

The Corporation of the Town of Lakeshore

By-law 34-2020

Being a By-Law to Adopt a Municipal Cannabis Policy and Delegate Authority to the Director of Community & Development Services to Make Submissions to the Registrar of the Alcohol and Gaming Commission of Ontario regarding Cannabis Retail Store Authorizations

Whereas, the *Cannabis Licence Act, 2018, S.O. 2018, c. 12, Sched. 2* requires that notice be issued to the public and a lower tier municipality in order for the municipality to make written submissions to the Registrar of the Alcohol and Gaming Commission for Ontario, which must be made no later than 15 days after the notice is first given, as to whether the issuance of the retail store authorization is in the public interest, having regard to the needs and wishes of the residents;

And whereas, the *Cannabis Licence Act, 2018* further provides the Registrar shall consider any written submissions made in relation to whether the application for a retail store authorization is in the public interest, having regard to the needs and wishes of the residents;

And whereas, Council adopted a Municipal Cannabis Policy Statement at its April 28, 2020 Council meeting;

And whereas, section 23.1 of the *Municipal Act, 2001*, authorizes Council to delegate its power and duties;

And whereas, Council considers it necessary and desirable for the purpose of expediency and subject to the restrictions prescribed by the *Municipal Act, 2001* and by this by-law to delegate its authority for making submissions to the Registrar on behalf of the Town;

Now therefore, the Council of The Corporation of the Town of Lakeshore enacts as follows:

Part 1: Definitions

1. In this By-law:

- a) "Clerk" means the municipal clerk as described in the *Municipal Act, 2001* and appointed by Council by by-law;
- b) "Council" means the municipal council of The Corporation of the Town of Lakeshore;

- c) "Director of Community & Development Services" means the Director hired by the Chief Administrative Officer to perform the role of Director of Community & Development Services;
- d) "Municipal Cannabis Policy Statement" means the Municipal Cannabis Policy Statement adopted by resolution of Council at the April 28, 2020 Council meeting and attached as Schedule "A" to this by-law; and
- e) "Town" means The Corporation of the Town of Lakeshore.

Adoption of Policy

- 2. The Municipal Cannabis Policy attached as Schedule "A" to this by-law is adopted.

Delegation of Authority

- 3. The Director of Community & Development Services is delegated the authority to make submissions consistent with the Municipal Cannabis Policy Statement to the Registrar of the Alcohol and Gaming Commission on the Town's behalf.
- 4. The Director of Community & Development Services is delegated the authority to approve and replace the map that forms Appendix "A" to Municipal Cannabis Policy Statement when new sensitive uses arise in the Town of Lakeshore. Upon approval of the revised map, the Director of Community & Development Services shall give notice to the public by publishing the map on the Town's website.
- 5. The delegations of authority in this by-law are in addition to delegations of authority established by other by-laws and otherwise at law. In the event of any inconsistency between this By-law and any other by-law, the provision that more effectively delegates authority prevails to the extent of the inconsistency.
- 6. The delegations in this by-law are subject to any restrictions on such delegation under the *Municipal Act, 2001*, or any other Act.
- 7. Where by this by-law, Council delegates authority or imposes a restriction or direction of Council on the delegation, the delegate may exercise the authority subject to the restriction or direction.
- 8. Nothing in this by-law prevents a delegate from further delegating his or her authority to a person subject to the restriction or direction of Council on the delegation and any further restrictions or directions from the person delegating the authority.
- 9. Any exercise of authority delegated pursuant to this by-law that requires a document is subject to the restriction that the document's form and content are acceptable to the Director of Legislative & Legal Services.

10. The Director of Community & Development Services shall report to Council all acts taken under the authority of this by-law at a Council meeting on an annual basis.

Interpretation

11. The headings in this by-law are for convenience only and do not form part of this by-law.

12. If any part of this by-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

13. Unless otherwise stated:

- a) a reference to a statute or regulation refers to a statute or regulation of the Province of Ontario;
- b) a reference to a statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time; and
- c) A reference to a section, paragraph, clause or schedule is a reference to this by-law's section, paragraph, clause or schedule.

Short Title

14. This By-law may be referred to as the "Municipal Cannabis Policy Statement By-law".

Effect

15. This by-law comes into force and effect upon passage.

Read and passed in open session on April 28, 2020.

Tom Bain
Mayor

Kristen Newman
Clerk