



TOWN OF BASHAW IN THE PROVINCE OF ALBERTA

BYLAW #786 - 2018

CANNABIS CONTROL BYLAW

A BYLAW OF THE TOWN OF BASHAW IN THE PROVINCE OF ALBERTA TO REGULATE THE CONSUMPTION OF CANNABIS AND CONTROL ITS USES.

WHEREAS the Government of Canada has passed 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 Session, 42nd Parliament, 2017) which will permit persons to possess cannabis; and

WHEREAS the Cannabis Act has come into force in 2018; 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 the provision of the Municipal Government Act (MGA), Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, people activities and things in, on or near a public place or place that is open to the public; and

WHEREAS Council deems it prudent 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 Town of Bashaw, duly assembled, enacts as follows:

PART I - TITLE, PURPOSE, DEFINITIONS AND INTERPRETATION

- TITLE** 1) This bylaw shall be known as the “Cannabis Control Bylaw” of the Town of Bashaw.
- PURPOSE** 2) The Purpose of this Bylaw is to regulate the consumption of cannabis and control it’s uses within the Municipality of the Town of Bashaw.
- DEFINITIONS** 3) In this bylaw:
- (a) **cannabis** has the same meaning as defined in the Cannabis Act;
 - (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;
 - (c) **Chief Administrative Officer (CAO)** means the person appointed to the position of Chief Administrative Officer for the Town of Bashaw by Council within the meaning of the MGA;
 - (d) **Council** means the municipal Council of the Town of Bashaw duly elected under the Local Authorities Election Act;
 - (e) **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;
 - (f) **Peace Officer** means:
 - i. a member of the Royal Canadian Mounted Police;
 - ii. a Community Peace Officer as appointed by the Solicitor General of Alberta; or
 - iii. a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;
 - (g) **public place** means any place to which the public has access as of right or by invitation, express or implied;
Examples; include but are not limited to: town streets, Bashaw Community Centre, Bashaw Agriculture building and Grounds, Tourist Booth, all recreational parks, etc.

(h) smoke or smoking means:

- i.** inhaling or exhaling the smoke produced by burning cannabis; or
- ii.** holding or otherwise having control of any device or thing containing lit cannabis;

(i) 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;

(j) violation tag means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;

(k) violation ticket means a ticket issued pursuant to Part 2 of the Provincial Offences Procedures Act, Revised Statutes of Alberta 2000, Chapter P-34 and any amendments or regulations thereto.

**RULES FOR
INTERPRETATION**

4) The marginal notes and headings in this bylaw are for reference purposes only.

PART II – PROHIBITION

PROHIBITION

5) No person shall smoke, vape, or consume cannabis in any public place.

PART III – NUISANCES

NUISANCES

6) No person shall cause or permit the consumption of cannabis on property they own or occupy if the consumption is likely to disturb the peace of any other individual. In considering how the consumption disturbs the peace of any other individual, the following criteria shall be considered:

- (a)** The form of cannabis being consumed;
- (b)** The time of day and duration of consumption;
- (c)** Proximity of the consumption to adjacent or affected properties;
- (d)** Impact of the consumption on the health or well-being of others;

- (e) Nature and intended use of surrounding areas, and;
- (f) Steps taken by the owner or occupier of the property to reduce or mitigate the impacts to other individuals.

PART IV – PENALTIES AND ENFORCEMENT

- 7)** Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars.
- 8)** Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.
- 9)** In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.
- 10)** The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other Bylaw.
- 11)** Any Peace Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw may issue and serve:
 - (a)** a violation tag allowing a payment of the specified penalty to the Town; or
 - (b)** a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 12)** Service of a violation tag will be sufficient if it is
 - (a)** personally served; or
 - (b)** served by regular mail to the person's last known mailing address.
- 13)** If a violation ticket is issued in respect to 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.

14) 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 specified the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the location specified on the violation ticket.

PART V – GENERAL

15) Any person who contravenes any provision of this Bylaw by:

- (a) doing any act or thing which the person is prohibited from doing; or
- (b) failing to do any act or thing the person is required to do;

is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

16) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw, or any requirement of any lawful permit, order or license.

17) Words in the singular include the plural and words in the plural include the singular.

18) This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

19) Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended by Council.

20) No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premises as provided by the Municipal Government Act, or any other law of the Province of Alberta.

SEVERABILITY

21) It is the intention of Council that each separate provision of this Bylaw shall be deemed independent to all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

EFFECTIVE DATE

22) This Bylaw shall come in force upon the date of its third and final reading.

Received First Reading this 6th day of December, 2018

Received Second Reading this ____ day of _____, 2018

Received Third & Final Reading this ____ day of _____, 2018

Signed by the Mayor and the Chief Administrative Officer this day of _____, 2018

TOWN OF BASHAW

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

SECTION	OFFENCE	PENALTY 1st offence	PENALTY 2nd /subsequent offences
5	Consume cannabis in public place	\$250.00	\$500.00
8	Disturb the peace	\$250.00	\$500.00