

**TOWN OF MAGRATH**  
**BYLAW # 1235**  
(Public Consumption of Cannabis)

WHEREAS the Government of Canada has passed 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> Sess, 42<sup>nd</sup> Parl, 2017) which will permit persons to possess cannabis; and

WHEREAS it is anticipated that the *Cannabis Act* will come into force in 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, 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 Council deems it prudent to impose additional restriction 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 the Council of the Town of Magrath enacts as follows:

1. SHORT TITLE

This Bylaw may be known as the "Public Consumption of Cannabis Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- 2.1 "cannabis" has the same meaning as defined in the *Cannabis Act*;
- 2.2 "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;
- 2.3 "Chief Administrative Officer" (CAO) means the person appointed to the position of Chief Administrative Officer for the Town of Magrath by Council within the meaning of the MGA.

- 2.4 "Council" means the municipal Council of the town of Magrath duly elected under the Local Authorities Election Act;
- 2.5 "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;
- 2.6 "Peace Officer" means:
- a) A member of the Royal Canadian Mounted Police;
  - b) A Community Peace Officer as appointed by the Solicitor General of Alberta; or
  - c) A Bylaw Enforcement Officer as appointed by the Town of Magrath to enforce bylaws of the Town;
- 2.7 "public place" means any place to which the public has access as of right or by invitation, express or implied;
- 2.8 "smoke" or "smoking" means:
- a) inhaling or exhaling the smoke produced by burning or heating cannabis; or
  - b) holding or otherwise having control of any device or thing containing lit or heated cannabis;
- 2.9 "vape" or "vaping" means:
- a) inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis, or
  - b) holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis.
- 2.10 "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;
- 2.11 "violation ticket" means a ticket issued pursuant to Part 2 of the Provincial Offences Procedures Act, Revised Statutes of Alberta 2000, Chapter P-34 and any amendments or regulations thereto.

### 3. PROHIBITION

- 3.1 No person shall smoke, vape or consume cannabis in any public place.

#### 4. OFFENCES

- 4.1 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.

#### 5. ENFORCEMENT

- 5.1 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.
- 5.2 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.

#### 6. PENALTY

- 6.1 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.
- 6.2 Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.
- 6.3 In this section, "specified penalty" means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.

#### 7. SEVERABILITY

- 7.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent to all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

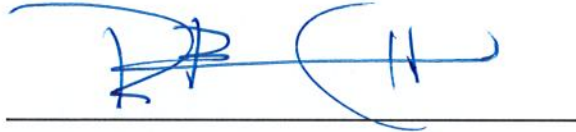
#### 8. COMING INTO FORCE

- 8.1 This bylaw comes into force on the day the *Cannabis Act* comes into force.


Read a 1<sup>st</sup> time the 11<sup>th</sup> day of September, 2018.

Read a 2<sup>nd</sup> time the 23<sup>rd</sup> day of October, 2018.

Read a 3<sup>rd</sup> time the 23<sup>rd</sup> day of October, 2018.



Mayor – Russ Barnett



Administrator – Wade Alston

SCHEDULE "A"

<b>SECTION</b>	<b>OFFENCE</b>	<b>PENALTY 1<sup>st</sup> Offence</b>	<b>PENALTY 2<sup>nd</sup> and Subsequent Offences</b>
3.1	Consume cannabis in public place	\$250.00	\$500.00