

CORPORATION OF THE TOWN OF BOW ISLAND
BYLAW 2018:10
CANNABIS BYLAW

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, 1st Sess, 42nd Parl, 2017)* which will permit persons to possess cannabis if purchased from an authorized person;

AND WHEREAS it is anticipated that the *Cannabis Act* will come into force in October, 2018 or shortly thereafter;

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 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 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 necessary to impose additional restrictions on the smoking and/or vaping of cannabis in public places to prevent behaviours and conduct that may have a negative impact on the enjoyment of public places; and the smoke or vapour produced by the smoking or vaping of cannabis and other substances in public premises is a nuisance for persons in those premises;

AND WHEREAS Council considers it expedient and desirable for the health, safety, and welfare of the inhabitants to regulate smoking and vaping of cannabis in the Town of Bow Island;

**CORPORATION OF THE TOWN OF BOW ISLAND
BYLAW 2018:10
CANNABIS BYLAW**

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF BOW ISLAND
ENACTS AS FOLLOWS:**

SHORT TITLE

1. This Bylaw may be cited as the “Cannabis Bylaw”.

DEFINITIONS AND INTERPRETATION

2. (1) In this Bylaw:
 - (a) “*business*” means carrying on a commercial or industrial undertaking of any kind or nature or the provision of a professional, personal or other service and includes any activity carried on by an educational institution, municipality, or charitable organization;
 - (b) “*Bylaw Enforcement Officer*” means the person appointed to the position of Bylaw Enforcement Officer OR Peace Officer pursuant to Bylaw 2014:05;
 - (c) “*cannabis*” has the meaning given to it in the *Cannabis Act*;
 - (d) “*Cannabis Act*” means Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*, 1st Sess, 42nd Parl, 2017;
 - (e) “*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;
 - (f) “*employer*” includes any person who as the owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a person therein;

CORPORATION OF THE TOWN OF BOW ISLAND
BYLAW 2018:10
CANNABIS BYLAW

- (g) “*Municipal Facilities*” includes the Town Office, Library, Firehall, Arena, Swimming Pool, Multiplex, Public Works Shop, water distribution plant, storage buildings, Community Resource Center, Centennial Park Shower House, Gazebo and Camp Kitchens.
- (h) “*Municipal Lands*” includes all parks, playgrounds, school grounds, green spaces, roadways, streets, alleys, sidewalks and walkways within the Town of Bow Island.
- (i) “*officer*” means a Bylaw Enforcement Officer, Peace Officer, or Police Officer, appointed pursuant to Bylaw 2014:05, a peace officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5. or an officer as appointed by the R.C.M.P.;
- (j) “*operator*” includes the person responsible for the day to day operations of a public premises and a proprietor of a public premises;
- (k) “*outdoor pool*” means a structure that contains water which is designed and intended for recreational use, and includes a spray park or a wading pool;
- (l) “*park*” means any park within the Town of Bow island, including but not limited to Centennial Park and it’s campground, Jubilee Park, Funshine Park, or any other maintained leisure area used for enjoyment by the public and owned, operated or maintained by the Town of Bow Island, or any other private or public property used for recreational purposes.
- (m) “*playground*” means an outdoor area upon which apparatus such as swings and slides are placed;
- (n) “*proprietor*” means, where applicable: the person who ultimately controls, governs or directs the activity carried on within any premises referred to in this Bylaw and includes the person usually in charge thereof;

CORPORATION OF THE TOWN OF BOW ISLAND
BYLAW 2018:10
CANNABIS BYLAW

- (o) “*public place*” includes any area, walkway, park, place, premises, part of a building or structure, enclosed area, or any open area to which the public has access as of right or by invitation, express or implied, not including the Bow Island Golf Course;
 - (p) “*private place*” means any place which restricts the public from access, and includes but is not limited to a private dwelling, camping accommodation, yard, garage, or any other privately owned living accommodation.
 - (q) “*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;
 - (r) “*Town*” means the Town of Bow Island and its municipal boundaries;
 - (s) “*vape*” or “*vaping*” means:
 - (i) inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis, or
 - (ii) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis.
 - (t) “*workplace*” includes the whole or any part of a building, structure, vehicle or passenger conveyance in which a business is carried on but excludes:
 - (i) any part which constitutes public premises, and
 - (ii) private residences.
- (2) All schedules attached to this Bylaw form part of this Bylaw.
- (3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

CORPORATION OF THE TOWN OF BOW ISLAND
BYLAW 2018:10
CANNABIS BYLAW

(4) 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.

(5) Each provision of this Bylaw is 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.

(6) Nothing in this Bylaw relieves 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 licence.

PROHIBITION

3. A person must not *smoke or vape cannabis* in, or on, any Municipal Lands, facilities, roadways, walkways whether in a vehicle or not.
4. Smoking or Vaping of cannabis is permitted in private dwellings or on private property only;
5. Smoking or Vaping of cannabis in rented dwellings or properties is permitted only with the landlord or innkeepers consent.
6. An employer, operator or proprietor must not permit a person to smoke or vape cannabis on premises controlled or owned by them where doing so is prohibited by this Bylaw.
7. All additional regulations are as per the Governments *An Act to Control and Regulate Cannabis, S.A. 2017, c. 21*

CORPORATION OF THE TOWN OF BOW ISLAND
BYLAW 2018:10
CANNABIS BYLAW

MEDICAL CANNABIS

8. (1) 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 subject to this Bylaw.

OFFENCES

9. 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

10. (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., or a Municipal Violation Ticket, pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26, and all amendments thereto.

(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.

PENALTY

11. (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.

**CORPORATION OF THE TOWN OF BOW ISLAND
BYLAW 2018:10
CANNABIS BYLAW**

COMING INTO FORCE

12. This bylaw comes into force on the day the Cannabis Act comes into force.

Read a first time this 24th day of September, 2018

MAYOR
DATE: September 24, 2018

TOWN MANAGER
DATE: September 24, 2018

Read a second time this ____ day of _____, 2018.

Read a third and final time this ____ day of _____, 2018.

MAYOR
DATE: _____, 2018

TOWN MANAGER
DATE: _____, 2018

**CORPORATION OF THE TOWN OF BOW ISLAND
BYLAW 2018:10
CANNABIS BYLAW**

SCHEDULE A

PENALTIES

Section	Offence	Specified Penalty
3	<i>Smoke or Vape Cannabis in a public place</i>	\$200.00
6	<i>Permit person to vape where prohibited</i>	\$200.00