

# MUNICIPALITY OF CROWSNEST PASS

## BYLAW NO. 1022, 2019 CANNABIS CONSUMPTION BYLAW

**BEING** a bylaw of the Municipality of Crowsnest Pass, in the province of Alberta, to restrict the smoking and vaping of cannabis products in public places

**WHEREAS** pursuant to section 7 of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances;
- (c) people, activities and things in, on or near a public place or a place that is open to the public; and
- (d) the enforcement of bylaws;

**AND WHEREAS** pursuant to section 90.28(a) of the Gaming, Liquor and Cannabis Act no person may smoke or vape cannabis in any area or place where that person is prohibited from smoking under the Tobacco and Smoking Reduction Act or any other Act or the bylaws of a municipality;

**NOW THEREFORE** the Council of the Municipality of Crowsnest Pass, in the Province of Alberta, duly assembled, enacts as follows:

### PART 1 - PURPOSE, DEFINITIONS AND INTERPRETATION

#### 1. Bylaw Title

1.1 This Bylaw shall be known as the "Cannabis Consumption Bylaw".

#### 2. Definitions

2.1 In this Bylaw:

- (a) "**cannabis**" has the meaning given to it in the Cannabis Act (Canada);
- (b) "**Chief Administrative Officer**" means the chief administrative officer of the Municipality or their delegate;
- (c) "**electronic smoking device**" means a handheld device containing a liquid that is vapourized and inhaled and includes but is not limited to electronic cigarettes, e-cigarettes, vapourizer cigarettes, personal vapourizers, and electronic cannabis delivery systems;
- (d) "**municipal tag**" means a tag or similar document issued by the Municipality pursuant the Municipal Government Act that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Municipality in lieu of prosecution for the offence;

- (e) "**Municipality**" means the Municipality of Crowsnest Pass and includes the geographical area within the boundaries of the Municipality where the context so requires;
- (f) "**Peace Officer**" means a bylaw enforcement officer appointed by the Municipality and includes members of the Royal Canadian Mounted Police;
- (g) "**person**" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative;
- (h) "**public place**" means any property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation; whether on payment of any fee or not and, without in any way restricting foregoing, includes:
  - (i) all or any part of a building, structure or other enclosed area on the property, and
  - (ii) an outdoor place or area;
- (i) "**smoke**", where used as a verb in respect of cannabis, means inhaling or exhaling the smoke produced by lit cannabis or holding or otherwise having control of lit cannabis or any device or thing that contains lit cannabis;
- (j) "**vape**", where used as a verb in respect of cannabis, means inhaling or exhaling the vapour, emissions or aerosol produced by, or holding or otherwise having control of, an electronic smoking device containing cannabis;
- (k) "**violation ticket**" has the meaning given to it in the Provincial Offences Procedure Act.

### 3. Rules of Interpretation

- 3.1 The headings in this Bylaw are for guidance purposes and convenience only.
- 3.2 Every provision in this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
- 3.3 In this Bylaw, a citation of or reference to any act or regulation of the Province of Alberta or of Canada, or of any other bylaw of the Municipality, is a citation of or reference to that act, regulation, or bylaw as amended, whether amended before or after the commencement of the act, regulation or bylaw in which the citation or reference occurs.
- 3.4 Nothing in this Bylaw relieves a person from complying with any provision of any provincial or federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or license.

## **PART 2 - SMOKING AND VAPING IN PUBLIC**

### **4. Public Places**

4.1 Except as provided in this Part, no person may smoke or vape cannabis in a public place.

### **5. Owners and Operators**

5.1 Except as provided in this Part, no person who owns or operates a public place may permit a person to smoke or vape cannabis in that public place.

### **6. Medical Cannabis**

6.1 Despite section 4, a person who is entitled to possess cannabis pursuant to a medical document issued pursuant to the Cannabis Regulations (Canada) may smoke or vape cannabis in accordance with that medical document and the Gaming, Liquor and Cannabis Act.

6.2 A person referred to in subsection 6.1 must, on demand of a Peace Officer, produce a copy of the person's medical document.

## **PART 3 – ENFORCEMENT**

### **7. Offence**

7.1 A person who contravenes any provision of this Bylaw is guilty of an offence.

### **8. Fines and Penalties**

8.1 A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section and not exceeding \$10,000.00.

8.2 Without restricting the generality of subsection 10.1 the fine amounts set out in Schedule "A" are established for use on municipal tags and violation tickets if a voluntary payment option is offered.

### **9. Municipal Tag**

9.1 A Peace Officer is hereby authorized and empowered to issue a municipal tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

9.2 A municipal tag may be issued to such person:

(a) either personally; or

(b) by mailing a copy to such person at his or her last known post office address.

- 9.3 The municipal tag shall be in a form approved by the Chief Administrative Officer and shall state:
- (a) the name of the person;
  - (b) the offence;
  - (c) the specified penalty established by this Bylaw for the offence;
  - (d) that the penalty shall be paid within 14 days of the issuance of the municipal tag; and
  - (e) any other information as may be required by the Chief Administrative Officer.

#### **10. Payment in Lieu of Prosecution**

- 10.1 Where a municipal tag is issued pursuant to this Bylaw, the person to whom the municipal tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified within the time period indicated on the municipal tag.

#### **11. Violation Ticket**

- 11.1 If a municipal tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act.
- 11.2 Notwithstanding subsection 13.1, a Peace Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the Provincial Offences Procedure Act to any person who the peace officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 11.3 If a violation ticket is issued in respect of an offence, the violation ticket may:
- (a) specify the fine amount established by this Bylaw for the offence; or
  - (b) require a person to appear in court without the alternative of making a voluntary payment.

#### **12. Voluntary Payment**

- 12.1 A person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and
  - (b) if the violation ticket specifies the fine amount established by this Bylaw for the offence;
- make a voluntary payment by submitting to a clerk of the provincial court, on or before the initial appearance date indicated on the violation ticket, the specified penalty set out on the violation ticket.

**PART 4 – TRANSITIONAL**

**13. Enactment**

13.1 This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ a **first** time in council this 26<sup>th</sup> day of February 2019.

READ a **second** time in council this 26<sup>th</sup> day of February 2019.

READ a **third and final** time in council this 26<sup>th</sup> day of March 2019.



Blair Painter  
Mayor



Patrick Thomas  
Chief Administrative Officer

**Schedule "A"**

**Specified Penalties**

**Municipal Tag:**

<b>Offence</b>	<b>Section</b>	<b>Fine</b>
Smoke or vape cannabis in public place	4	\$100.00
Owner/Operator permit a person to smoke or vape in public place	5	\$200.00
Failure to produce medical document	6.2	\$100.00

**Violation Ticket:**

<b>Offence</b>	<b>Section</b>	<b>Fine</b>
Smoke or vape cannabis in public place	4	\$250.00
Owner/Operator permit a person to smoke or vape in public place	5	\$350.00
Failure to produce medical document	6.2	\$250.00