

MEETING DATE: May 28th, 2018

SUBMITTED BY: Ken Woitt, Director, Planning & Development

PREPARED BY: Sylvain Losier, Manager, Current Planning and Development

REPORT TITLE: Bylaw 971-2017 – Amendment to the Business Licence Bylaw

REPORT SUMMARY

Bylaw 971-2017 is proposing to amend the Business Licence Bylaw by updating references to existing bylaws and deleting a section that will become obsolete once the federal legislation on cannabis is in effect.

RECOMMENDATION

1. That Council give Bylaw 971-2017 second reading.
2. That council gives Bylaw 971-2017 third reading.

BACKGROUND

KEY ISSUE(S) / CONTEXT:

At the May 14, 2018 Council meeting, a Public Hearing was held under the Municipal Government Act for the purpose of allowing interested parties to communicate their thoughts and views on the proposed bylaw. At the Public Hearing, nobody stepped forward to make any comments. In anticipation of the Public hearing, Alberta health Services (AHS) submitted a letter with a few points in regards to the proposed Business Licence Bylaw. These included:

- Limiting the amount of cannabis store in the first year
- Limiting the hours of operation
- Considering an educational component and public engagement to be added to the business application process
- Considering asking for waste management and disposal as well as storage

In regards to the limiting the amount of store, the proposed land use approach contains regulations that will indirectly limit the amount of store. The City has never considered imposing a “cap” or a moratorium on any industry, but there might be merit in evaluating this approach in a more comprehensive review of the bylaw. Administration believes that this could be contemplated as part of the bylaw review and considering that the bylaw was originally passed in 2011, it might be time to look into a full review in 2019.

As for hours of operation, the current bylaw doesn't contain any restriction applied at large or per industry, but on individual application, the City always have the authority to impose hours restrictions should there be issues around a specific licence. In the survey that was completed earlier this year by the city of Leduc, 61% of respondent did not want to see any additional hour's restriction. Information gathered from a few other municipalities seems to favour additional municipal restriction (City of Edmonton: 10 am – 11 pm; Calgary: 10 am – 2 am; Grand Prairie: 10 am – 10 am; Spruce Grove 10 am – 11 pm). However, many municipalities have yet to make their decision.

For the educational and public engagement component, Administration believes that these 2 items need to be addressed separately. For public engagement, considering that all cannabis uses will be discretionary, there will be a mechanism in place to ensure that all interested parties are informed before the establishment of any cannabis related business. Therefore, we believe that this piece is covered. As for the education program requirement, it is unclear to Administration the intent and the desired outcome. Considering that all staff in a cannabis shop will undergo the provincial training, it is expected that they will have a minimum of knowledge on the various product and effects. They will be sharing this information with the individuals going to their business, but we do not believe that the intent is for these businesses and these staffs to provide education to the public. In the survey conducted by the City of Leduc, the open comments section indicated that the participants are looking to the various level of government to provide the educational pieces link to cannabis.

Lastly, for waste management, Administration feels that this is significant element for the use class Cannabis Production and Distribution. Considering that we have the ability to request documents, plans, studies, and any other pertinent information when an application for a development permit is made, we do not believe that we need to duplicate the process into the business licence process. Administration will develop a tool to add to our checklist for these specific application.

LEGISLATION AND/OR POLICY:

1. Municipal Government Act, RSA 2000, Chapter M-26, as amended
 - S. 7 A council may pass bylaws for municipal purposes respecting the following matters:
 - (a) the safety, health and welfare of people and the protection of people and property; and
 - (e) businesses, business activities and persons engaged in business;...
 - Business License Bylaw 767-2011, as amended

PAST COUNCIL CONSIDERATION:

The upcoming legalization of cannabis has been previously discussed with Council and Bylaw 971-2017 received 1st reading on Monday, April 23, 2018 and the non-statutory Public hearing was held on May 14, 2018.

CITY OF LEDUC PLANS:

Bylaw 971-2017 is consistent with the City's Municipal Development Plan, as amended.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Administration will need to update their checklist for waste management plan for cannabis related land uses.

POLICY:

There are no policy implications.

LEGAL:

If the recommendation is accepted the prohibition on selling prohibited items together in one location will be removed. This will impact future cannabis retailers after cannabis legalization but will also remove operational restrictions from existing businesses.

IMPLEMENTATION / COMMUNICATIONS:

The public hearing was advertised in the April 27th and May 4th, 2018 issues of 'The Representative' and notification was also made available on the City of Leduc cannabis webpage.

Once the bylaw is approved, Communication will update the web page to inform all interested parties.

ALTERNATIVES:

1. After consideration of the non-statutory Public Hearing, that Council direct administration to amend Bylaw 971-2017, to address the upcoming legalization of cannabis. The amendments could contemplate elements such as:
 - a. categorizing industries for which a business licence is required,
 - b. imposing various fees pending on the industry category,
 - c. limiting the number of licence for certain industries,
 - d. imposing hours restrictions for specific industries, and/or
 - e. any other elements as deemed necessary by Council.

Elements a, b, or c would require a period of approximately 6 months for Administration to investigate and provide options to Council.

2. After consideration of the non-statutory Public Hearing, that Council defeat Bylaw 971-2017.

ATTACHMENTS:

1. Bylaw 971-2017

Others Who Have Reviewed this Report

M. Pieters, Acting City Manager / B. Loewen, City Solicitor / M. Pieters, General Manager, Infrastructure & Planning

Bylaw No. 971-2017

PAGE 1

A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW 767-2011 TO LICENSE AND REGULATE BUSINESSES

WHEREAS pursuant to section 7(e) of The *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business;

AND, in accordance with the Act, Council finds it desirable to amend Bylaw 767-2011;

THEREFORE, the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

That Bylaw 767-2011 shall be amended as follows:

1. Section 2 (1)(k) shall be deleted in its entirety and replaced with the following:

(k) "Fees Bylaw" means the current City of Leduc Fees Bylaw;

2. Section 2 (1)(m) shall be deleted in its entirety and replaced with the following:

(m) "Land Use Bylaw" means The City of Leduc Land Use Bylaw No. 809-2013;

3. The phrase "and Charges" shall be struck from sections 2(1)(o), 5(4), 5(6), 5(7) and 12(1).
4. Section 3(5)(a) shall be deleted in its entirety.
5. This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS ____ DAY OF _____, AD 2018.

READ A SECOND TIME IN COUNCIL THIS ____ DAY OF _____ AD 2018.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS ____ DAY OF _____, AD 2018.

APPROVED
As to Form

B. L.

City Solicitor

Date Signed

Bob Young
MAYOR

Sandra Davis
CITY CLERK