

TOWN OF ROCKY MOUNTAIN HOUSE

BYLAW NO. 2018/35V

BEING A BYLAW OF THE TOWN OF ROCKY MOUNTAIN HOUSE TO RESTRICT THE CONSUMPTION OF CANNABIS & TOBACCO PRODUCT 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, 1st Session, 42nd Parliament, 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 on 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 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 & Tobacco in Public Places to prevent behaviours and conduct that may have a negative impact on the enjoyment of Public Places;

NOW THEREFORE the Municipal Council of the Town of Rocky Mountain House duly assembled enacts as follows:

TITLE

1. This Bylaw may be cited as the "*Cannabis and Tobacco Consumption Bylaw*".

DEFINITIONS

2. In this Bylaw, including this section, unless the context otherwise requires:
 - a. "Cannabis" means the meaning given to it in the Cannabis Act;

- b. "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;
- c. "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Rocky Mountain House appointed by Council or the Chief Administrative Officer's authorized designate;
- d. "Council" means the Municipal Council of the Town of Rocky Mountain House;
- e. "Designated Smoking Areas" means an area that has been designated as a tobacco smoking area that is away from buildings, crowds and high traffic areas.
- f. "Medical Document" means a medical document provided by a care practitioner to a person who is under their professional treatment pursuant to Section 8 of the Access to Cannabis for Medical Purposes Regulations.
- g. "Municipal Tag" means a form of ticket prescribed by the Town for a bylaw offence providing a person with the opportunity to pay an amount to the Town in lieu of prosecution;
- h. "Peace Officer" for the purposes of this Bylaw, means
 - i. a member of the Royal Canadian Mounted Police;
 - ii. a Bylaw Officer as appointed by the Town to enforce bylaws of the Town, or
 - iii. a Community Peace Officer as appointed by the Solicitor General of Alberta and authorized by the Town;
- i. "Playground" means a structure or collection of structures designated and intended for recreational use by children and, where mounted in a distinct material such as sand, gravel, or wood chips, includes the material in which those structures are mounted.
- j. "Private Property" means a place used by a person as a permanent private dwelling, including any private land adjacent to the private dwelling or structure on that private land that is used for the convenience or enjoyment of the occupants of the dwelling.

- k. "Public Park" means public space controlled by the Town and set aside as a park to be used for rest, recreation, exercise, pleasure, amusement and enjoyment, and includes the Town's walking trail system.
- l. "Public Place" means any property, whether publicly or privately owned, 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;
- m. "Seasonal Skating Rink" means an outdoor ice surface on which members of the public are permitted to skate, whether on payment of any fee or not, and includes public lakes, ponds, and outdoor rinks with boards or other ice support infrastructure.
- n. "Skate Park" means an area designated and intended specifically for the use of skateboards, in-line skates, or similar devices.
- o. "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.
- p. "Sports Field" means an outdoor area designed and intended for use in a specific sporting event and includes soccer fields, baseball diamonds, tennis courts, and similar areas.
- q. "Tobacco product" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy;
- r. "Town" means the Corporation of the Town of Rocky Mountain House, or the area contained within the corporate boundaries of the Town, as the context requires;
- s. "Violation Ticket" has the same meaning as in the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, as amended or repealed and replaced from time to time.
- t. "Workplace" means all or any part of a building, structure or other enclosed area in which employees perform the duties of their employment, whether or not members of the public have access to the building, structure or area as of right or by express or implied invitation, and includes reception areas, corridors, lobbies, stairwells, elevators, escalators, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages and work vehicles;

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.

REGULATION OF SMOKING

GENERAL

8. No person shall Smoke in any building to which the public is ordinarily invited or permitted to attend. This includes but is not limited to licensed food & beverage establishments, grandstands, patios, private clubs, public buildings, public transportation vehicles, restaurants, sidewalk cafes and work places.
9. The CAO or designate may assign "Designated Smoking Areas" for tobacco on Town Property.

TOBACCO

Smoke Tobacco Product in Public Place

10. A person may smoke or consume tobacco in any Public Place.

Smoking of tobacco in public shall not be within 5 metres distance from a doorway, window or air intake of a public place or workplace unless otherwise posted.

Smoking Tobacco on Private Property

11. No person shall smoke tobacco on private property without the consent or permission of the owner of the private property.

Smoking Tobacco on Town Property

12. No person shall smoke within 5 metres of any doorway, window or air intake of a Town owned building.

No person shall smoke Tobacco within 5 metres of the boundary to a Public Park, Playground, Skate Park, water-spray parks, trails, tennis courts and libraries. This does not apply when it affects a Private Property adjacent to any of the listed town recreation facilities and outdoor spaces.

