

# TOWN OF RAINBOW LAKE

## BYLAW NO. 2018-08

### BEING A BYLAW OF THE TOWN OF RAINBOW LAKE 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*, 1<sup>st</sup> Sess., 42<sup>nd</sup> Parl, 2017) which will permit persons to possess cannabis if purchased from an authorized person;

**Whereas**, it is anticipated that the *Cannabis Act* will come into force in October, 2018 or shortly thereafter;

**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**, 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;

**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 Rainbow Lake enacts as follows:

#### SECTION I – SHORT TITLE AND DEFINITIONS

##### Short Title

1. This Bylaw may be cited 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*, 1<sup>st</sup> Sess., 42<sup>nd</sup> Parl, 2017;
  - (c) "*electronic smoking device*" means an electronic device that can be used to deliver a vapor, 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*" a Community Peace Officer appointed by the Town, or a Bylaw Enforcement Officer appointed to enforce the Town's Bylaws.
  - (e) "*person*" includes an individual or a group of individuals.
  - (f) "*public place*" includes any place to which the public has access as of right or by invitation, express or implied;

(g) "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*
- (h) "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) 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.

## SECTION II - PROHIBITION

3. A person must not *smoke* or *vape cannabis* in any *public place*.

## SECTION III - 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.

## SECTION IV - 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.

## SECTION V - ENFORCEMENT

6. (1) Where a *peace officer* believes that a person has contravened any provision of this Bylaw, the *peace 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 a *peace 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.

**SECTION VI - PENALTY**

7. (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 and is authorized to make a voluntary payment without a Court appearance.

**SECTION VII - SERVABILITY**

8. Each Section of this Bylaw shall be read and constructed 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

**SECTION VIII - COMING INTO FORCE**

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

**READ A FIRST TIME** this 24<sup>th</sup> of September, 2018

**READ A SECOND TIME, AS AMENDED**, this 16<sup>th</sup> of October 2018

**READ A THIRD TIME** and finally passed this 16<sup>th</sup> of October 2018

Michelle Farris

Mayor



Chief Administrative Officer

**SCHEDULE A**

**PENALTIES**

<b>Section</b>	<b>Description of Offence</b>	<b>Minimum Penalty</b>		<b>Specified Penalty</b>
<b>3</b>	<b>Smoke, vape or consume cannabis in public</b>	<b>First Offence</b>	<b>\$150.00</b>	<b>\$250.00</b>
		<b>Second Offence</b>	<b>\$300.00</b>	<b>\$400.00</b>
		<b>Third Offence</b>	<b>\$600.00</b>	<b>\$700.00</b>