

BY-LAW NUMBER 2018/54

BY-LAW NO. 2018/54 is a By-law of the County of Wetaskiwin No. 10 in the Province of Alberta for the purpose of restricting the consumption of Cannabis in public places in the County of Wetaskiwin No.10.

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 Session, 42nd 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. 21 which will place restrictions on the Smoking and consuming 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 the safety, health and welfare of people and the protection of people and property, activities and things in, on or near a Public Place or place that is open to the public, and 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 all forms of consumption of Cannabis in Public Places;

NOW THEREFORE the Council of the County of Wetaskiwin No. 10 duly assembled enacts as follows:

TITLE

1. This By-Law may be cited as the “Cannabis Consumption By-law”

DEFINITIONS

2. In this By-Law:
 - 2.1. “By-Law Enforcement Officer” shall mean,
 - 2.1.1. By-Law Enforcement Officer means a person appointed under Section 555 and 556 pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, employed or contracted by the County to enforce the County By-Laws;
 - 2.1.2. Community Peace Officer as defined under the *Peace Officer Act*, SA 2006, Chapter P-3.5;
 - 2.1.3. A member of the Royal Canadian Mounted Police (RCMP); or
 - 2.2. “Cannabis” means the meaning given to it in the *Cannabis Act*,

- 2.3. "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 Session, 42nd Parliament, 2017;
- 2.4. "Chief Administrative Officer" means the Chief Administrative Officer of the County of Wetaskiwin No. 10 appointed by Council or the Chief Administrative Officer's authorized designate.
- 2.5. "Council" means the Council of the County of Wetaskiwin No.10, in the Province of Alberta.
- 2.6. "County" means the County of Wetaskiwin No. 10, in the Province of Alberta.
- 2.7. "Municipal Tag" means a form of ticket prescribed by the County for a bylaw offence providing a person with the opportunity to pay an amount to the County in lieu of prosecution;
- 2.8. "Public Place" means any publically owned property, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
- 2.9. "Smoke" or "Smoking" means to inhale, to exhale, burn or have control of a lighted cigarette, lighted cigar, lighted pipe, a hookah, and electronic cigarette or vape, or other lighted smoking implement designed to burn or heat Cannabis for the purpose of inhaling or tasting of its smoke or emissions.
- 2.10. "Violation Ticket" has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000, as amended or repealed and replaced from time to time.

GENERAL INTERPRETATION

3. All schedules attached to this Bylaw form part of this Bylaw.
4. Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
5. 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.

6. 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.
7. 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.

OFFENCES

Smoke or Consume Cannabis in Public Places

8. No person shall Smoke or consume Cannabis in any Public Place.

Smoke or Consume Cannabis on County Property

9. No person shall Smoke or consume Cannabis on any property owned by the County, including, but not limited to, parks, playgrounds, streets, sidewalks, green spaces, recreation facilities, libraries, and other property regularly used by the general public.

PENALTIES AND POWERS OF BY-LAW ENFORCEMENT OFFICER

10. 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.
11. Any person who breaches any section of this Bylaw is guilty of an offence and liable to:
 - 11.1. payment of the penalty specified in Schedule "A" hereto; or
 - 11.2. for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000.00;
 - 11.3. and in default of payment of any penalty, to imprisonment for up to six (6) months.
12. Any By-Law Enforcement Officer who has reasonable and probable grounds to believe that any person has contravened any provision of this Bylaw, may issue and serve:

- 12.1. A Municipal Tag allowing payment of the specified penalty to the County, which payment will be accepted by the County in lieu of prosecution for the offence; or
 - 12.2. A Violation Ticket, allowing a voluntary payment of the specified penalty to the Provincial Court, or, requiring a person to appear in court without the alternative of making a voluntary payment; and
 - 12.3. The recording of the payment of a specified penalty made to the County pursuant to a Municipal Tag or the Provincial Court of Alberta pursuant to a Violation Ticket shall constitute an acceptance of a guilty plea and conviction for the offence.
13. Service of a Municipal Tag shall be sufficient if it is:
- 13.1. personally served; or
 - 13.2. sent and served by regular mail to the person's last known mailing address.
14. If a Municipal Tag has been issued and served on a person, the thirty (30) days has expired and the specified penalty amount has not been paid, a Violation Ticket may be issued to the alleged offender.
15. Nothing in this Bylaw shall prevent a By-Law Enforcement Officer from immediately issuing and serving a Violation Ticket on a person for a contravention of this Bylaw, even if a Municipal Tag has not been issued.

SEVERABILITY AND REPEAL

16. It is the intention of Council that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any Section or provision of this Bylaw be found to have been improperly enacted, then such section or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.
17. A copy of a record of the County, certified by the Chief Administrative Officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
18. Schedule "A" may, from time to time, be amended by a resolution of Council.

EFFECTIVE DATE

This By-law shall come into force and effect upon receiving third and final reading and being duly signed.

READ: A First time this 8 day of November, A.D., 2018.

READ: A Second time this 8 day of November, A.D., 2018.

READ: A Third time and finally passed this 8 day of November, A.D., 2018.

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"
SPECIFIED PENALTIES

Section No.	Description	Specified Penalty
8	Smoke or Consume Cannabis in Public Place	\$ 250.00
	Subsequent Offences	\$ 500.00
9	Smoke or consume Cannabis on any property owned by the County.	\$ 250.00
	Subsequent Offences	\$ 500.00