Smoking at the Christenson Sports and Wellness Centre, Lou Soppit Community Centre and the Credit Union Co-op Aquatic Centre shall not be within 5 metres distance from a doorway, window or air intake of a Public Place or Workplace unless otherwise posted or a Designated Smoking Area has been established.

Smoking of tobacco will not be allowed within 5 metres of the Town's baseball dugouts and all bleachers situated at any of the Sports fields within Rocky Mountain House. There will be no smoking of tobacco within 5 metres of a Sports Field(soccer, football, and baseball).

CANNABIS

Smoke or Consume Cannabis in Public Place

13. A person may smoke or consume cannabis in any Public Place.

Consumption of cannabis in public places must be 5 metres distance from a doorway, window or air intake of a public place or workplace unless otherwise posted.

Smoke or Consume Cannabis on Private Property

14. No person shall smoke or consume cannabis on private property without the consent or permission of the owner of the private property.

Smoke or Consume Cannabis on Town Property

15. No person shall smoke or consume cannabis within 5 metres of any doorway, window or air intake of a Town owned building.

Consumption of cannabis will not be allowed within 5 metres of the boundary to a Public Park, Playground, Skate Park, water-spray parks, trails, Christenson Sports and Wellness Centre, Credit Union Co-op Aquatic Centre, Lou Soppit Community Centre, libraries, Sports Field and other recreational facilities used by the general public. This does not apply when it affects a Private Property adjacent to any of the listed town recreation facilities and outdoor spaces.

Consumption of Cannabis will not be allowed at any Town of Rocky Mountain House organized events open to the public. Example would be Marketplace on Main.

MEDICAL CANNABIS

16. A person who is entitled to possess Cannabis pursuant to a Medical Document is subject to follow this Bylaw for the consumption of cannabis.

PENALTIES AND POWERS OF PEACE OFFICER

17. 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.

18. Any person who breaches any section of this Bylaw is guilty of an offence and liable to:

- a. payment of the penalty specified in Schedule "A" hereto; or
- b. 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;

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

19. 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 Municipal Tag allowing payment of the specified penalty to the Town, which payment will be accepted by the Town in lieu of prosecution for the offence; or
 - b. 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 the recording of the payment of a specified penalty made to the Town 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.

20. Service of a Municipal Tag shall be sufficient if it is:

- a. personally served; or
- b. sent and served by regular mail to the person's last known mailing address.

21. If a Municipal Tag is issued in respect of an offence, the Municipal Tag must set out the specified penalty amount for the contravention established by this Bylaw.

22. After the expiry of ten (10) days from the date of service of the Municipal Tag, the full specified penalty amount must be paid, and may be paid to the Town of Rocky Mountain House at any time before a Violation Ticket is issued.

23. If a Municipal Tag has been issued and served on a person, the ten (10) days has expired and the specified penalty amount has not been paid, a Violation Ticket may be issued to the alleged offender.

24. Nothing in this Bylaw shall prevent a Peace 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.

25. Nothing in this Bylaw shall prevent a Peace Officer from immediately laying an information instead of issuing a violation ticket.

SEVERABILITY AND REPEAL

26. 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.

27. A copy of a record of the Town, 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.

28. Schedule "A" may, from time to time, be amended by a resolution of Council.

REPEAL OF BYLAWS

28. The Cannabis Consumption Bylaw 2018/30V is hereby repealed.

THAT this Bylaw shall take effect on December 18, 2018 and upon signing by the Mayor and Chief Administrative Officer.

READ a first time in Council assembled this 18th day of December, 2018.

READ a second time in Council assembled this 18th day of December, 2018.

READ a third time in Council assembled and passed this 18th day of December, 2018.

Redacted under Section 17 of the FOIP Act.

Tammy Burke, Mayor

Redacted under Section 17 of the FOIP Act.

Dean Krause, CAO

Town of Rocky Mountain House Bylaw 2018/35V
Cannabis and Tobacco Consumption Bylaw Schedule A
Offences and Penalties

Offence Description	Section	Initial and Repeated Offences	Specified Penalty
Smoke Tobacco or consume Cannabis in Public Place within five metres of doorway, window or air intake	10,13	a) First offence	
Smoke Tobacco or consume Cannabis on private property without consent or permission of property owner.	11,14	b) Second offence - within one year	a) \$250.00 b) \$500.00
Smoke or consume Cannabis or Tobacco within 5 metres of any doorway or property owned by the Town as well as outdoor recreational facilities.	12,15	c) Third & subsequent offences - within one year	c) \$1000.00