



October 1, 2019

The Honorable Doug Ford
Premier of Ontario
Room 281, Legislative Building
Queen's Park, Toronto, ON M7A 1A1

RE: [PROPOSED AMENDMENTS TO CANNABIS BY-LAW](#) (2.0)

Dear Premier;

This will confirm that at a meeting held on September 24, 2019, the Council of the City of Markham adopted the following resolution (links to the report and attachments are provided):

1. That the report entitled "[Proposed Amendments to Cannabis By-law](#)" and dated September 16, 2019 be received; and,
2. That staff bring forward a revised by-law to the September 24, 2019 Council meeting to amend Cannabis By-law 2018-135 by: a) adding a definition of "Smoke or Smoking" to assist in the enforcement of the By-law and prosecution; and b) delete the word "recreational" from the title of By-law; and,
3. That, in keeping with the commitment made by the Province of Ontario to allow municipalities the authority to regulate or prohibit the smoking or vaporizing of cannabis, the City of Markham request the Province of Ontario amend Section 115(3) of the Municipal Act to permit municipalities to regulate smoking on highways (including sidewalks and boulevards); and further,
4. That a copy of this resolution be provided to the Premier of Ontario, Minister of Municipal Affairs and Housing, Solicitor General, local MPs and MPPs, Chief of the York Regional Police, and York Region municipalities.

If you have any questions, please contact Mike Killingsworth at 905-477-7000 ext. 2127.

Kind regards,

A handwritten signature in black ink, appearing to read 'Kimberley Kitteringham'.

Kimberley Kitteringham
City Clerk

[Proposed By-law](#)

cc: Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. Sylvia Jones, Solicitor General
Local MPs and MPPs
Chief of the York Regional Police
York Region municipalities



BY-LAW 2019-XX

**To amend Bylaw 2018-135 being a by-law to prohibit the smoking or vaporizing of recreational cannabis in public places in the City of Markham.
(Amendments to Cannabis By-law)**

WHEREAS Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, hereinafter the ("Municipal Act, 2001") provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS Section clause 6 of subsection 11(2) of the Municipal Act, 2001, provides that a municipality may pass by-laws in the interest of the health, safety and well-being of its residents and;

AND WHEREAS administrative amendments are required from time to time for enforcement purposes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

(1) That Section 2.0 of the Cannabis By-law (Definitions) be amended as follows:

(a) Amend the definition of "Public Place" by excluding public highways although including shelters or enclosed spaces on a public highway. The new definition to read as follows:

"Public Place" includes any place to which the public has access as of a right or invitation, express or implied, regardless of whether it is owned by a public or private entity, including shelters or enclosed spaces on a public highway and also includes any motor vehicle located on a public place or in any place open to public view, but excludes roads, sidewalks and municipal boulevards.

(b) Add the definition of "Smoke or Smoking"

"Smoke or Smoking" includes the inhaling, exhaling, holding or carrying of any lighted cannabis or any heated or otherwise activated smoking equipment used to smoke or consume cannabis;

(2) That Section 3.0 of the Cannabis By-law (General Prohibitions) be amended as follows:

- (a) Delete clause 3.1 e) with reference to “roads, sidewalks and municipal boulevards”
- (3) Delete the word “recreational” from the title of By-law 2018-135.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
____ DAY OF SEPTEMBER, 2019

KIMBERLEY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR