



BYLAW NO. 2018/12/P

Name of Bylaw: Cannabis-Free Public Places Bylaw

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;

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 Drayton Valley, duly assembled, hereby enacts as follows:

TITLE

1. This Bylaw may be cited as the “Cannabis-Free Public Places Bylaw” of the Town of Drayton Valley.

PURPOSE

2. The purpose of this Bylaw is to establish regulations with respect to the smoking, vaping and public consumption of cannabis products within the Town of Drayton Valley.

DEFINITIONS

3. In this Bylaw, including this section, unless the context otherwise requires:

3.1 *cannabis*:

- a. means any part of the cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds, and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time;
- b. including edible products that contain cannabis in any of its forms;
- c. means the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
- d. includes any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
- e. but does not mean:
 - i. a non-viable seed of a cannabis plant;
 - ii. a mature stalk, without any leaf flower, seed or branch, of such a plant;
 - iii. fibre derived from a stalk; or
 - iv. the root or any part of the root of such a plant;

3.2 *consume* where used as a verb in respect of cannabis, includes smoke, vape, apply, inhale or ingest;

3.3 *Council* means the Municipal Council of the Town of Drayton Valley;

3.4 *Peace Officer* means a person appointed as a Peace Officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provisions of this Bylaw;

3.5 *person* means a corporation, partnership, or individual, and the heirs, executors, personal representatives or other legal representative of an individual, joint venture, proprietorship, association, or society;

3.6 *public parks and recreation areas* means land owned or managed by a government or municipality and used by the public for athletics, recreation and entertainment;

3.7 *public place* means any highway, parkland, public bridge, road, lane, footway, sidewalk, boulevard, walkway, trail, square, court, alley or passage, whether a thoroughfare or not, and includes any open space or

indoor area to which the public may have or are permitted to have access, express or implied, whether on pavement, enclosed, covered by a roof, or otherwise, that is owned by the Town of Drayton Valley;

- 3.8 *smoke or smoking* means to hold or otherwise have control over:
- a. a lit cannabis product or accessory;
 - b. an electronic cigarette or e-cigarette containing a cannabis product; and/or
 - c. a vaporizer or inhalant-type device containing a cannabis product;
- 3.9 *Town* means the Town of Drayton Valley, in the Province of Alberta;
- 3.10 *use* with respect to electronic cigarettes, means to inhale or exhale vapour from an electronic cigarette or hold an activated electronic cigarette;
- 3.11 *Violation Tag* means a tag or similar document issued by the Town for the purpose of notifying a person that an offence has been committed for which a prosecution may follow;
- 3.12 *Violation Ticket* means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedure Act*,

PROHIBITION

4. A person must not smoke, vape, use, or consume cannabis in any public place, public park or recreation area.

MEDICAL CANNABIS

5. 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.
6. A person referred to in Section 5 must, on demand of an Peace Officer, produce a copy of the person's medical document. A person who cannot produce such a document upon demand by a Peace Officer is guilty of an offence under this Bylaw.
7. A person referred to in Section 5 is subject to the *Tobacco and Smoking Reduction Act, Statutes of Alberta, 2005, Chapter T-3.8*.

ENFORCEMENT

8. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to:
 - 8.1 payment of the penalty as set out in Schedule "A" hereto; or
 - 8.2 in default of payment of any penalty, to imprisonment for up to six (6) months.
9. A Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:
 - 9.1 a Violation Tag allowing payment of the specified penalty to the Town, which payment will be accepted by the Town in lieu of prosecution for the offence; or
 - 9.2 a summons under the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34 as amended, by means of a Violation Ticket; or
 - 9.3 a Violation Ticket, allowing a voluntary payment of the specified penalty to the Provincial Court, or, requiring a person to appear in Court without the alternative of making a voluntary payment; and
 - 9.4 the recording of the payment of a specified penalty made to the Town pursuant to a Municipal Tag or the Provincial Court of Alberta pursuant to a Violation Ticket shall constitute an acceptance of a guilty plea and conviction of the offence.
10. Service of a Violation Tag shall be sufficient if it is:
 - 10.1 personally served;
 - 10.2 left with the person on the premises who has the appearance of being at least eighteen (18) years of age; or
 - 10.3 sent and served by regular mail to the person or corporation's last known mailing address.

11. A Violation Tag shall be in a form approved by the Chief Administrative Officer, and shall state:
 - 11.1 the name of the person to whom the violation tag is issued;
 - 11.2 a description of the property upon which the offence has been committed, particularly a civic address or legal description, if applicable;
 - 11.3 the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - 11.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag in order to avoid prosecution; and
 - 11.5 any other information as may be required by the Chief Administrative Officer.
12. Where a Violation Tag has been issued pursuant to this section, the person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Town Office, the penalty specified on the Violation Tag.
13. In the event that a Violation Tag has been issued and the penalty specified on the Violation 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 2 of the *Provincial Offences Procedure Act* to the person to whom the Violation Tag was issued.
14. Notwithstanding the foregoing, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person to whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
15. A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
16. The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect for of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided by this Bylaw.

17. Where a Clerk of the Court records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and the *Provincial Offenses Procedure Act*, the act of recording constitutes acceptance of the guilty plea and also constitutes a conviction and imposition of a fine in the amount of the specified penalty.
18. The Town is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Town may take into account any practical concerns regarding enforcement including the funds available under the municipal budget and available personnel resources.

INTERPRETATION

19. Words used in the singular include the plural and vice-versa.
20. When a word is used in the masculine or feminine it will refer to either gender.
21. Words used in the present tense include the other tenses and derivative forms.

SEVERABILITY

22. If any provision of this Bylaw is held be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.
23. This Bylaw does not override any existing provincial and federal legislation .

AND THAT this Bylaw shall have force and come into effect from and after the date of third reading thereof.

Read a first time this 8th day of August, 2018, A. D.

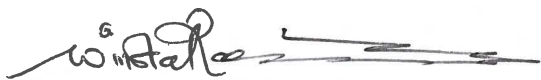
Public Hearing held this 19th day of September, 2018, A. D.

Read a second time this 17th day of October, 2018, A. D.

Read a third and final time this 17th day of October, 2018, A. D.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
FINES AND PENALTIES

Section	Violation	Penalty		
		First Offence	Second Offence	Third Offence
4.	Smoke, vape or consume cannabis in any public place, public park or recreation area	\$150.00	\$300.00	\$600.00
6.	Smoke, vape or consume cannabis in any public place, public park or recreation area when in possession of a medical document issued pursuant to the <i>Access to Cannabis for Medical Purposes Regulations</i> , SOR/2016-230 but unable to produce same	\$50.00	\$100.00	\$150.00