



BYLAW NO. 1771

CANNABIS CONSUMPTION BYLAW

A BYLAW OF KNEEHILL COUNTY, IN THE PROVINCE OF ALBERTA, TO RESTRICT THE CONSUMPTION OF CANNABIS IN PUBLIC PLACES

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 pursuant to Section 10 of the *Tobacco and Smoking Reduction Act*, SA 2005, Chapter T-3.8, municipalities are authorized to pass bylaws to regulate, restrict or prohibit smoking;

AND WHEREAS Council deems it necessary to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in public places to prevent behaviors and conduct that may have a negative impact on the enjoyment of public places;

NOW, THEREFORE, THE COUNCIL OF KNEEHILL COUNTY ENACTS AS FOLLOWS:

SHORT TITLE

This Bylaw may be cited as the "Cannabis Consumption Bylaw"

DEFINITIONS AND INTERPRETATION

1. Definitions in this Bylaw:

- (a) "cannabis" has the meaning given to it in the *Cannabis Act*;
- (b) "*Cannabis Act*" is an Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts;
- (c) "*electronic smoking device*" means an electronic device that can be used to deliver a vapor, 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 peace officer appointed pursuant to the *Peace Officer Act*, Bylaw Officer, or RCMP officer;
- (e) “*public place*” includes any place to which the public has access as of right or by invitation, express or implied;
- (f) “smoke” or “smoking” means:
 - (i) inhaling or exhaling the smoke produced by burning or heating *cannabis*; or
 - (ii) holding or otherwise having control of any device or thing containing lit or heated *cannabis*;
- (g) “vape” or “vaping” means:
 - (i) inhaling or exhaling the vapor, emissions or aerosol produced by an *electronic smoking device* or similar device containing *cannabis*, or
 - (ii) holding or otherwise having control if an *electronic smoking device* that is producing vapor, emissions or aerosol from *cannabis*.

2. Interpretation:

- (a) All schedules attached to this Bylaw form part of this Bylaw.
- (b) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- (c) 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 substituted in its place.
- (d) Each provision of this Bylaw independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- (e) Nothing in this Bylaw relives a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

PROHIBITION

3. A person must not *smoke, vape* or consume *cannabis* in any public place.

MEDICAL CANNABIS

4. (1) A person who is entitled to possess cannabis pursuant to a medical treatment issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, S. 230 is not subject to this Bylaw.
- (2) A person referred to in subsection (1) must, on demand of an *officer*, produce a copy of the person's medical document.

OFFENCES

5. 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

6. (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.
- (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 Procedure Act* or from issuing a written or verbal warning instead of a violation ticket.

PENALTY

7. (1) 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.
- (2) 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.
- (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.

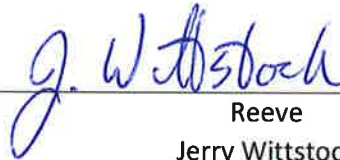
COMING INTO FORCE

8. This Bylaw comes into force on the day the *Cannabis Act* comes into force.

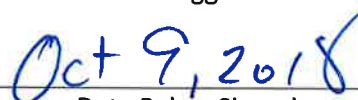
READ a first time on July 17, 2018

READ a second time on September 25, 2018

READ a third time and final time on September 25, 2018


Reeve
Jerry Wittstock


Chief Administrative Officer
Al Hoggan


Date Bylaw Signed

SCHEDULE A**PENALTIES**

Section	Description of Offence	Minimum Penalty	Specified Penalty
3	<i>Smoke, vape, or consume cannabis in public place</i>	\$50	\$250