

TOWN OF HIGH RIVER

IN THE PROVINCE OF ALBERTA

BYLAW 4554/2018 – CANNABIS CONSUMPTION BYLAW

A BYLAW OF THE TOWN OF HIGH RIVER TO CONTROL AND REGULATE CANNABIS CONSUMPTION.

WHEREAS the federal *Cannabis Act, S.C. 2018*, is anticipated to come into force in 2018 and provide legal access to cannabis;

AND WHEREAS the provincial *Act to Control and Regulate Cannabis, S.A. 2017* will place restrictions on the smoking and vaping of cannabis in public places;

AND WHEREAS the *Municipal Government Act, R.S.A. 2000*, provides that a Municipal Council may pass a bylaw for purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the Smoke or Vapour produced by the Smoking or Vaping of Cannabis in Public Places and Public Spaces is a nuisance for persons in the area;

AND WHEREAS the Municipal Council considers it prudent to impose additional restrictions on the Smoking, Vaping, and other forms of Consumption of Cannabis in Public Places and Public Spaces;

AND WHEREAS the Municipal Council considers it expedient and desirable for the health, safety, and welfare of the inhabitants to regulate Consumption of Cannabis in the Town of High River;

NOW THEREFORE, the Town of High River Council, duly assembled, enacts as follows:

PART I – PURPOSE, DEFINITIONS, INTERPRETATION AND APPLICATION

Purpose

1. The purpose of this Bylaw is to regulate Cannabis Consumption within the Town of High River.

Short Title

2. This Bylaw may be cited as the “Cannabis Consumption Bylaw”.

Definitions

3. Words used in this Bylaw have the same meaning as defined in the *Municipal Government Act*, and the *Tobacco and Smoking Reduction Act, S.A. 2005*, with the following changes or additions:
 - (a) “**Bylaw**” means Bylaw 4554/2018 also known as the Cannabis Consumption Bylaw.
 - (b) “**Cannabis**” has the meaning given to that term in the federal *Cannabis Act*.
 - (c) “**Consume**” or “**Consumption**” when used as a verb in respect of Cannabis, includes smoke, vape, apply, inhale, or ingest.
 - (d) “**Council**” or “**Municipal Council**” means the governing body of the Town.
 - (e) “**Green Space**” means any park space, whether manicured or natural, which is municipally owned and is not a Play Surface or Sport Field, including the paved and unpaved pathway network, formal and informal parks, and community gardens.
 - (f) “**Peace Officer**” means a Peace Officer as defined in the *Provincial Offences Procedure Act, R.S.A. 2000*.
 - (g) “**Play Surface**” means any park space intended for play, including:
 - a. a playground; an outdoor area upon which apparatus such as swings, slides, and other children’s play equipment are placed,
 - b. outdoor skating rink,

- c. skate or bike park; an outdoor area which is designed and intended specifically for the use of skateboards, in-line skates, bicycles, scooter, or other similar devices,
 - d. spray park; an outdoor water park or splash pad, or
 - e. any similar outdoor play spaces.
- (h) **“Public Place”** means all or any part of a Building, structure or other enclosed area to which members of the public have access by express or implied invitation, including:
- a. the common areas of a multi-unit residential facility, including patios, pools, other recreation areas, and enclosed parking garages,
 - b. a group living facility,
 - c. an outdoor bus or taxi shelter,
 - d. licensed premises,
 - e. a restaurant, and
 - f. a hotel.
- (i) **“Public Space”** means any municipally owned property or asset, including Green Spaces, Play Surfaces, Sport Fields, roads, and sidewalks.
- (j) **“Smoke”** or **“Smoking”** means holding or otherwise having control of any device or thing which creates Smoke, Vapour, emission, or aerosol whether intended for inhalation or not, including (but not limited to) lit or engaged cigarettes, cigarillos, cigars, pipes, vape, electronic Smoking Devices, or other similar devices.
- (k) **“Smoking Device”** means any device containing a substance and can be used to deliver a Smoke, Vapour, emission, or aerosol to the person inhaling from the device, including (but not limited to) a cigarette, electronic cigarette, cigar, cigarillo, joint, Vape, bong, or pipe of any kind.
- (l) **“Sport Field”** means an outdoor area which is set apart and used for general fitness or the playing of sporting activities, including:
- a. running tracks,
 - b. sport courts (for example, basketball, tennis, or pickleball courts),
 - c. fitness park where outdoor fitness equipment has been installed for public use, and
 - d. formal and informal sporting field surfaces intended for competitive and recreational sporting activities and use (for example, soccer flats, football fields, and baseball diamonds).
- (m) **“Town”** means the municipal corporation of the Town of High River.
- (n) **“Town Manager”** means the head of the municipal organization of the Town or his or her delegate.
- (o) **“Vape”, “Vaping”, “Vapour”, or “Vaporizing”** means holding or otherwise having control of a Smoking Device that is producing Vapour, emissions or aerosol from Tobacco, Cannabis or any other substance, regardless of whether or not the substance is being inhaled or exhaled.
- (p) **“Workplace”** means all or any part of a building, structure, or other enclosed area in which employees perform the duties of their employment, whether or not members of the public have access to the building, structure, or area as of right or by express or implied invitation. This includes private businesses, charities, and organizations as well as publicly owned or operated facilities, such as recreation centres, municipal offices, museums, educational facilities, and health or specialized care facilities.

