



## Village of Hay Lakes

### Bylaw 02-2019

## CANNABIS CONSUMPTION BYLAW

A BYLAW OF THE VILLAGE OF HAY LAKES IN THE PROVINCE OF ALBERTA TO RESTRICT THE CONSUMPTION OF CANNABIS IN PUBLIC PLACES.

WHEREAS the House of Commons has given three readings to 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*, 1<sup>st</sup> Session, 42<sup>nd</sup> Parliament, 2017) which will permit persons to possess cannabis if purchased from an authorized person;

AND WHEREAS the Province of Alberta has enacted *An Act to Control and Regulate Cannabis*, S.A. 2017, c. 212 which will place restrictions on the smoking or vaping of cannabis in public places;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*. R.S.A. 2000, c. M-26, Council may pass by-laws 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 by-laws made under the *Municipal Government Act* or any other enactment;

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 THE VILLAGE OF HAY LAKES ENACTS AS FOLLOWS:

#### TITLE

1. This bylaw may be cited as the "Cannabis-Free Public Places Bylaw" of the Village of Hay Lakes.

#### DEFINITIONS AND INTERPRETATION

2. In this Bylaw, including this section, unless the context otherwise requires:

##### 2.1 *Cannabis*:

- a. means any part of the cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds, and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time;
  - b. including any edible products that contain cannabis in any of its forms;
  - c. means the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;
  - d. includes any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
- 2.2. *consume* where used as a verb in respect of cannabis, includes smoke, vape, apply, inhale or ingest;
- 2.3 *Council* means the Municipal Council of the Village of Hay Lakes;
- 2.4 *Peace officer* means a person appointed as a peace officer pursuant to section 7 of the *Peace Officer Act*, S.A. 2006, chapter P-35, and also includes but is not limited to a Police Officer, Royal Canadian Mounted Police Officer, Special Constable, Bylaw Enforcement Officer, Safety Codes Officer, or a person designated by Council to enforce the provision of this Bylaw;
- 2.5 *person* means a corporation, partnership or individual, and the heirs, executors, personal representatives or other legal representative of an individual, joint venture, proprietorship, association or society;
- 2.6 *public parks and recreation areas* means land owned or managed by a government or municipality and used by the public for athletics, recreation and entertainment;
- 2.7 *public place* means any highway, parkland, public bridge, road, lane, footway, sidewalk, boulevard, walkway, trail, square, court, alley or passage, whether a thoroughfare or not, and includes any open space or indoor area to which the public may have or are permitted to have access, express or implied, whether on pavement, enclosed, covered by a roof, or otherwise that is owned by the Village of Hay Lakes.
- 2.8 *smoke or smoking* means to hold or otherwise have control over:
- a. a lit cannabis product or accessory;
  - b. an electronic cigarette or e-cigarette containing cannabis product; and/or
  - c. a vaporize or inhalant-type device containing a cannabis product;
- 2.9 *Village* means the Village of Hay Lakes, in the Province of Alberta;
- 2.10 *use* with respect to electronic cigarettes, means to inhale or exhale vapour from an electronic cigarette or hold an activated electronic cigarette;



- 2.11 *violation tag* means a tag or similar document issued by the Village for the purpose of notifying a person that an offence has been committed for which a prosecution may follow;
- 2.12 *violation ticket* means a ticket issued pursuant to Part 2 of the *Provincial Offenses Procedure Act*;

### PROHIBITION

3. A person must not smoke, vape, use, or consume cannabis in any public place, public park or recreation area.

### MEDICAL CANNABIS

4. A person who is entitled to possess cannabis pursuant to a medical document issued pursuant to the *Access to Cannabis for Medical Purposes Regulations*, SOR2016-230 is not subject to this bylaw.
5. A person referred to in Section 4 must, on demand of a Peace Officer, produce a copy of the person's medical document. A person who cannot produce such a document upon demand is guilty of an offence under this Bylaw.

### ENFORCEMENT

6. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable to:

6.1 payment of the penalty as set out in Bylaw 06-2019 - Rates; Fees & Fines Bylaw (Schedule 'B');

6.2 in default of payment of any penalty, to imprisonment for up to six (6) months.

7. A 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 violation ticket in accordance with the *Provincial Offenses Procedure Act*, R.S.A. 2000, c-P-34.

This section shall not prevent a Peace Officer from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offenses Procedures Act* or from laying an Information instead of issuing a violation ticket.

8. A Violation Ticket shall be in a form approved by the Chief Administration officer, and shall state:

8.1 the name of the person to whom the violation tag is issued;

8.2 a description of the property upon which the offence has been committed, particularly a civic address or legal description, if applicable;

8.3 the appropriate penalty upon which the offence as specified in the Village of Hay Lakes Bylaw 06-2019 - Rates; Fees & Fines Bylaw (Schedule 'B');

8.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Ticket in order to avoid prosecution; and

8.5 any other information as may be required by the Chief Administration Officer.

9. Where a Violation Ticket has been issued pursuant to this section, the person to whom the Violation Ticket has been issued may, in lieu of being prosecuted for the offence, pay to the Village Office, the penalty specified on the Violation Ticket.

10. Notwithstanding the foregoing, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any person to whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

11. The Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the Village may take into account any practical concerns regarding enforcement including funds available under the municipal budget and available personnel resources.

#### SEVERABILITY

12. If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

13. This Bylaw does not override any existing provincial and federal legislation.


AND THAT this Bylaw shall have force and come into effect from and after the date of third reading hereof.

Read a first time this 18<sup>th</sup> day of March, 2019, A.D.

Public Hearing held this 21st day of June, 2019, A.D.

Read a second time this 21st day of June, 2019, A.D.

Read a third and final time this 21st day of June, 2019, A.D.



Dawn Pauls  
MAYOR



K. Shannon Yearwood  
CHIEF ADMINISTRATIVE OFFICER