

## BYLAW 1887 OF THE TOWN OF FORT MACLEOD

Being a Bylaw of the Town of Fort Macleod in the province of Alberta to regulate the Consumption of Cannabis;

**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;

**WHEREAS**, the Municipal Government Act, RSA 2000, c M-26, as amended, provides the authority for the Council of Fort Macleod to pass by-laws respecting the safety, health and welfare of people and the protection of people and property;

**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 Fort Macleod, duly assembled, enacts as follows:

### SHORT TITLE

1. This Bylaw shall be known 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. "*Chief Licensing Officer*" means the person designated by the Town of Fort Macleod as such, or their designated alternative;
  - 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. "Event Designate" is the person responsible for the issuance of an event permit whereby consumption of *cannabis* is permitted for a public event;
  - f. "Peace Officer" means a Community Peace Officer as appointed; a sworn Bylaw Officer; or any member of the Police Service of Jurisdiction;
  - g. "public place" means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not; but for sake of clarity, does not include a residence or temporary residence as defined in the *Gaming, Liquor and Cannabis Act*;
  - h. "smoke" or "smoking" 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 any device or thing containing lit or heated *cannabis*;
  - i. "Town Manager" Shall mean the Town of Fort Macleod Chief Administrative Officer
  - j. "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 in 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 license.

## **PROHIBITION**

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

## **MEDICAL CANNABIS**

4. 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.





4.1 A person referred to in subsection (1) must, on demand of a *Peace Officer*, produce a copy of the person's medical document.

## **EVENTS**

5. 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 *Chief Licensing Officer* and issued to the *Event Designate*.

5.1 The *Chief Licensing Officer* may impose conditions on a permit granted pursuant to section 5.

5.2 The *Chief Licensing Officer*, *Peace Officer*, or *Town Manager*, may suspend or revoke a permit issued pursuant to section 5 if the at any time, one of them, 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 City bylaw.

5.3 The holder of a permit issued pursuant to section 5 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.

## **OFFENCES**

6. 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**

7. 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.

7.1 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**

8. 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.

8.1 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.



8.2 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**

9. This Bylaw comes into force on the day the *Cannabis Act* comes into force.

**SCHEDULE A**

<b>OFFENCE</b>	<b>DESCRIPTION OF OFFENCE</b>	<b>MINIMUM SPECIFIED PENALTY</b>
3.	Consume cannabis in a public place	\$250.00
5.3(a)	Permit consumption of cannabis outside of designated area	\$250.00
5.3(b)	Permit consumption of alcohol inside of area designated for cannabis use	\$250.00
5.3(c)	Permit sale of cannabis in area designated for cannabis use	\$250.00
5.3(d)	Permit cannabis advertising to be seen by persons under 18 years of age	\$250.00

**SCHEDULE B**

<b>PERMIT TYPE</b>	<b>FEE</b>
Cannabis Event Permit	\$100.00 per Event

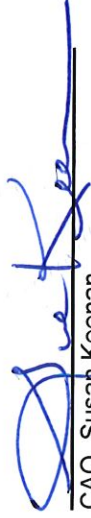
READ A FIRST TIME THIS 24 DAY OF SEPTEMBER 2018.

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

READ A THIRD TIME AND FINALLY DECLARED PASSED BY COUNCIL THIS 14 DAY OF

January 2019.

  
MAYOR, Brent Feyfer

  
CAO, Susan Keenan

