



## 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)**

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**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

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KIMBERLEY KITTERINGHAM  
CITY CLERK

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FRANK SCARPITTI  
MAYOR