

**TOWN OF BON ACCORD
BYLAW 2018-15
CONSUMPTION OF CANNABIS BYLAW**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE TO REGULATE AND CONTROL THE CONSUMPTION OF CANNABIS WITHIN THE TOWN OF BON ACCORD.

WHEREAS, the Government of Canada has passed the Cannabis Act (Bill C-45), an Act respecting cannabis and to amend the Controlled Drug and Substance Act, the Criminal Code and other acts, which will permit persons to possess and consume cannabis.

WHEREAS, Council deems it prudent to impose additional restrictions on the consumption of cannabis in public places to prevent behaviors and conduct that may have a negative impact on the enjoyment of public places;

WHEREAS, NOW THEREFORE, THE COUNCIL OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 – SHORT TITLE

- 1.1 This Bylaw may be referred to as "Consumption of Cannabis Bylaw".

SECTION 2 – DEFINITIONS

- 2.1 "Building" means a fully or substantially enclosed structure constructed such that it may accommodate human occupation.
- 2.2 "Cannabis": has the meaning given to it in the Cannabis Act;
- 2.3 "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;
- 2.4 "Town "means the municipal corporation of Town of Bon Accord or, where the context so requires, the area contained within the boundaries of the Town.
- 2.5 "Chief Administrative Officer" means the chief administrative officer of the Town, or their designate.
- 2.6 "Electronic Smoking Device" means an electronic device that may be used to deliver a vapor, emission, or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, vaporizer cigarette, cigar, cigarillo, or pipe;
- 2.7 "Outdoor Public Event" means an outdoor event that the public has access too.
- 2.8 "Park" means any developed or undeveloped space owned, controlled and maintained by the Town that is:
1. dedicated for the common use and enjoyment of the public
 2. intended to be used by members of the public for recreation and general enjoyment
 3. preserved as a natural area;
 4. designated or districted as a park or park corridor land;
 5. dedicated as municipal reserve, environmental reserve, or a public utility lot pursuant to the Municipal Government Act RSA 2000 cM26; or

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6. that portion of a boulevard contiguous with, partially within, or fully within the property referenced subsections (1) – (5) above.
 7. For the purposes of this Bylaw, Parks include sidewalks and trails contained within them, named Parks, open green spaces, and green spaces surrounding storm-water ponds and systems;
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- 2.9 “Patio” means an outdoor structure, including a balcony, that adjoins or is adjacent to a restaurant or lounge and is regularly used for the consumption of food and beverages by patrons of the adjoining restaurant or lounge;
 - 2.10 “Peace Officer” means a person employed for the purposes of preserving and maintaining the public peace and includes: a provincially appointed community Peace Officer for Town of Bon Accord, a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with their appointment, and a regular member of the Royal Canadian Mounted Police.
 - 2.11 “Playground” means any kind of structure or collection of structures which is designed and intended for recreational uses such as climbing, swinging, hanging, crawling, jumping, stepping whether over, under, through, and includes the distinct material in which the structure or apparatus is mounted.
 - 2.12 “Private Living Accommodation” means any building or portion thereof that is used as a residence or that is used exclusively by person(s) living in the residence, In a building containing multiple residential units, common use areas such as washrooms, waiting rooms, meeting rooms, storage areas, fitness facilities, kitchens, eating areas, cloak rooms and the hallways shall not be considered parts of a Private Living Accommodation. For the purposes of this Bylaw, a room to let in a hotel, motel, lodge, or inn or any similar place shall be considered a Private Living Accommodation;
 - 2.13 “Private Motor Vehicle” A motor vehicle, also known as a motorized vehicle, is a self-propelled vehicle, commonly wheeled, that does not operate on rails, such as trains or trams and used for the transportation of passengers, or passengers and property
 - 2.14 “Private Residential Property” means land owned privately not by a government, societies, associations or cooperation, includes but not limited to privately owned land, land surrounding a dwelling, and driveways
 - 2.15 “Public Place” includes but not limited to any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, hotel dining areas, lobbies and corridors of hotels, and any park, highway, street, lane, or sidewalk adjoining any highway, street or lane, recreational amenities, seasonal skating rink, outdoor public events, sports field or playgrounds.
 - 2.16 “Recreational Amenities” include outdoor pools, spray parks, playgrounds, ski hills, skate parks, sports fields and campgrounds.
 - 2.17 “Schedule” means a schedule attached to and forming part of this Bylaw:
 - 2.18 “Seasonal Skating Rink” means an outdoor ice surface that is designed and intended for recreational skating or playing hockey and includes public lakes, ponds and outdoor rinks.
 - 2.19 “Sidewalk” means a walkway that the public is ordinarily entitled to use and that is especially adapted to the use of or ordinarily used by pedestrians which is between:
 1. the curb line, or
 2. where there is no curb line, the edge of the roadway,
 3. and the adjacent property line whether or not it is paved or improved;

