Community Standards Bylaw Policy Review

The City is developing a Community Standards Bylaw (CSB). The CSB will serve to regulate and enable activities that pertain to the safety, health, and welfare of residents on private and public property.

To inform a policy discussion on each of the topics, information has been assembled in the template below on what the current local context is, what other comparator municipalities have done, Administration's recommendations concerning minimum standards, as well as potential financial and operational implications.

TOPIC NAME: Smoking and Cannabis Restrictions in Public Places AND Cannabis Odour

1. CURRENT SPRUCE GROVE BYLAW

<u>Spruce Grove Consumption of Cannabis in a Public Place Bylaw</u> - Consumption of cannabis is prohibited in all forms. If a person has a medical document, they are exempt but are subject to the Smoking Bylaw.

<u>Spruce Grove Smoking Bylaw</u> addresses smoking in a public place.

The City has wording in the Nuisances, Unsightly and Untidy Property Bylaw that could refer to smoke odour being a nuisance.

• "Nuisance" means any use of or activity upon any property which in the opinion of a designated officer is dangerous to health, or has or may have a detrimental impact upon any person or other property in the neighborhood, or which creates an unreasonable interference with the use or enjoyment of other property, and without limiting the generality of the foregoing, includes the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated and unsightly condition whether or not their posting or exhibiting is permitted by this or any other bylaw. (Nuisances, Unsightly and Untidy Property Bylaw, s.1.7)

2. SPRUCE GROVE CONTEXT

While the City receives complaints about cannabis odour, it is challenging to enforce instances where people are smoking cannabis on their private property and the smoke then blows onto other people's properties.

3. OTHER JURISDICTIONS

Edmonton

Smoking and Cannabis Restrictions

<u>Edmonton Public Places Bylaw Part III: Smoking includes information on definitions, smoking, and cannabis smoking restrictions, owner obligations, private residences, and exceptions.</u>

Cannabis Odour

- A person shall not engage in any activity that creates odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another individual.
- A person shall not cause or permit property they own or occupy to be used so that any odour, emission, vapour, dust or other airborne matter from the property is reasonably likely to disturb another individual.
- In determining if any odour, emission, smoke, vapour, dust or other airborne matter is reasonably likely to disturb another individual, the following criteria may be considered, but is not limited to:
 - (a) the type, frequency, intensity or duration of the odour, emission, smoke, vapour, dust or other airborne matter;
 - (b) the time of day and day of the week;
 - (c) the weather and ambient conditions;
 - (d) the proximity to neighbouring properties;
 - (e) the nature and use of the surrounding area; and
 - (f) the effects of the odour, emission, smoke, vapour, dust or other airborne matter.

(Edmonton CSB, s.38.6 (1-3)

Beaumont

- Beaumont CSB, s.1(cc) defines "smoke" or "smoking" which includes cannabis, shisha etc.
- <u>Beaumont CSB</u>, ss.63-64 addresses_conditions for production of cannabis (e.g., must prevent escape
 of odours, proper ventilation, prevent unauthorized access to building).
- The definition of "nuisance" includes "production of excessive dust, dirt or smoke" and "any generally offensive odours". **Beaumont CSB** s.23(b)(vi)(vii)
- No Owner or occupant of a Property shall have or allow in or on the Property, the accumulation of:

 (a) anything that creates an odour, emission, smoke, vapour, dust or other airborne matter that is reasonably likely to disturb another individual; Beaumont CSB s.28(a)

Strathcona County

No bylaw.

St. Albert

- St. Albert Smoking Bylaw addresses definitions, restrictions and exceptions.
- <u>St. Albert Cannabis Consumption Bylaw</u> address prohibitions (no person may smoke or consume cannabis in a public place), medical cannabis, penalties for contravention.

4. ADMINISTRATION'S RECOMMENDATIONS

Minimum Standards

Smoking and Cannabis Restrictions

The recommended minimum standards are noted in <u>Spruce Grove Consumption of Cannabis in a Public</u> <u>Place Bylaw</u> s.4.1 which states: A person must not smoke, vape or consume cannabis in any public place.

Committee Question: Is there a desire to make additional changes to the above?

Note: If an individual has a medical permit to possess cannabis, they are not subject to the conditions of the City's Consumption of Cannabis in a Public Place Bylaw. Medical permits are subject to provincial and federal statutes. Additionally, growing of medical cannabis is permitted under federal and provincial legislation.

Cannabis Odour

The recommended minimum standards are contained in Edmonton's CSB (above) with respect to cannabis odour.

Committee Question: Is there a desire to add additional standards with respect to cannabis odour other than what is noted in Edmonton's CSB?

Other Recommendations

- A recent review of Spruce Grove's Smoking Bylaw has recommended that the word "Aboriginal" in the exemptions section should be changed to Indigenous.
- Changes were also suggested in the section on private clubs in the Smoking Bylaw.

5. FINANCIAL AND OPERATIONAL IMPLICATIONS

Additional enforcement measures may be required depending on Committee's direction.