

BYLAW # 2018-06

**BEING A BYLAW OF THE TOWN OF VALLEYVIEW
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 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 a 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 VALLEYVIEW ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the “CANNABIS CONSUMPTION BYLAW”.

DEFINITIONS AND INTERPERTATIONS

2. (1) In this Bylaw:
 - a) “*cannabis*” had 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 Drug 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) “*officer*” means a Bylaw Enforcement Officer appointed pursuant to Bylaw 87-16, a peace officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5.
 - e) “*public Place*” includes any place to which the public has access as of right or by invitation, express or implied;
 - f) “*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*;
 - g) “*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) Heading 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 an 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 of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

PROHIBITION

3. A person must not *smoke, vape or 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.

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.

ENFORCEMENT

6. (1) Where an officer believes that a person has contravened any provision of the 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.
- (2) 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.

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 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.



CANNABIS CONSUMPTION

COMING INTO FORCE

8. This Bylaw comes into force on the day the Cannabis Act comes into force.

READ A FIRST TIME ON *this 13th day of August 2018*

READ A SECOND TIME, *this 13th day of August 2018*

READ A THIRD TIME, AND PASSED ON *this 13th day of August 2018*



MAYOR



SR. DIRECTOR OF CORPORATE SERVICES

SCHEDULE A

PENALTIES

SECTION	DESCRIPTION OF OFFENCE	SPECIFIED PENALTY
3	Smoke, Vape or consume cannabis in public place	\$ 150.00