

CITY OF ST. ALBERT

BYLAW 30/2018

A Bylaw to regulate consumption of cannabis within the City of St. Albert

WHEREAS:

- i. 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;
- ii. it is anticipated that the *Cannabis Act* will come into force on October 17, 2018 or shortly thereafter;
- iii. the Province of Alberta has enacted *An Act to Control and Regulate Cannabis* SA 2017 c21 which will place restrictions on the smoking and vaping of cannabis in public places;
- iv. pursuant to section 7 of the *Municipal Government Act* RSA 2000 cM-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;
 - c. the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;
- v. Council deems it necessary to impose additional restrictions on the smoking, vaping, and other forms of 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 City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

Title

1. This Bylaw may be referred to as the "Cannabis Consumption Bylaw".

Definitions

2. In this Bylaw:

- a. "Bylaw" means the Cannabis Consumption Bylaw 30/2018;
- b. "Bylaw Enforcement Officer" means an individual appointed as such in accordance with Bylaw 21/2003, the Bylaw Enforcement Officer Bylaw;
- c. "Cannabis" has the meaning given to it in the *Cannabis Act*;
- d. "*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;
- e. "City" means the municipal corporation of the City of St. Albert or, where the context so requires, the area contained within the boundaries of the City;
- f. "City Manager" means the chief administrative officer of the City, or their designate;
- g. "Electronic Smoking Device" means an electronic device that may be used to deliver a vapour, emission, or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, vaporizer cigarette, cigar, cigarillo, or pipe;
- h. "Municipal Violation Tag" means a City-issued notice that alleges a Bylaw offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- i. "Peace Officer" means a person employed for the purposes of preserving and maintaining the public peace, and includes:
 - i. a provincially appointed community Peace Officer for the City of St. Albert;
 - ii. a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with their appointment; and
 - iii. a regular member of the Royal Canadian Mounted Police;
- j. "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 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 to let in a hotel, motel, lodge, or inn or any similar place, shall be considered a Private Living Accommodation;

- k. "Proprietor" means the owner of, or any person controlling, governing, or directing activities within a place referred to in this Bylaw;
- l. "Public Place" means any building, structure, or other indoor or outdoor space, whether publicly or privately owned or controlled, to which members of the public have access as of right, or are expressly or impliedly invited to use the space, with or without payment, whether or not:
 - i. all members of the public are invited;
 - ii. the Proprietor has the right to exclude any particular persons;
 - iii. payment, membership, or the performance of some formality is required prior to access;
 - iv. the public has access to the place only at certain times, or from time to time;
 - v. a member of the public has access only if they are a member or if they are accompanied by a member; and
 - vi. 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;
- m. "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, or any device or thing containing lit, burning, ignited, or heated Cannabis;
 - iii. inhaling or exhaling the vapour, emissions, or aerosol produced by an Electronic Smoking Device or similar device containing Cannabis; or

- iv. holding or otherwise having control of an Electronic Smoking Device or similar device that is producing vapour, emissions, or aerosol from Cannabis; and
- n. "Violation Ticket" means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* RSA 2000 cP-34.

Interpretation

- 3. Headings or subheadings 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 any act, regulation, code, or other bylaw that may be substituted in its place.
- 5. If any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw will 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 other requirement of any lawful permit, order, or license.

Prohibitions

- 7. Unless an exception applies under this Bylaw, no person may Smoke or consume Cannabis in a Public Place.
- 8. Section 7 does not apply to a Private Living Accommodation.

Medical Cannabis

- 9. 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.
- 10. A person referred to in section 9 must, on demand of a Peace Officer, produce a copy of the person's medical document.
- 11. A person referred to in section 9 who Smokes Cannabis is subject to the Smoking Bylaw 1/2004.

Offence

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

Continuing Offence

13. 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 such separate offence.

Fines and Penalties

14. A person who is guilty of an offence under this Bylaw is liable:

- a. to a specified fine of \$250.00; or
- b. on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one (1) year, or both.

Municipal Violation Tag

15. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.

16. Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

17. A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:

- a. specifying the fine amount established by this Bylaw; or
- b. requiring an appearance in court without the option of making a voluntary payment.

18. Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

General

19. Without restricting any other power, duty, or function granted by this Bylaw, the City Manager may:

- a. carry out whatever inspections are reasonably required to determine compliance with this Bylaw; and
- b. delegate any powers, duties, and functions under this Bylaw to a City employee.

20. A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

21. The burden of proving, on a balance of probabilities, that an exception referred to by this Bylaw applies in a particular case is on the person alleging such exception.

Effective Date

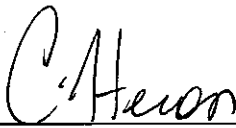
22. This Bylaw will come into force and effect on such date as the *Cannabis Act*, or its specific enabling provisions, comes into force.

READ a First time this 20th day of August 2018.


READ a Second time this 17th day of September 2018.

READ a Third time this 17th day of September 2018.

SIGNED AND PASSED this 18 day of Sept 2018.



MAYOR



CHIEF LEGISLATIVE OFFICER