

Town of Olds
Bylaw No. 2018-40

A BYLAW TO REGULATE CONSUMPTION OF CANNABIS IN PUBLIC PLACES

WHEREAS the Government of Canada has passed the *Cannabis Act (Bill C-45)* which permits persons to possess cannabis if purchased from an authorized person;

AND WHEREAS the *Cannabis Act* will come into force on October 17th, 2018;

AND WHEREAS the Province of Alberta has enacted the *Gaming, Liquor and Cannabis* which place restrictions on the smoking and vaping of cannabis in public places;

AND WHEREAS the Province of Alberta has enacted a *Tobacco and Smoking Reduction Act*, S.O.A. 2015, c. T-3.8 which in part place restrictions on the smoking of tobacco;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-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; and
- (c) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

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 Olds, in the Province of Alberta, duly assembled enacts as follows:

1. Short Title

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

2. Definitions

2.1.

- a. "**Cannabis**" has the meaning given to it in the *Cannabis Act*;
- b. "**Cannabis Act**" means *Cannabis Act*, S.C. 2018, c. 16. ;
- c. "**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;
- d. "**Officer**" means a Bylaw Enforcement Officer appointed by the Town and a member of the Royal Canadian Mounted Police;
- e. "**Public Place**" includes (i) any place to which the public has access as of right or by invitation, express or implied;
- f. "**Smoke**" means inhaling or exhaling the smoke produced by lit cannabis or holding or otherwise having control of lit cannabis or any device or thing that contains lit cannabis;



- g. **“Vape”** inhaling or exhaling the vapour, emissions or aerosol produced by, or holding or otherwise having control of, an electronic smoking device or similar device containing cannabis;

3. Prohibition

3.1. No person shall Smoke, Vape, use, or consume cannabis in any Public Place.

3.2. Exemption for Medical Cannabis.

3.2.1. A person who is entitled to possess Cannabis pursuant to a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulation, SOR/2016-230* may Smoke, Vape, use or consume Cannabis in accordance with that medical document and the *Gaming, Liquor and Cannabis Act*..

3.2.2. A person referred to in subsection 3.2.1 must, on demand of an Officer, produce a valid copy of the person's medical document.

3.2.3. A person who fails to produce their medical document upon demand of an Officer is guilty of an offence under this Bylaw..

3.2.4. A person referred to in subsection 3.2.1, shall not Smoke or Vape Cannabis:

(a) in any area or place where the person is prohibited from Smoking under the *Tobacco and Smoking Reduction Act*,

(b) on any hospital property, school property or childcare facilities property,

(c) in or within five (5) metres from:

i. A playground,

ii. A sports or playing field,

iii. A skateboard or bicycle park,

iv. A zoo;

v. An outdoor theatre,

vi. An outdoor pool or splash pad, or

vii. Any other area or place that is prescribed or otherwise described in the *Gaming, Liquor and Cannabis Act* and Regulations.

4. Offences

4.1. 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.

5. Enforcement

5.1. 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.

5.2. 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.

6. Penalty

6.1. Where there is a specified penalty listed for an offence in Appendix 'A' of this Bylaw..

6.2. Where there is a minimum penalty listed for an offence in Appendix 'A', that amount is the minimum penalty for the offence.



6.3. 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.

This Bylaw comes into force on the date it is passed.

READ a First time this 22nd day of October, 2018.

READ a Second time this 22nd day of October, 2018.

Received Unanimous Consent for presentation of third reading this 22nd day of October, 2018

READ a Third time this 22nd day of October, 2018.



Michael Muzychka,
Mayor



Michael Merritt,
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this this 22nd day of October, 2018.



APPENDIX 'A'

PENALTIES

Description of Offence	Section	Specified Penalty	
		1st Offence	Subsequent Offences within 365 days
Use of Cannabis in a Public Place.	3.1	\$ 287	\$ 500
Failure to produce medical documents to use Cannabis for Medical Purposes.	3.2.3	\$ 250	\$ 500
Smoking Cannabis for Medical Purposes in an unauthorized place.	3.2.4	\$ 287	\$ 500

