

# Bylaw 09-2020

## BEING A BYLAW OF THE TOWN OF HIGH PRAIRIE TO RESTRICT THE CONSUMPTION OF CANNABIS IN PUBLIC PLACES

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**WHEREAS**, the Government of Canada has enacted the *Cannabis Act*, which permits persons to possess Cannabis, if purchased from an authorized person;

**AND WHEREAS**, the Province of Alberta has enacted the *Cannabis, Liquor and Gaming Act* and its regulations to regulate the sale and consumption of cannabis;

**AND WHEREAS**, pursuant to section 7 of the *Municipal Government Act, RSA 2000*, a municipal 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;
- (c) businesses, business activities and persons engaged in business;
- (d) nuisances; and
- (e) the enforcement of bylaws made under this or any other enactment;

**AND WHEREAS**, Council deems it necessary to regulate the 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 High Prairie, in the Province of Alberta, duly assembled, hereby enacts as follows:

### A. TITLE

This Bylaw may be cited as the "Cannabis Consumption Bylaw".

### B. DEFINITIONS

(1) In this Bylaw:

- (a) "Cannabis" has the meaning given to it in the *Cannabis Act*;

## Bylaw 09-2020

- (b) "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, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2017.
  - (c) "Cannabis Edibles" means products containing cannabis that are intended to be consumed in the same manner as food or beverage.
  - (d) "Consumption/Consume" means consuming Cannabis in any way or form, including but not limited to: smoking, vaping, eating, drinking or ingesting any Cannabis products.
  - (e) "Electronic Smoking Device" means an electronic device that can be used to deliver a vapor, emission or aerosol to the person inhaling from the device, including but not limited to: an electronic cigarette, cigar, cigarillo, or pipe;
  - (f) "Officer" a Community Peace Officer appointed by the Town, or a Bylaw Enforcement Officer appointed to enforce the Town's Bylaws.
  - (g) "Person" includes individual or a group of individuals
  - (h) "Public Place" means
    - i. a place or building located within the corporate boundaries of the Town of High Prairie, whether publicly or privately owned, to which members of the public have access by right or invitation, whether expressly or implied; and
    - ii. a vehicle in a public place;
  - (i) "Smoke" or "Smoking" means
    - i. inhaling or exhaling the smoke produce by burning or heating cannabis; or
    - ii. holding or otherwise having control of any device or thing containing lit or heated cannabis;
  - (j) "Vape" or "Vaping" means:
    - i. Inhaling or exhaling the vapor, 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 vapor, emissions or aerosol from cannabis.
- (2) All schedules attached to this Bylaw form part of this Bylaw.

## Bylaw 09-2020

- (3) Headings 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 any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to an 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 provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

### C. PROHIBITION

A person must not smoke or vape or consume cannabis in any public place within Town limits.

### D. MEDICAL CANNABIS

- (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.

### E. OFFENCES

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.

### F. ENFORCEMENT

An Officer may, upon producing proper identification, enter a Public Place to carry out inspections, examinations, investigations and inquiries for the purpose of enforcing this Bylaw.

Where an officer believes that a person has contravened any provision of this 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.

## Bylaw 09-2020

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.

### G. PENALTY

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 first offence and second offence and thereafter.
2. 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.

### H. SEVERABILITY

If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

### I. ENACTMENT

This bylaw comes into force on the third and final reading and assent thereof.

Bylaw No. 16-2018 is hereby repealed.

**First Reading given on this 12<sup>th</sup> day of May, 2020.**

**Second Reading given this 12<sup>th</sup> day of June, 2020.**

**Third Reading and Final Reading given this 23<sup>rd</sup> day of June, 2020.**

  
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Mayor Brian Panasiuk

  
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CAO Brian Martinson

# Bylaw 09-2020

## SCHEDULE A

### PENALTIES

Section	Description of Offence	First Offence	Second Offence & Subsequent Offences
3	Smoke, vape or consume cannabis in public	\$150.00	\$250.00