



**BYLAW NO. 18-22
OF THE TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA**

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**BEING A BYLAW OF THE TOWN OF STRATHMORE IN THE PROVINCE OF ALBERTA
TO REGULATE THE CONSUMPTION OF CANNABIS IN PUBLIC.**

WHEREAS the Government of Canada has passed the *Cannabis Act* (Bill C-45, an *Act* respecting cannabis and to amend the *Controlled Drug and Substances Act*, the Criminal Code and other *Acts*, 1st Sess., 42nd Parl, 2017) which will permit persons to possess cannabis; and

WHEREAS it is anticipated that the *Cannabis Act* will come into force October 17th, 2018; 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 the provision of the *Municipal Government Act (MGA)*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, Council may pass a bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property, people activities and things in, on or near a public place or place that is open to the public; and

WHEREAS it is the desire of Council 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 BE IT RESOLVED THAT the Municipal Council of the Town of Strathmore, in the Province of Alberta duly assembled **HEREBY ENACTS AS FOLLOWS:**

1. SHORT TITLE:

1.1 This Bylaw may be cited as the “**Cannabis Consumption Bylaw**”.

2. DEFINITIONS

2.1 In this Bylaw:

- (a) “**Cannabis**” has the same meaning as defined in the *Cannabis Act*;
- (b) “**CAO**” means the Chief Administrative Office or his designate;



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- (c) **“Council”** means the elected Mayor and Councillors for the Town of Strathmore;
- (d) **“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;
- (e) **“Gaming, Liquor and Cannabis Act”** means the Act RSA 2000, Chapter G-1 as amended, and all regulations pursuant to this Act;
- (f) **“Peace Officer”** means:
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) a Community Peace Officer as appointed by the Solicitor General of Alberta; or
 - (iii) a Bylaw Enforcement Officer as appointed by the Town to enforce bylaws of the Town;
- (g) **“Public Place”** means any place to which the public has access as of right or by invitation, express or implied (also reference Smoking Bylaw No. 18-21);
- (h) **“Smoke or Smoking”** means (reference Smoking Bylaw No. 18-21):
 - (i) inhaling or exhaling the smoke produced by burning cannabis; or
 - (ii) holding or otherwise having control of any device or thing containing lit cannabis;
- (i) **“Town”** means The Town of Strathmore, a municipal corporation in the Province of Alberta and includes the area contained within the boundaries of the municipality where the context requires;
- (j) **“Vape or Vaping”** means (reference Smoking Bylaw No. 18-21):
- (k) **“Violation Tag”** means a notice or tag in the form as approved by the CAO, issued by the Town, allowing a voluntary payment option of a fine established under this Bylaw;
- (l) **“Violation Ticket”** means a ticket issued pursuant to Part 2 of the *Provincial Offences Procedures Act*, Revised Statutes of Albert 2000, Chapter P-34 and any amendments or regulations thereto.



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BYLAW INFORMATION

3. PROHIBITION

3.1 No person shall smoke, vape, or consume cannabis in any Public Place.

4. EXEMPTIONS

4.1 Medical Cannabis

- (a) Notwithstanding Section 3.1, any person who is authorized to possess cannabis per a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, and amendments thereto, is subject to the Strathmore Smoking Bylaw No. 18-21;
- (b) Any person exempt pursuant to Section 4.1(a) must, on demand of a Peace Officer, produce a copy of such person's medical document.

4.2 Special Events

- (a) Notwithstanding Section 3.1, a person may smoke, vape or consume cannabis at an event for which a license has been approved by AGLC and a permit has been granted by the CAO:
 - (i) The CAO may impose conditions on any permit granted pursuant to Section 4.2(a);
 - (ii) The CAO may suspend or revoke any permit issued, pursuant to Section 4.2(a), if the permit holder or any person at an event for which a permit has been issued, has contravened any federal or provincial legislation or any other municipal bylaw.
- (b) The holder of a permit issued pursuant to Section 4.2(a) must ensure that:
 - (i) the smoking, vaping or consumption of cannabis is only permitted in a designated area, separate and fenced off from the remainder of the event;
 - (ii) alcohol is not consumed in the area designated for the smoking, vaping or consumption of cannabis;
 - (iii) the sale of cannabis is not permitted in the area designated for the smoking, vaping or consumption of cannabis; and
 - (iv) any advertising or other materials relating to the promotion of cannabis cannot be seen by persons under the age of 18 years.



