

**MUNICIPALITY OF JASPER
BYLAW #211**

**BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA TO
REGULATE THE CONSUMPTION OF CANNABIS 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 Sess, 42nd Parl, 2018) which will permit persons to possess cannabis if purchased from an authorized person;

AND WHEREAS the Province of Alberta has enacted the Gaming, Liquor and Cannabis Act (RSA 2000, cG-1) which places restrictions on the smoking or vaping of cannabis in public places;

AND WHEREAS pursuant to s. 7 of the Municipal Government Act (RSA 2000, cM-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 desirable and in the public interest to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in public places to promote the safety, health and welfare of people and the enjoyment of public places;

NOW THEREFORE the Council of the Specialized Municipality of Jasper, in the Province of Alberta, duly assembled, enacts:

1. CITATION

1.1. This Bylaw may be cited as the "Cannabis Consumption Bylaw".

2. DEFINITIONS

2.1. In this Bylaw:

- 2.1.1. "Cannabis" has the meaning given to it in the Cannabis Act;
- 2.1.2. "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, 1st Sess, 42nd Parl, 2018;
- 2.1.3. "Chief Administrative Officer" means the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;
- 2.1.4. "Council" shall mean the Council of the Municipality of Jasper;
- 2.1.5. "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;
- 2.1.6. "Licensing and Enforcement Manager" means the Municipality of Jasper's Licensing and Enforcement Manager as appointed by the Chief Administrative Officer, or designate;

- 2.1.7. "Officer" means a person appointed by the Chief Administrative Officer as a Bylaw Enforcement Officer pursuant to the Jasper Municipal Enforcement Officer Bylaw #045; a park warden appointed pursuant to the Canada National Parks Act, while that person is in the exercise or discharge of that person's powers or duties in a national park established under that Act; or a regular member of the Royal Canadian Mounted Police.
- 2.1.8. "Public Place" means a place or building that is open to the public;
- 2.1.9. "Smoke" or "Smoking" means:
 - 2.1.9.1. Inhaling or exhaling the smoke produced by burning or heating Cannabis; or
 - 2.1.9.2. Holding or otherwise having control of any device or thing containing lit or heated Cannabis;
- 2.1.10. "Vape" or "Vaping" means:
 - 2.1.10.1. Inhaling or exhaling the vapour, emissions or aerosol produced by an Electronic Smoking Device or similar device containing Cannabis; or
 - 2.1.10.2. Holding or otherwise having control of an Electronic Smoking Device that is producing vapour, emissions or aerosol from Cannabis.

3. INTERPRETATION

- 3.1 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.
- 3.2 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.
- 3.3 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.

4. PROHIBITION

- 4.1 No person shall Smoke, Vape or consume Cannabis in any place where Smoking or Vaping is prohibited under the Gaming, Liquor and Cannabis Act (RSA 2000, cG-1) as amended.
- 4.2 No person shall Smoke, Vape or consume Cannabis in any Public Place.

5. MEDICAL CANNABIS

- 5.1 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 exempt from section 4.2 of this bylaw and shall not Smoke, Vape or consume Cannabis:
 - 5.1.1 in any place where Smoking or Vaping is prohibited under the Municipality of Jasper Smoking Control Bylaw #061; and

5.1.2 in any Public Place within the Municipality of Jasper C1 Commercial District (downtown) as set out in Schedule "B" hereto.

5.2 A person referred to in section 5.1 of this Bylaw must, on demand of an Officer, produce a copy of the person's medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230.

6. DESIGNATED CANNABIS AREAS

6.1 Notwithstanding section 4, a person may Smoke, Vape or consume Cannabis in a Public Place designated by Council pursuant to this section.

6.2 Council may by resolution designate areas within Municipality-owned Public Places in which Cannabis may be Smoked, Vaped or consumed.

6.3 Council may by resolution designate areas within Public Places to which this Bylaw does not apply.

6.4 Prior to designating an area pursuant to this section, Council may hold a public hearing in accordance with the requirements of the Municipal Government Act in respect of the proposed designation of an area where a person may Smoke, Vape or consume Cannabis.

6.5 The Licensing and Enforcement Manager may temporarily suspend a designation pursuant to this section for up to 30 days if in the opinion of the Licensing and Enforcement Manager the designated area has experienced significant safety or nuisance issues. The Licensing and Enforcement Manager shall present the reasons for suspension to Council at the first practicable Council meeting following the suspension.

6.6 The Chief Administrative Officer shall maintain a list of areas and Public Places designated pursuant to this section. The Chief Administrative Officer may publish the list on the Municipality's website.

7. DESIGNATED CANNABIS AREAS AT EVENTS

7.1 Notwithstanding section 4, a person may Smoke, Vape or consume Cannabis at an event in a designated area for which a permit has been issued.

7.2 Council may by resolution authorize the Licensing and Enforcement Manager to issue a permit for a designated area within a Public Place in which Cannabis may be Smoked, Vaped or consumed at an event.

7.3 Council and the Licensing and Enforcement Manager may impose conditions on a permit granted pursuant to section 7.2.

7.4 The Licensing and Enforcement Manager may suspend or revoke a permit issued pursuant to this section.

7.5 The holder of a permit issued pursuant to this section must ensure that:

7.5.1 The Smoking, Vaping or consumption of Cannabis is only permitted in a designated area, separate and fenced off from the remainder of the event;

7.5.2 Alcohol is not being consumed in the area designated for the Smoking, Vaping or consumption of Cannabis; and

7.5.3 The sale of Cannabis is not permitted in the area designated for the Smoking, Vaping or consumption of Cannabis.

8.0 OFFENCES

8.1 Any Person who contravenes this Bylaw is guilty of an offence.

9.0 ENFORCEMENT

9.1 Persons contravening certain sections of this Bylaw shall be liable for the penalties set out in such section or set out as entered in Schedule "A" hereto.

9.2 An Offence Notice Violation ("Offence Ticket") may be issued by an Officer to any Person alleged to have breached any provision of this Bylaw pursuant to the provisions of the Provincial Offences Procedure Act (RSA 2000, cP-34), as amended, and the said notice shall require the payment to such official in the amount specified in this Bylaw or the regulations pursuant to the Provincial Offences Procedure Act (RSA 2000, cP-34), as amended.

9.3 When a Person served with an Offence Ticket as provided for in section 9.2 herein and issued in respect of any section of this Bylaw for which the specified penalty is \$100.00, the fine shall be reduced to \$50.00 if the ticket is paid prior to the specified payment due date indicated on the ticket.

9.4 An Offence Ticket shall be deemed to be sufficiently served:

9.4.1 if served personally on the accused; or

9.4.2 if mailed to the address of the Person concerned; or

9.4.3 if attached to or left securely and visibly upon a vehicle in respect of which an offence has alleged to have been committed.

9.5 Except as otherwise provided in this Bylaw, a Person who is guilty of an offence under this Bylaw for which a penalty is not otherwise provided, is liable to a fine of not more than \$100.00 and, in default, such penalties as are provided for by the Provincial Offences Procedure Act (RSA 2000, cP-34) as amended.

9.6 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 (RSA 2000, cP-34) or from laying an information instead of issuing a violation ticket.

10.0 COMING INTO EFFECT

10.1 This Bylaw comes into force and effect on the day the Cannabis Act comes into force.

READ a first time this 18th day of September, 2018

READ a second time this 18th day of September, 2018

READ a third time and finally passed this 2nd day of October, 2018

Mayor

Chief Administrative Officer

SCHEDULE A

Penalties

Section	Description of Offence	Penalty
4	Smoking, Vaping or consuming Cannabis in a Public Place	\$100.00

