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Shelburne signs off on new cannabis bylaw prohibiting use of drug in public places

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With only one more meeting before the new Council is sworn in, the current one dealt with some pressing issues currently facing Shelburne that will affect the next Council.

Chief among these, was a report from the CAO, Denyse Morrissey, concerning a by-law to govern the smoking and vaping of recreational cannabis within the Town limits.

Since the Province has decided that cannabis can best be regulated under the existing Smoke Free Ontario Act, for tobacco products, jurisdiction for a more intelligent approach has been delegated to the municipal level.

In general, the current act allows you to smoke tobacco in any outdoor space, such as parks, sidewalks, as well as parking lots and city streets. Now, without going into the logistics or the right or wrong of this legislation, using it as a governance for recreational cannabis poses many problems, not the least of which is unwanted exposure to a potentially, cognitive function-altering drug, via second hand smoke and the exposure to children and adolescents.

The Municipal legislation, allows municipalities to enact legislation which can further restrict where tobacco, and therefore cannabis, may be used in their communities. This is accomplished through the use of a bylaw, defining the restrictions and it supersedes the SFOA in that municipality.

The CAO pointed out that Shelburne's existing bylaws are outdated and do not cover cannabis at all, and do not provide adequate direction for tobacco either. As a result, staff had constructed a new bylaw, strictly governing cannabis smoking and vaporizing and will review and amend the existing tobacco bylaws at a later date, to better reflect the realities of its use today.

The new bylaw, though perhaps rushed, in its preparation, a point raised by both Councillors Randy Chambers and Dan Sample, basically, will prohibit the smoking or vaping of recreational cannabis in or on any public spaces in Shelburne. This would include all Town owned spaces, such as streets, laneways, sidewalks and parking lots, but would also cover numerous other areas, due to the Provincial definition of what is considered a ?public? space.

That definition is as follows: ?Public Place' includes any place to which the public has access as of right or invitation, express or implied, regardless of whether it is owned by a public or private entity, and also includes any motor vehicle located in a public place or in any place open to public view?.

The costs of enforcing this bylaw, will be monitored by staff and subsequent methods of reimbursement, may be utilized or the costs placed in the 2019 budget. Since the entire subject of cannabis and its legal usage is entirely new to Canada and the municipalities, there is a degree of uncertainty as to how best govern the subject. However, governance is definitely required, and a set of directions needs to be in place to that effect.

Under this bylaw, the smoking or vaping of recreational cannabis is prohibited in all places outlined inn the Smoke Free Ontario Act and in or on the following.

(a) all parks ,trails and natural ares in the Town of Shelburne

(b) public and private parking lots

(c) facilities owned by the Town, including, arenas, libraries, parks and pools

(d) roads, sidewalks and municipal boulevards

(e) all schools, daycare facilities and other child care facilities and

(f) all retail, commercial and business establishments, including but not limited to shopping malls.

It was decided by staff, that some signage would be required to alert the public to the restrictions, and this would amount to an aggregate of $2,100 plus installation, by town staff. The enforcement of the new by-law would be conducted by the By-law Enforcement Officer and by the help of Shelburne Police.

The CAO did note, that the degree to which cannabis complaints arose, could impact the ability of the BEO to deal with other by-law issues and could result in changes to his employment terms, in the 2019 budget. Also since the Province has indicated but not detailed that it may assist municipalities in the costs of dealing with this issue, Ms Morrissey indicated that, for the moment, it is uncertain as to whether or not funding may be provided to Shelburne or what form it may take.

Some concerns were raised by Councillors over the new by-law. In particular, Councillor Sample felt that it was rushed and that consultation with those most affected should occur. He noted that although he fully supports the intent of the By-law, he does not agree with how it is being implemented . He stated that ,we held a public meeting over the new Medical Cannabis facility being built, so why not over the by-law? In discussion, Dan made note that since legalization, he has neither seen nor heard of anyone

using recreational cannabis on Town streets, trails or, in the parks and therefore does not agree with the rush to legislation. A period of thoughtful discussion would go further to providing a workable and comprehensive tobacco and recreational cannabis by-law in his opinion. He mentioned that both the Curling Club and the Legion allow smoking in their parking lots and that now, this could potentially include recreational cannabis. The CAO, said that the By-law would only prohibit recreational cannabis use and would not impact tobacco smoking. It does however raise the question of whether or not, this could perhaps not be so, in a revised by-law regarding tobacco smoke.

Shelburne's new by-law is basically identical to that adopted by the Town of Markham, to the East and is less restrictive that that of Orangeville to the South. Its does reflect other municipalities in Canada, including Edmonton and Halifax. The penalties for violation, will be $100 to $500 for a first offence and up to $1000 for subsequent offences. In Orangeville, the maximum fine is $5000! The CAO stated that the Town will be sending out notices of the new by-law in the November Town Newsletter and will use social media and perhaps the newspapers to spread the word. In a nutshell, that word is that if you wish to use recreational cannabis in Shelburne, do it in the confines of your own home.

In other business,CAO Morrissey announced the hiring of a new By-law Enforcement Officer. Cody Baxter comes to the Town with a long list of qualifications and was warmly welcomed at the meeting. Town Planner Steve Wever, presented a brief report outlining the current Subdivision Agreement between the Town and Tribute Homes, for the Hyland Village Subdivision. he covered all the latest modifications and requested that Council accept the Agreement and execute same. Council agreed and the motion was carried by an unanimous vote in favour.

Treasurer Carrie Holmes updated Council on the September 30th Financials She reported that currently, the Town is in line for a surplus of approximately $162,000 for 2018 and that it be transferred to reserves at years end. This is in part due to the 2019 budget being delayed until March or more possibly April due to, the elections.

There will be several Capital Projects that will be carried into 2019 and the staff requested that year end budget transfers from reserves be authorized to affect completion of these in 2019. It was noted that as predicted in the June Quarterly Report, the financial impact from the taxation perspective for 2019, will prove challenging to the 2019 budget, as Shelburne will not experience the ? growth related ? assessment increase seen in 2018. Rather, only ? phased in ? assessment will be factored into the 2019 tax rate . This will undoubtedly translate into a tax increase for residents.

A request for support for the 2019 Pickin' in the Park, from organizers Greg and Heather Holmes was approved, as was a motion made by Wade Mills, to increase the size of the Police Services Board from three members to five. This motion was designed to decrease the work load and increase the efficiency of the Board members efforts.

Finally, Clerk Jennifer Willoughby surprised the three retiring members of Council, Mayor Bennington, Deputy Mayor Dunlop and Councillor Chambers by presenting them with beautifully, locally, crafted plaques, commemorating their many individual years in public service.