a Cannabis Nuisance and Odour By-laws to Council for its consideration by the end of November. The Cannabis Control Committee has been diligently working on such by-laws which are attached as Appendix A to this report.

Analysis:

The Cannabis Control Committee has invested many hours into researching, reviewing and developing a proposed Cannabis Nuisance By-law, now Nuisance By-law, and a proposed general Odour By-law in an effort to address concerns of residents as it relates to nuisances associated with the cannabis operations in Town. Town staff have reviewed and provided input to the draft By-laws at Cannabis Control Committee meetings, some of which has been reflected in the proposed By-laws.

Staff recognize that By-laws to better manage and address the impacts of Cannabis on the community are important and it is critical that the By-laws be carefully reviewed, not only by Planning staff, but also By-law Enforcement staff and legal counsel as it relates to administration and enforcement of the by-law, and the impact such by-laws have on the community and legal proceedings that the Town is currently involved in and potential legal proceedings.

Financial Considerations:

Enforcement of the proposed Nuisance By-law and Odour By-laws as recommended by the Cannabis Control Committee will require additional resources including odour measuring equipment, staff training and staff time. It is also anticipated that professional resources from various fields of expertise to complete odour analyses may also be required. The total costs are unclear at this time and require further review and investigation. Further, there needs to be a consideration of the financial implications of current and potential legal implications related to administration, enforcement and legal challenges.

Alternatives Reviewed:

Council could approve the Nuisance By-law and Odour By-law as recommended by the Cannabis Control Committee.

Council could approve the Nuisance By-law and Odour By-law recommended by the Cannabis Control Committee with modifications.

Alternatively, the Town Administration has recognized a need to update and modernize the existing Nuisance By-law to address a number of matters and the proposed By-laws recommended by the Cannabis Control Committee could be modified to integrate within a whole new Nuisance By-law. Council could instruct staff to return with a modified Nuisance By-law which would incorporate the work of the Cannabis Control Committee where appropriate.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The Strategic Plan includes addressing Cannabis requirements and regulations as an action for 2019. The Cannabis Control Committee and staff have been working hard on this initiative. Council extended the Interim Control By-law with regards to cannabis and cannabis related uses to July 2020.

Consultation:

Town Planning staff reviewed and provided comments on earlier versions of the proposed Nuisance By-law and Odour By-law. However, additional review and comments are required from By-law Enforcement staff as well as the Town's external solicitor. It is also important to consider the timing of passing these by-laws given existing legal proceedings and impact they may have on those proceedings and the status of other studies and by-laws required as result of the interim control by-law.

Other Pertinent Reports/Attachments:

2019-0061 Information Report on Proposed Cannabis Regulations

2019-0074 Recommendation Report for Proposed Cannabis Regulations and Extension of Interim Control By-law 4046 (2018)

Appendix A Proposed Nuisance By-law and Odour By-laws as Recommended by Cannabis Control Committee

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