Interpretation

4. References in this Bylaw to a statute, regulation, or other Bylaw, refer to the current laws at the time this Bylaw was enacted and as they are amended from time to time, including successor legislation.
5. Headings and sub-headings in this Bylaw are included for convenience only and shall not be considered in interpreting the substantive content of this Bylaw.
6. The preamble paragraphs that precede the numbered paragraphs of this Bylaw are an integral and necessary part of this Bylaw and not a mere recital.

7. Every provision of this Bylaw is independent of all provisions and it is the intention of the Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
8. All schedules attached to this Bylaw form part of this Bylaw.

Public Cannabis Consumption

9. A person must not Smoke or otherwise Consume Cannabis in any Public Place, Public Space, or Workplace.

Exceptions

10. Exceptions under the provincial and federal regulations permit individuals to Consume Cannabis on private property, which is not a Public Place, Public Space, or Workplace, with permission of the owner of that private property.

Medical Cannabis

11. 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.
12. A person referred to in Section 11 must, on demand of a Peace Officer, produce a copy of the person's medical document.
13. A person referred to in Section 11 is subject to Bylaw 4545/2018 Smoking Bylaw.

Offences

14. 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

15. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the person by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*.
16. This section shall not prevent a Peace Officer from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Procedures Act* or from providing educational information instead of issuing a violation ticket.

Penalty

17. 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. *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.
18. Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.

PART II - GENERAL


Effective Date


19. This Bylaw comes into effect when it is passed by the Council.

Repeals

20. Bylaw No. 4553/2018, being the previous Cannabis Consumption Bylaw, is hereby repealed.

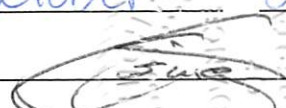
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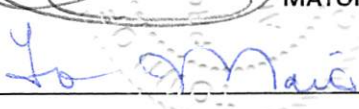


MAYOR/DEPUTY MAYOR


TOWN MANAGER


READ A SECOND TIME THIS 22 DAY OF October, 2018.

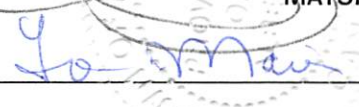


MAYOR/DEPUTY MAYOR


TOWN MANAGER


READ A THIRD TIME THIS 22 DAY OF October, 2018.

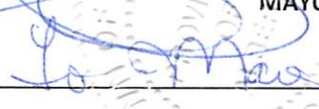


MAYOR/DEPUTY MAYOR


TOWN MANAGER

SIGNED AND PASSED THIS 2 DAY OF November, 2018.



MAYOR/DEPUTY MAYOR


TOWN MANAGER

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OFFICE OF THE
COMMISSIONER
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BYLAW 4554/2018

SCHEDULE "A" – PENALTIES

Section	Description of Offence	Minimum Penalty	Specified Penalty
9	Consume cannabis where prohibited	\$250	\$500

In the event of a second offence within a twelve (12) month period, the minimum and specified penalty shall double. In the event of a third and subsequent offences within a twelve (12) month period, the minimum and specified penalty shall triple.