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- 2.20 “Smoke or Smoking” means inhaling or exhaling the smoke produced by lit, burning, ignited, or heated Cannabis; holding or otherwise having control of lit, burning, ignited, or heated Cannabis, or any device or thing containing lit, burning, ignited, or heated Cannabis; inhaling or exhaling the vapor emissions, or aerosol produced by an Electronic Smoking Device or similar device containing Cannabis; or holding or otherwise having control of an Electronic Smoking Device or a similar device that is producing vapor, emissions, or aerosol from Cannabis
- 2.21 “Sports Field” means an area designed and intended for the use in a specific sporting event and includes but is not limited to, a soccer pitch, football field, baseball diamond, tennis court, or rodeo grounds.
- 2.22 “Violation Ticket” means a violation ticket issued in accordance with the Provincial Offences Procedure Act RSA 2000 cP-34.

SECTION 3 – PROHIBITON

- 3.1 Except as permitted in this Bylaw, no person shall engage in the consumption of Cannabis in any form in any public place.
- 3.2 A person who is 18 years of age or older may consume Cannabis of any form:
1. inside a Private Living Accommodation
 2. on or within a private residential property, with permission from the land owner;

SECTION 4 – EXEMPTION FOR MEDICAL CANNABIS

- 4.1 Any person who is authorized to possess cannabis per a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, must adhere to the following:
1. No person shall smoke or use an electronic smoking device to consume medical cannabis in a public place.
 2. Any person who is authorized to possess cannabis for medical reasons must produce a copy of such person’s medical document, on demand of a Peace Officer’s request.

SECTION 5 – PENALTIES AND ENFORCEMENT

- 5.1 Where there is a specified penalty listed for an offence in Schedule “A” to this Bylaw, that amount is the minimum specified penalty for the offence.
- 5.2 Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve a violation ticket allowing payment according to the provisions of the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000, Chapter P-34 and amendments there to.

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SECTION 6 – VIOLATION TICKETS

- 6.1 When a person who commits an offence:
1. and a violation ticket is issued in respect of the offence; and
 2. and the violation ticket specified the fine amount established by this Bylaw for the offence;
 3. may make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Courthouse specified on the violation ticket.

SECTION 7 – GENERAL

- 7.1 Any person who contravenes any provision of this Bylaw by:
1. doing any act or thing which the person is prohibited from doing; or
 2. failing to do any act or thing the person is required to do; is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.
- 7.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw, or any requirement of any lawful permit, order or license.
- 7.3 Schedule “A” shall form a part of this Bylaw and may, from time to time, be amended by Council.
- 7.4 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premise as provided by the Municipal Government Act, or any other law of the Province of Alberta.

THIS BYLAW WILL COME INTO EFFECT upon receipt of third reading or upon approved effective date.

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READ A FIRST TIME THIS 16th DAY OF October, 2018

Mayor David J Hutton

Chief Administrative Officer Joyce Pierce

READ A SECOND TIME THIS 16th DAY OF October, 2016

Mayor David J Hutton

Chief Administrative Officer Joyce Pierce

READ A THIRD TIME THIS 16th DAY OF October, 2018

Mayor David J Hutton

Chief Administrative Officer Joyce Pierce

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SCHEDULE 'A'

<u>Section</u>	<u>Offence</u>	<u>Penalty</u> <u>1st Offence</u>	<u>Penalty</u> <u>2nd Offence</u>
3.1	Consume Cannabis In a public place.	\$250.00	\$500.00
4.1.1	To smoke or use of electronic smoking device to consume medical cannabis in a public place	\$250.00	\$500.00
4.1.2	Failure to produce document to Peace Officer	\$250.00	\$500.00