

BYLAW # 972-1 – REVISED BYLAW

**BEING A BYLAW OF THE TOWN OF BEAVERLODGE
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 July, 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 behaviors and conduct that may have a negative impact on the enjoyment of public places;

NOW, THEREFORE, THE COUNCIL OF THE Town of Beaverlodge ENACTS AS FOLLOWS:

SHORT TITLE

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

DEFINITIONS AND INTERPRETATION

- 2. (A) 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. “*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;

- d. *“Peace Officer Superintendent”* means the person appointed to the position of Peace Officer Superintendent pursuant to The Alberta Justice and Solicitor General.
- e. *“Municipal Tag”* means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town.
- f. *“Peace Officer”* means a member of the Royal Canadian Mounted Police, a Peace Officer appointed pursuant to the Peace Officer Act, or a Bylaw Enforcement Officer.
- g. *“public place”* includes any place to which the public has access as of right or by invitation, express or implied;
- h. *“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*;
- i. *“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*.
- j. *“Violation Ticket”* has the same meaning as the Provincial Offences Procedure Act, RSA 2000, and Chapter P-34 as amended or repealed and replaced from time to time

- (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 license.

PROHIBITION

3. A person shall not 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.
 - (3) A person referred to in subsection (1) is subject to the Smoking and Vaping in a public place Bylaw 971

SERVABILITY

5. Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

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. (A) 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.
 - (B) 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.
 - (C) A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
 - (D) A Municipal Tag shall be served:
 - a. Upon the Person personally, or by leaving it with the Person on the premises

- who has the appearance of being at least eighteen (18) years of age; OR
- b. In the case of a corporation or partnership, by serving the Municipal Tag personally upon the Manager, Corporate Secretary or other Officer, or Person apparently in charge of a branch office, by mailing a copy to such Person by registered mail.
- (E) A Municipal Tag shall be in a form approved by the CAO, Chief Administrative Officer, and shall state;
- a. The name of the Person to whom the Municipal Tag is issued;
 - b. A description of the Property upon which the offence has been committed, if applicable;
 - c. A description of the offence and the applicable Bylaw Section;
 - d. The appropriate penalty for the offence as specified in Schedule “A” of this Bylaw;
 - e. That the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag in order to avoid prosecution; AND
 - f. Any other information as may be required by the CAO
- (F) Where a Municipal Tag has been issued pursuant to Section 7.C, the Person to whom the Municipal Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office the penalty specified on the Municipal Tag.
- (G) In the event that a Municipal Tag has been issued and the penalty specified on the Municipal Tag has not been paid within the prescribed time, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to *Part II of the Provincial Offences Procedure Act* to the Person to whom the Municipal Tag was issued.
- (H) Notwithstanding Section 7.G, a Peace Officer is hereby authorized and empowered to immediately issue a violation Ticket to any Person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

PENALTY

- 8. (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 or municipal tag and is authorized to make a voluntary payment without a Court appearance.

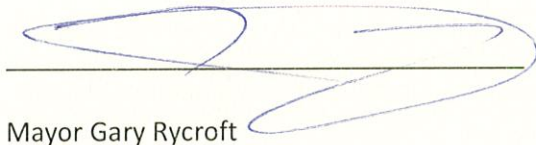
SEVERABILITY AND COMING INTO FORCE

9. This bylaw comes into force on the day the Cannabis Act comes into force.
(9.1) Revision of Bylaw #972 – Town of Beaverlodge Cannabis in Public Places (September 24, 2018)

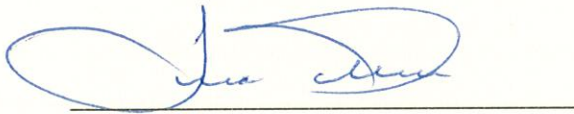
Read a first time on this 25 day of May, 2020

Read a second time on this 8 day of June, 2020

Read a third and final time this 8 day of June, 2020



Mayor Gary Rycroft



Acting CAO Tina Letendre

SCHEDULE A

PENALTIES

Section	Description of Offence	Minimum Penalty	Specified Penalty
3	<i>Smoke, vape or consume cannabis in public place</i>	\$250	\$500