



BYLAW NO. 2018/09/D

Name of Bylaw: Land Use Amending (Cannabis) Bylaw

WHEREAS the House of Commons has given three readings to the *Cannabis Act* (Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*, 1st Sess, 42nd Parl, 2017) which will permit persons to possess cannabis if purchased from an authorized person;

AND WHEREAS it is anticipated that the *Cannabis Act* will come into force in October, 2018 or shortly thereafter;

AND WHEREAS the Province of Alberta has enacted *An Act to Control and Regulate Cannabis*, S.A. 2017, c. 21 which will place restrictions on the sale of cannabis in Alberta and will grant certain powers to municipalities to further restrict sales;

AND WHEREAS Council deems it necessary to impose additional restrictions on the sale of cannabis in Drayton Valley;

AND WHEREAS the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, authorizes the Council to pass, repeal or amend a Bylaw;

AND WHEREAS Council of Town of Drayton Valley deems is expedient and proper, under the authority of and in accordance with the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto, to make certain amendments to the Town of Drayton Valley Land Use Bylaw;

NOW THEREFORE the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the "Land Use Amending (Cannabis) Bylaw" of the Town of Drayton Valley.

PURPOSE

2. The purpose of this Bylaw is to amend Town of Drayton Valley Land Use Bylaw 2007/24/D and Land Use Amendment Bylaw (re: Adult Business) 2012/25/D, to include provisions for the retail sale of cannabis and cannabis products within the Town.

3. The following shall be added, in alphabetical order, to Section 3 Definitions of Land Use Bylaw 2007/24/D:

- a. *cannabis*:
- i. means any part of the cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds, and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time;
 - ii. including edible products that contain cannabis in any of its forms;
 - iii. means the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
 - iv. includes any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
 - v. but does not mean:
 - a) a non-viable seed of a cannabis plant;
 - b) a mature stalk, without any leaf flower, seed or branch, of such a plant;
 - c) fibre derived from a stalk; or
 - d) the root or any part of the root of such a plant;
- b. *cannabis accessory(ies)* means, as defined in the *Cannabis Act* (Canada) and its regulations, as amended from time to time:
- i. a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis; or
 - ii. a thing that is deemed under subsection (3) to be represented to be used in the consumption or production of cannabis;
- c. *cannabis counselling business* means a use:
- i. where counselling on cannabis is provided by persons who are not medical professionals;
 - ii. where consumption of cannabis is not permitted;
 - iii. where the sale of cannabis is not permitted; and
 - iv. that may include the ancillary retail sale or rental of cannabis accessories;
- d. *cannabis retail store(s)* means a retail store licensed by the Province of Alberta where cannabis and cannabis accessories are sold to individuals who attend at the premises, but does not include a cannabis production and distribution facility, a medical marijuana dispensary or a business which allows the consumption of cannabis on-site, such as a cannabis lounge;

- e. *Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provisions of this Bylaw;
 - f. *sports field(s)* means land owned or operated by a government or municipality and used by the public for athletics, recreation and entertainment;
4. The definition of “personal service establishment” within Section 3 Definitions of Land Use Bylaw 2007/24/D, is amended by adding the words “cannabis counselling business” after “tailoring,”.
 5. The definition of “Adult business” within Section 1 of Land Use Amendment Bylaw (re: Adult Business) 2012/25/D, is amended by adding the words “This does not include a medical marijuana dispensary(ies), cannabis counselling business(es) or cannabis retail store(s), or a business selling cannabis accessories; nor does this include a cannabis production and distribution facility(ies).”
 6. The words “This does not include a cannabis production and distribution facility(ies).” are added to the following definitions contained within Land Use Bylaw 2007/24/D:
 - a. Agriculture;
 - b. Agricultural, retail;
 - c. Extensive agriculture;
 - d. Farmstead;
 - e. Home business;
 - f. Industrial, light;
 - g. Industrial, heavy;
 - h. Intensive Agriculture;
 - i. Landscaping;
 - j. Manufacturing industry;
 - k. Manufacturing, processing, and fabrication;
 - l. Storage Shed;
 - m. Temporary building;
 - n. Trade workshop; and
 - o. Warehouse or warehousing.

7. The words "This does not include a business which allows the on-site consumption of cannabis, such as, but not limited to, a cannabis lounge." Are added to the following definitions contained within Land Use Bylaw 2007/24/D:
 - a. Clubs and associations;
 - b. Home business;
 - c. Live entertainment;
 - d. Personal service establishment;
 - e. Private lodge/club; and
 - f. Social care facility.

8. The words "This does not include a medical marijuana dispensary(ies) or cannabis retail store(s)." are added to the following definitions contained within Land Use Bylaw 2007/24/D:
 - a. Convenience store;
 - b. Drive-in or drive-through business;
 - c. Gas bar associated with retail sales;
 - d. Gasoline and other fuel sales;
 - e. Home business;
 - f. Home office;
 - g. Liquor store;
 - h. Pawn shop;
 - i. Retail;
 - j. Retail Liquor Store;
 - k. Second-hand store; and
 - l. Service station.

9. Land Use Bylaw 2007/24/D is amended by adding, within land use sections B11 - C1 Central Commercial District, B12 – C2 General Commercial District, B14 – M Industrial District, B24 – RI Rural Industrial District "cannabis retail store" as a Permitted Use.

10. Land Use Bylaw 2007/24/D Section A2 of Schedule "A" is hereby amended by adding the following:

"CANNABIS RETAIL STORE(S)

 - 2.3 Any cannabis retail store requires a Development Permit approved by the Town of Drayton Valley, and shall meet all applicable requirements of the respective district in which it is located.

- 2.4 A cannabis retail store shall:
- 2.4.1 not be located within 100 metres of the boundary of any existing or proposed hospital;
 - 2.4.2 if fronting any of the foregoing, not be located closer than 150 metres from the boundary of any:
 - a. school or school reserve lands;
 - b. playground; or
 - c. sports field.
- 2.5 An applicant that applies for a Development Permit for a cannabis retail store shall be required to:
- 2.5.1 produce evidence that the location meets the provincial requirements for minimum separation distances from:
 - a. schools;
 - b. municipal school reserve parcels;
 - c. school reserve parcels; and
 - d. provincial health care facilities;
 - 2.5.2 produce evidence that the location meets the municipally required setbacks noted in foregoing section 2.4;
 - 2.5.3 obtain the prerequisite provincial license prior to occupancy;
 - 2.5.4 maintain the provincial license in good standing; and
 - 2.5.5 comply with all provincial requirements.
- 2.6 The conditions of a Development Permit approved for the development of a cannabis retail store, in addition to those listed in Section 14, include:
- 2.6.1 a copy of the retail cannabis license issued by Alberta Gaming and Liquor Commission shall be provided to the Town prior to occupancy;
 - 2.6.2 occupancy shall not occur until authorized by and compliant with all federal or provincial legislation;

- 2.6.3 the maximum operating hours of a cannabis retail store shall be ten o'clock in the morning (10:00 am) to ten o'clock in the evening (10:00 pm), seven (7) days per week, excluding those dates of closure mandated by the Province of Alberta;
 - 2.6.4 advertising and goods inside the premises of a cannabis retail store shall not be visible from the outside;
 - 2.6.5 use of banner signs and inflatable advertising shall be prohibited;
 - 2.6.6 a cannabis retail store may be established within a multi-tenant building
 - 2.6.7 the public entrance to the cannabis retail store must be direct to the outdoors and customer access to the premises is limited to a store-front that is visible from the street;
 - 2.6.8 customer access to the cannabis retail store from any lane or alley is strictly prohibited;
 - 2.6.9 the site requires lighting, landscaping or screening measures that ensure the proposed development is compatible with adjacent or nearby uses and comply with Crime Prevention Through Environmental Design measures;
 - 2.6.10 parking shall be provided in accordance with the parking requirements for a retail store and the parking requirements for the district in which it is located;
 - 2.6.11 no customer parking shall be located at the rear of the cannabis retail store premises;
 - 2.6.12 no outdoor storage of cannabis goods, materials, or supplies shall be allowed on the site;
 - 2.6.13 the use shall not emit nuisances including, but not limited to, odour, noise or light, which may have a negative impact to adjacent sites or the surrounding area;
- 2.7 Notwithstanding the authorities granted under Section 13.7 of this Bylaw, no variance for the proposed development of a cannabis retail store shall be granted by the Development Authority. Any proposed variance shall require approval of Town Council.

- 2.8 The separation distance between cannabis retail stores and those land uses described in Section 2.4 shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed cannabis retail store is to be located to the closest point on the lot line of the lot on which the other specified use is located. The separation distance shall not be measured from district boundaries or walls of any building.

INTERPRETATION

11. Words used in the singular include the plural and vice-versa.
12. When a word is used in the masculine or feminine it will refer to either gender.
13. Words used in the present tense include the other tenses and derivative forms.

SEVERABILITY

14. If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

AND THAT this Bylaw shall come into force and have effect from and after the date of third reading thereof.

Read a first time this 8th day of August, 2018, A. D.

Public Hearing held this 19th day of September, 2018, A. D.

Read a second time this 19th day of September, 2018, A. D.

Read a third and final time this 19th day of September, 2018, A. D.



MAYOR



CHIEF ADMINISTRATIVE OFFICER