

BYLAW NUMBER 709

BEING A BYLAW OF THE VILLAGE OF BARONS 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 Session, 42nd Parliament, 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 17, 2018 or shortly thereafter;

AND WHEREAS the Province of Alberta has enacted An Act to Control and Regulate Cannabis, S.A. 2017, Chapter 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 for the Village of Barons enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the “Cannabis Consumption Bylaw”.

DEFINITIONS AND INTERPRETATION

2. a. In this Bylaw:
 - i) “cannabis” has the meaning given to it in the Cannabis Act;

- ii) “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 Session, 42nd Parliament, 2017;
- iii) “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;
- iv) “officer” means a member of the Royal Canadian Mounted Police or a special constable or a member of the patrol division of the Department of the Solicitor General, an Alberta Peace Officer, Community Peace Officer, or a Bylaw Enforcement Officer of the Village of Barons;
- v) “public place” includes any place to which the public has access as of right or by invitation, express or implied; examples include sidewalks, roads/streets, parks, playgrounds, school grounds, campgrounds, ball diamonds, firehall, community hall, gazebo, or any other place deemed to be considered as a “public place”;
- vi) “smoke” or “smoking” means:
 - a) inhaling or exhaling the smoke produced by burning or heating cannabis; or
 - b) holding or otherwise having control of any device or thing containing lit or heated cannabis;
- vii) “use”, where used as a verb in respect of cannabis, includes smoke, vape, apply, inhale and consume;
- viii) “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.
- b. All schedules attached to this Bylaw form part of this Bylaw.
- c. 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.

- d. 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.
- e. 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. A person must not smoke, vape or consume cannabis in any public place.
 - b. Nothing in this Bylaw shall prohibit a person from smoking/vaping or using cannabis inside any residence.
 - i. Except as otherwise provided for in this Bylaw, no person may use cannabis in a vehicle unless, when the cannabis is being used, the vehicle is used for camping.

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 still subject to this Bylaw.

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. 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 municipal violation ticket as set out in Schedule A of this Bylaw.

PENALTY

- 7. In this section, “penalty” means an amount that can be paid by a person who is issued a municipal violation ticket and is authorized to make a voluntary payment.

COMING INTO FORCE

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

Read a first time this _____ day of _____, 2018

Read a second time this ____ day of _____, 2018

And by Unanimous Consent

Read a third time and finally passed this ____ day of _____, 2018

Mayor

Administrator

SCHEDULE A

PENALTIES

Section	Description of Offence	First Offence	Subsequent Offences
3	Smoke, vape or consume cannabis in any public place	\$50.00	\$100.00