

COUNTY OF ST. PAUL NO. 19
CANNABIS CONSUMPTION BYLAW
BYLAW NO. 2018-20

A Bylaw of the County of St. Paul No. 19, in the Province of Alberta, to
restrict the consumption of cannabis in public places.

WHEREAS, the Parliament of Canada has passed the *Cannabis Act* S.C. 2018, c. 16 (An Act respecting cannabis and to amend the *Controlled Drugs and Substances Act*) and amended the *Criminal Code and other Acts*, which will permit persons to possess cannabis if purchased from authorized persons; and

WHEREAS, the Government of Alberta has enacted *An Act to Control and Regulate Cannabis* SA 2017 c21, which places restrictions on the smoking and vaping of cannabis in Public Places; and

WHEREAS, pursuant to section 7 of the *Municipal Government Act* RSA 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 cannabis consumption in Public Places to prevent behaviours, conditions, and conduct that may have a negative affect on the enjoyment of Public Places;

NOW, THEREFORE, the Council of the County of St. Paul No. 19, in the Province of Alberta, hereby enacts as follows:

1.0 TITLE

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

2.0 **DEFINITIONS**

2.1 In this Bylaw, the following are defined as:

- (a) “Bylaw Enforcement Officer” means:
 - i. any member of the Royal Canadian Mounted Police;
 - ii. any Community Peace Officer; and
 - iii. the Chief Administrative Officer of the County or any person designated by the Chief Administrative Officer carry out bylaw enforcement duties in accordance with the provisions of the *Municipal Government Act*.
- (b) “Cannabis” has the meaning provided for it in the *Cannabis Act*;
- (c) “County” means the municipal corporation of the County of St. Paul No. 19 and the area contained within the corporate boundaries of the County;
- (d) “Chief Administrative Officer” means the person appointed to the position under the Chief Administrative Officer Bylaw.
- (e) “Electronic Smoking Device” means an electronic device that may be used to deliver an aerosol, emission, or vapour to a person inhaling from the device, including but not limited to a cigar, cigarette, cigarillo, electronic cigarette, pipe, or vapourizer cigarette;
- (f) “Proprietor” means the owner, or any person controlling, governing, or directing activities within a place referred to in this Bylaw;
- (g) “Private Living Accommodation” means any building or portion thereof that is used as a residence or that is used exclusively by persons living in the residence. In a building containing multiple residential units, common use areas such as parkades, washrooms, waiting rooms, meeting rooms, storage areas, fitness facilities, kitchens, eating areas, cloak rooms, and hallways shall not be considered parts of a Private Living Accommodation. For the purposes of this Bylaw, a room or space to rent in a hotel, motel, lodge, inn, campground site, or any similar place, shall be considered a Private Living Accommodation.
- (h) “Public Place” means any building, structure, indoor or outdoor space, whether publicly or privately owned or controlled, to which members of the public have a right to access, or are expressly or impliedly invited to use the space, with or without payment whether:
 - i. all members of the public are invited;
 - ii. the Proprietor has the right to exclude any persons;

- iii. payment, membership, or the performance of some formality is required prior to access;
 - iv. a member of the public has access only if they are a member or if they are accompanied by a member;
 - v. if the public has access only to a portion of any building or structure, the entire building or structure shall be deemed to be a Public Place.
- (i) “Smoke” or “Smoking” means:
- i. inhaling or exhaling the smoke produced by lit, burning, ignited, or heated Cannabis;
 - ii. holding or otherwise having control of lit, burning, ignited, or heated Cannabis;
 - iii. inhaling or exhaling the aerosol, emissions, or vapour produced by an Electronic Smoking Device or similar device containing Cannabis;
 - iv. holding or otherwise having control of an Electronic Smoking Device or similar device that is producing aerosol, emissions, or vapour from Cannabis.
- (j) “Violation Tag” means a County-issued notice that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the County in lieu of prosecution for the offence;
- (k) “Violation Ticket” means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* RSA 2000 c. P-34.

3.0 INTERPRETATION

- 3.1 Heading and subheadings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.2 Where the Bylaw cites or refers to any act, regulation, code, or other bylaw, the citation or reference is to the act, regulation, code, or bylaw, as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any act, regulation, code, or bylaw that may be substituted in its place.
- 3.3 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 shall remain valid and enforceable.

- 3.4 Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial, or municipal law or regulation or any other requirements of any lawful permit, order, or license.

4.0 PROHIBITIONS

- 4.1 Unless an exception applies under this Bylaw, no person may Smoke or consume Cannabis in a Public Place.
- 4.2 Section 4.1 does not apply to Private Living Accommodations.

5.0 MEDICAL CANNABIS

- 5.1 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, the *Cannabis Regulations*, SOR/2018-144, or any succeeding or amending legislation, is not subject to this Bylaw.
- 5.2 A person referred to in section 5.0 must, on demand of a Bylaw Enforcement Officer, produce a copy of the person's medical document.

6.0 OFFENCES

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence.
- 6.2 In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each separate offence.

7.0 ENFORCEMENT

- 7.1 Where a Bylaw Enforcement Officer believes that a person has contravened any provision of this Bylaw, the Bylaw Enforcement Officer may issue a Violation Tag specifying the fine amount established in Schedule A of this Bylaw.
- 7.2 This section shall not prevent a Bylaw Enforcement Officer from issuing a Violation Ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Procedure Act* RSA 2000 c. P-34 or from laying an information instead of issuing a Violation Ticket.

8.0 EFFECTIVE DATE

- 8.1 This Bylaw shall come into full force and effect upon the date of the third and final reading.

Read a first time in Council this 13th day of November A.D. 2018.

Read a second time in Council this 11th day of December A.D. 2018.

Read a third time in Council this 11th day of December A.D. 2018.

(Original signed by Reeve S. Upham)

Reeve

(Original signed by CAO S. Kitz)

Chief Administrative Officer