

BYLAW 18-18

**A BYLAW OF THE MUNICIPAL DISTRICT OF BIGHORN 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 the Cannabis Act has come into force in Canada;

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 MUNICIPAL DISTRICT OF BIGHORN, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

TITLE

1. This Bylaw may be cited as the M.D. of Bighorn “Cannabis Consumption Bylaw”.

DEFINITIONS AND INTERPRETATION

2. (1) In this Bylaw:
 - (a) “Bylaw Enforcement Officer” means a person duly appointed to the position of Bylaw Enforcement Officer for the M.D.;
 - (b) “cannabis” has the meaning given to it in the Cannabis Act;



- (c) “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;
- (e) “Chief Administrative Officer” or “C.A.O.” means the person appointed by Council as its chief administrative officer or that person’s designate;
- (f) “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;
- (g) “M.D.” means the Municipal District of Bighorn No.8;
- (h) “officer” means a duly appointed municipal Bylaw Enforcement Officer, a peace officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5, or a member of the Royal Canadian Mounted Police;
- (i) “public place” includes any place to which the public has access as of right or by invitation, express or implied;
- (j) “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;
- (k) “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.
- (l) “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) 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.
- (4) 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.



- (5) 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 license.

PROHIBITION

3. A person shall 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

5. (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 M.D.
- (2) The M.D. may impose conditions on a permit granted pursuant to subsection (1).
- (3) The M.D. may suspend or revoke a permit issued pursuant to subsection (1) if a Bylaw Enforcement 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 municipal 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

6. (1) Council may by resolution designate areas located on M.D.-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.
- (6) The M.D. may temporarily suspend a designation pursuant to subsection (1) for up to 90 days if in the opinion of a Bylaw Enforcement Officer the area has experienced significant safety or nuisance issues.
- (7) The C.A.O. shall maintain a list of areas and public places designated pursuant to this section. The C.A.O. may publish the list on the M.D.'s website.

OFFENCES

7. 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

8. (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 requiring a court appearance of the defendant pursuant to the Provincial Offences Procedures Act or from laying an information instead of issuing a violation ticket.

PENALTY

9. (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.



COMING INTO FORCE

10. This bylaw comes into force on the date of final reading thereof.

READ A FIRST TIME THIS 13th DAY OF NOVEMBER A.D., 2018

READ A SECOND TIME THIS 13th DAY OF NOVEMBER A.D., 2018

READ A THIRD TIME THIS 13th DAY OF NOVEMBER A.D., 2018



REEVE



EXECUTIVE ASSISTANT

SCHEDULE A

PENALTIES

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