



BYLAW NO. 1623-18

**BEING A BYLAW OF THE
TOWN OF PINCHER CREEK
TO RESTRICT THE CONSUMPTION
OF CANNABIS IN PUBLIC PLACES**

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 smoking or vaping of cannabis in public places;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, Council may pass bylaws respecting:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) people activities and things in, on or near a public place or place that is open to the public; and
- (c) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

AND WHEREAS Council deems it necessary to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in public places to prevent behaviours and conduct that may have a negative impact on the enjoyment of public places;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF PINCHER CREEK ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the "Cannabis Consumption Bylaw".

DEFINITIONS AND INTERPRETATION

2. (1) In this Bylaw:
 - (a) "*cannabis*" has the meaning given to it in the *Cannabis Act*;
 - (b) "*Cannabis Act*" means 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;

- (c) *"Bylaw Enforcement Officer"* means the person employed by the Town as Community Peace Officer, Bylaw Enforcement Officer or Special Constable empowered to enforce this Bylaw;
 - (c.1) *"Chief Administrative Officer"* means the person appointed by Town Council as its chief administrative officer or that person's designate;
 - (d) *"electronic smoking device"* means an electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe;
 - (e) *"public place"* includes any place to which the public has access as of right or by invitation, express or implied;
 - (f) *"smoke"* or *"smoking"* means:
 - (i) inhaling or exhaling the smoke produced by burning or heating ***cannabis***; or
 - (ii) holding or otherwise having control of any device or thing containing lit or heated *cannabis*;
 - (g) *"vape"* or *"vaping"* means:
 - (i) inhaling or exhaling the vapour, emissions or aerosol produced by an *electronic smoking device* or similar device containing *cannabis*, or
 - (ii) holding or otherwise having control of an *electronic smoking device* that is producing vapour, emissions or aerosol from *cannabis*.
- (2) All schedules attached to this Bylaw form part of this Bylaw.
- (3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- (4) Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- (5) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

- (6) Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

PROHIBITION

3. A person must not *smoke, vape* or consume *cannabis* in any *public place*.

MEDICAL CANNABIS

4. (1) A person who is entitled to possess *cannabis* pursuant to a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230 is not subject to this Bylaw.
- (2) A person referred to in subsection (1) must, on demand of an *officer*, produce a copy of the person's medical document.

EVENTS

- 4.1 (1) Despite section 3, a person may *smoke, vape* or consume *cannabis* in a *public place* at an event for which a permit has been granted by the *Designated Officer*.
- (2) The *Designated Officer* may impose conditions on a permit granted pursuant to subsection (1).
- (3) The *Designated Officer* may suspend or revoke a permit issued pursuant to subsection (1) if the *Bylaw Enforcement Officer* and or *Designated Officer* determines that a permit holder or any person at an event for which a permit has been issued has contravened any federal or provincial legislation or a Town bylaw.
- (4) The holder of a permit issued pursuant to subsection (1) must ensure that:
 - (a) the *smoking, vaping* or consumption of *cannabis* is only permitted in a designated area, separate and fenced off from the remainder of the event;
 - (b) alcohol is not consumed in the area designated for the *smoking, vaping* or consumption of *cannabis*;
 - (c) the sale of *cannabis* is not permitted in the area designated for the *smoking, vaping* or consumption of *cannabis*; and
 - (d) that the advertising or other materials relating to promotion of *cannabis* cannot be seen by persons under the age of 18.

DESIGNATED CANNABIS AREA

- 4.2 (1) Council may by resolution designate areas located on Town-owned *public places* in which *cannabis* may be *smoked, vaped* or consumed.
- (2) Council may by resolution designate *public places* in which this Bylaw does not apply.
- (3) Despite section 3, a person may *smoke, vape* or consume *cannabis* in an area or *public place* designated by Council pursuant to this subsection (1).
- (4) Prior to designating an area or *public place* pursuant to this section, Council must hold a public hearing in respect of a proposed designated cannabis area in accordance with the requirements of the *Municipal Government Act*.
- (5) The *Bylaw Officer* may temporarily suspend a designation pursuant to subsection (1) for up to 90 days if in the opinion of the *Bylaw Officer* the area has experienced significant safety or nuisance issues.
- (6) The *Chief Administrative Officer* shall maintain a list of areas and *public places* designated pursuant to this section. The *Chief Administrative Officer* may publish the list on the Town's website.

OFFENCES

5. Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.

ENFORCEMENT

6. (1) Where an *officer* believes that a person has contravened any provision of this Bylaw, the *officer* may commence proceedings against the person by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- (2) This section shall not prevent an *officer* from issuing a violation ticket court appearance of the defendant pursuant to the *Provincial Offences Procedures Act* or from laying an information instead of issuing a violation ticket.

PENALTY

7. (1) Where there is a specified penalty listed for an offence in Schedule A to this Bylaw, that amount is the specified penalty for the offence.
- (2) Where there is a minimum penalty listed for an offence in Schedule A to this Bylaw, that amount is the minimum penalty for the offence.
- (3) In this section, "specified penalty" means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.

COMING INTO FORCE

8. This bylaw comes into force on the day the Cannabis Act comes into force.

READ A FIRST TIME THIS 9th DAY OF October, 2018, A.D.

DEPUTY W. Elliott
MAYOR, Don Anderberg

L. Wilgosh
CAO, Laurie Wilgosh

READ A SECOND TIME THIS 9th DAY OF October, 2018, A.D.

DEPUTY W. Elliott
MAYOR, Don Anderberg

L. Wilgosh
CAO, Laurie Wilgosh

READ A THIRD TIME THIS 9th DAY OF October, 2018, A.D.

DEPUTY W. Elliott
MAYOR, Don Anderberg

L. Wilgosh
CAO, Laurie Wilgosh

SCHEDULE A

PENALTIES

Section	Description of Offence	Minimum Penalty	Specified Penalty
3	<i>Smoke, vape or consume cannabis in public place</i>	\$50	\$100