

MUNICIPAL DISTRICT OF FAIRVIEW NO. 136  
PROVINCE OF ALBERTA

Bylaw No. 954/ADM/2018

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A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 IN THE  
PROVINCE OF ALBERTA FOR THE PURPOSE OF RESTRICTING THE  
CONSUMPTION OF CANNABIS IN PUBLIC PLACES.

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Whereas

Pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26, Section 7 provides that a 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; 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 and vaping of cannabis in public places; and

Whereas

the Government of Canada has passed the *Cannabis Act (Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substance Act, the Criminal Code Act and other Acts, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2017)*; and

Whereas

Council deems it necessary to impose additional restriction on the smoking, vaping, and other forms of consumption of cannabis in public places to prevent an environment that may have a negative impact on the enjoyment of public places;

Now Therefore

Council of the Municipal District of Fairview No. 136, duly assembled, enacts as follows:

1. This Bylaw may be referred to as the “Cannabis Consumption Bylaw”
2. **Definitions** – This bylaw uses the following terms, as well as other terms defined in the Cannabis Act and Alberta Cannabis Act.
  - (a) *Alberta Cannabis Act*: “An Act to Control and Regulate Cannabis”, S.A 2017, c. 21, enacted in the Province of Alberta.
  - (b) *Cannabis*: has the meaning given to it in the *Cannabis Act*
  - (c) *Cannabis Act*: 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.
  - (d) *Consume*: any action which has the intended effect to absorb cannabis or any of its by-products into the body, this includes what is commonly known as smoking, vaping or eating cannabis or products containing cannabis and includes cannabis in all its forms, including but not limited to smoke, vapor and oils.
  - (e) *Peace Officer*: means a person employed for the purposes of preserving and maintaining the public peace, and includes:
    - i. a regular member of the Royal Canadian Mounted Police; and

- ii. a provincially appointed Peace Officer for the Municipal District of Fairview No. 136; and
  - iii. a Bylaw Enforcement Officer authorized to enforce municipal Bylaws of the Municipal District of Fairview No. 136.
- (f) *Public Place*: 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 a right, or are expressly or implied 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 a Public Place.

### 3. Prohibitions

- (a) Unless an exemption applies under this Bylaw, no person may consume cannabis in a Public Place.

### 4. Medical Cannabis

- (a) 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.
- (b) A person referred to in the above subsection must, on demand of a Peace Officer, produce a copy of the person's medical document.

### 5. Offence

- (a) A person who contravenes any provision of this Bylaw is guilty of an offence.

### 6. Enforcement

- 6.1 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 Municipal District of Fairview No. 136; or
  - (b) a violation ticket allowing a payment according to the provisions of the Provincial Offences Procedure Act, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 6.2 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.
- 6.3 If a violation ticket is issued in respect to an offence, the violation ticket shall specify the fine amount established by this Bylaw for the offence.

- 6.4 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 Provincial Courthouse specified on the violation ticket.
- 6.5 This section shall not prevent a Peace Officer from issuing a written or verbal warning instead of a violation tag or violation ticket.

## 7. Fines and Penalties

- (a) A person who is guilty of an offence under this Bylaw is liable to a specified fine of \$300.00.

## 8. Exemption

### 8.1 Special Events

- (a) Notwithstanding Section 3, a person may consume cannabis in a public place at a special event for which a permit has been granted by the Chief Administrative Officer.
- (b) The Chief Administrative Officer may impose conditions on any permit granted pursuant to Section 8.1 (a).
- (c) The Chief Administrative Officer may suspend or revoke a permit issued pursuant to Section 8.1 (a) if it is determined that a permit holder or any person at the event has contravened any federal or provincial legislation or municipal bylaw or the conditions of the permit.
- (d) The holder of the permit issued pursuant to Section 8.1 (a) must ensure that:
  - i. The consumption of cannabis is only permitted in a designated area, separate and fenced off from the remainder of the event; and
  - ii. Alcohol is not consumed in the area designated for consuming cannabis; and
  - iii. The sale of cannabis is not allowed anywhere at the event; and
  - iv. Advertising or other materials relating to promotion of cannabis cannot be seen by persons under the age of 18.

### 8.2 Designated Areas

- (a) Council may, by resolution, designate areas located on municipal public places in which cannabis may be consumed.
- (b) Notwithstanding Section 3, a person may consume cannabis in an area designated by Council pursuant to Section 8.2(a).
- (c) A Designated Officer may suspend a designation pursuant to Section 8.2(a) for up to 60 days if in the opinion of the officer the area has experienced significant safety or community standards issues or complaints.

## 9. Interpretation

- (a) 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.

- (b) 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.
- (c) 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.

10. Coming into Force


- (a) This bylaw comes into force on the day the *Cannabis Act* comes into force.

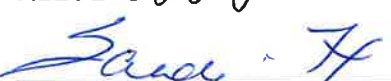
Read for a first time this 16<sup>th</sup> day of October 2018, A.D.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER

Read for a second time this 16<sup>th</sup> day of October 2018, A.D.

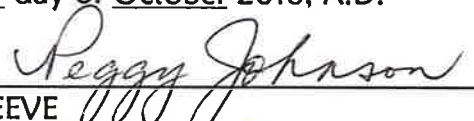
  
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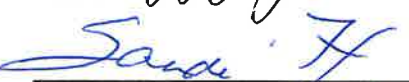
  
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CHIEF ADMINISTRATIVE OFFICER

1st and 2<sup>nd</sup> reading was given at the October 16, 2018 Regular Scheduled Council Meeting.

Third and Final reading passed at the October 16, 2018 Special Council meeting at 1:48 p.m.

Read a third time and finally passed this 16<sup>th</sup> day of October 2018, A.D.

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER