

## BYLAW 33-18

### A BYLAW OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA TO REGULATE THE CONSUMPTION OF CANNABIS

**WHEREAS** the Government of Canada has passed 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*, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2017) which will permit persons to possess cannabis; and

**WHEREAS** it is anticipated that the *Cannabis Act* will come into force in 2018; 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 the provision of the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, people activities and things in, on or near a public place or place that is open to the public; and

**WHEREAS** Council deems it prudent 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 Okotoks enacts as follows:

#### 1. SHORT TITLE

This Bylaw may be known as the “Cannabis Consumption Bylaw”.

#### 2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

2.1 **cannabis** has the same meaning as defined in the *Cannabis Act*;

2.2 **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*;

- 2.3 **Chief Administrative Officer (CAO)** means the person appointed to the position of Chief Administrative Officer for the Town of Okotoks by Council within the meaning of the *MGA*;
- 2.4 **Council** means the municipal Council of the Town of Okotoks duly elected under the *Local Authorities Election Act*;
- 2.5 **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;
- 2.6 **Peace Officer** means:
- a) a member of the Royal Canadian Mounted Police;
  - b) a Community Peace Officer as appointed by the Solicitor General of Alberta; or
  - c) a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;
- 2.7 **public place** means any place to which the public has access as of right or by invitation, express or implied;
- 2.8 **smoke or smoking** means:
- a) inhaling or exhaling the smoke produced by burning cannabis; or
  - b) holding or otherwise having control of any device or thing containing lit cannabis;
- 2.9 **vape or vaping** means:
- a) inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis; or
  - b) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis;
- 2.10 **violation tag** means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;
- 2.11 **violation ticket** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, Revised Statutes of Albert 2000, Chapter P-34 and any amendments or regulations thereto.

### 3. PROHIBITION

- 3.1 No person shall smoke, vape, or consume cannabis in any public place.

#### **4. EXEMPTION FOR MEDICAL CANNABIS**

- 4.1 Notwithstanding Section 3.1, any person who is authorized to possess cannabis per a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230, and amendments thereto, is subject to the Okotoks Smoking and Vaping Bylaw.
- 4.2 Any person exempt pursuant to Section 4.1 must, on demand of a Peace Officer, produce a copy of such person's medical document.

#### **5. EXEMPTION FOR SPECIAL EVENTS**

- 5.1 Notwithstanding Section 3.1, a person may smoke, vape or consume cannabis at an event for which a permit has been granted by the CAO.
- 5.2 The CAO may impose conditions on any permit granted pursuant to Section 5.1.
- 5.3 The CAO may suspend or revoke any permit issued pursuant to Section 5.1 if the CAO 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 any other municipal bylaw.
- 5.4 The holder of a permit issued pursuant to Section 5.1 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 and tobacco are 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) any advertising or other materials relating to the promotion of cannabis cannot be seen by persons under the age of 18 years.

#### **6. PENALTIES AND ENFORCEMENT**

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars.
- 6.2 Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.

- 6.3 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.
- 6.4 The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other Bylaw.
- 6.5 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
- a) a violation tag allowing a payment of the specified penalty to the Town; or
  - b) a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 6.6 Service of a violation tag will be sufficient if it is
- a) personally served; or
  - b) served by regular mail to the person's last known mailing address.
- 6.7 If a violation ticket is issued in respect to an offence, the violation ticket may:
- a) specify the fine amount established by this Bylaw for the offence; or
  - b) require a person to appear in Court without the alternative of making a voluntary payment.
- 6.8 A person who commits an offence may:
- a) if a violation ticket is issued in respect of the offence; and
  - b) if the violation ticket specified the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

## **7. GENERAL**

- 7.1 Any person who contravenes any provision of this Bylaw by:
- a) doing any act or thing which the person is prohibited from doing; or
  - b) failing to do any act or thing the person is required to do;
- is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

- 7.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw, or any requirement of any lawful permit, order or license.
- 7.3 Words in the singular include the plural and words in the plural include the singular.
- 7.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- 7.5 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended by Council.
- 7.6 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premises as provided by the *Municipal Government Act*, or any other law of the Province of Alberta.

## 8. SEVERABILITY

- 8.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent to all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

This Bylaw shall come into full force and effect upon third and final reading.

READ A FIRST TIME this 11<sup>th</sup> day of June, 2018.

READ A SECOND TIME this 25<sup>th</sup> day of June, 2018.

READ A THIRD TIME AND PASSED this 25<sup>th</sup> day of June, 2018.

- Original Signed -

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Mayor

- Original Signed -

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Chief Administrative Officer

**Schedule "A"**

<b>SECTION</b>	<b>OFFENCE</b>	<b>PENALTY 1<sup>st</sup> offence</b>	<b>PENALTY 2<sup>nd</sup> /subsequent offences</b>
3.1	Consume cannabis in public place	\$250.00	\$500.00