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5. PENALTIES AND ENFORCEMENT

- 5.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine of not more than Ten Thousand (\$10,000.00) Dollars.
- 5.2 Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum specified penalty for the offence.
- 5.3 In the case of an offense that is of a continuing nature, a contravention constitutes a separate offense in respect of each day or part of a day on which it continues.
- 5.4 The levying and payment of any fine provided in this Bylaw shall not relieve a person from the necessity of paying any fees, charges or costs from which that person is liable under the provisions of this Bylaw or any other Bylaw.
- 5.5 Any 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) a violation tag allowing a payment of the specified penalty to the Town; or
 - (b) a violation ticket allowing payment according to the provisions of the *Provincial Offences Procedure Act*, Revised Statutes of Alberta 2000, Chapter P-34 and amendments thereto.
- 5.6 Service of a Violation Tag will be sufficient if it is
- (a) personally served; or
 - (b) served by regular mail to the person's last known mailing address.
- 5.7 If a Violation Ticket is issued in respect to an offence, the violation ticket may:
- (a) specify the fine amount established by this Bylaw for the offence; or
 - (b) require a person to appear in Court without the alternative of making a voluntary payment.
- 5.8 A Person who commits an offence may:
- (a) if a violation ticket is issued in respect of the offence; and



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- (b) if the violation ticket specified the fine amount established by this Bylaw for the offence;

make a voluntary payment equal to the specified fine by delivering the Violation Ticket and the specified fine to the Municipal address specified on the Violation Ticket.

6. GENERAL

6.1 Any person who contravenes any provision of this Bylaw by:

- (a) doing any act or thing which the person is prohibited from doing; or
- (b) failing to do any act or thing the person is required to do;
- (c) is guilty of an offence and any offence created pursuant to this Bylaw is a strict liability offence for the purposes of prosecution under this Bylaw.

6.2 Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other Bylaw, or any requirement of any lawful permit, order or license.

6.3 Words in the singular include the plural and words in the plural include the singular.

6.4 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

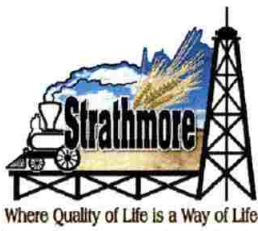
6.5 Schedule "A" shall form a part of this Bylaw and may, from time to time, be amended by Council.

6.6 No provision of this Bylaw or any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a premise as provided by the *Municipal Government Act*, or any other law of the Province of Alberta.

6.7 If any section of this Bylaw is found to be illegal or beyond the power of Council to enact, such section shall be deemed to be severable from all other sections of this Bylaw.

7. ENACTMENT

7.1 This Bylaw comes into full force and effect upon third and final reading.



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READ A FIRST TIME THIS 17th day of October, 2018.

READ A SECOND TIME THIS 24th day of October, 2018.

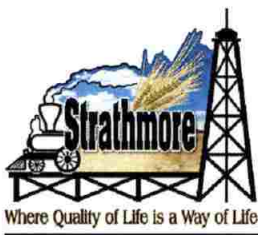
READ A THIRD AND FINAL TIME THIS 24th day of October, 2018.

A handwritten signature in blue ink, appearing to read "Pat Fule", is written over a horizontal line.

Mayor

A handwritten signature in black ink, appearing to read "D. [unclear]", is written over a horizontal line.

Chief Administrative Officer



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Schedule "A"

SECTION	OFFENCE	PENALTY 1 st offence	PENALTY 2 nd /subsequent offences
3.1	Consume cannabis in public place	\$250.00	\$500.00