

**BYLAW NO. B-26/2018
OF THE CITY OF AIRDRIE
IN THE PROVINCE OF ALBERTA**

Being a bylaw respecting the consumption of Cannabis within the City of Airdrie.

WHEREAS pursuant to the *Act to Control and Regulate Cannabis*, S.A. 2017, Chapter 21 and amendments thereto, a municipal Council may pass bylaws regarding the public consumption of Cannabis;

AND WHEREAS the *Municipal Government Act*, R.S.A. 2000 Chapter M-26 as amended, authorizes Council to 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;
- c) businesses, business activities and persons engaged in business;

AND WHEREAS Council deems it expedient and appropriate to regulate the consumption of Cannabis within the City of Airdrie to protect people from being negatively impacted by the smoke, vapour, emissions or aerosols from Cannabis and to prevent behaviours, activities and conduct that may have a negative impact on the enjoyment of property and public places within the City of Airdrie;

NOW THEREFORE the Council of the City of Airdrie, duly assembled, enacts as follows:

SECTION 1 – SHORT TITLE

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

SECTION 2 – DEFINITIONS

In this Bylaw, the following terms have the following meanings:

- 2.01 **"Bylaw Enforcement Officer"** means a Person appointed pursuant to City Bylaw No. B-07/1997 to enforce the provisions of this Bylaw and other bylaws of the City;
- 2.02 **"Cannabis"** has the same meaning as in the *Act to Control and Regulate Cannabis*, S.A. 2017, Chapter 21 and any amendments thereto, and includes leaves, stems, buds, oil and other parts or derivatives of the Cannabis plant;
- 2.03 **"Cannabis Consumption Site"** means a location designated by the City for the lawful consumption of Cannabis as specified in Schedule "A";
- 2.04 **"City"** means the municipal corporation of the City of Airdrie and the geographic area contained within its boundaries, as the context requires;
- 2.05 **"City Manager"** means the individual appointed by Council as chief administrative officer for the City in accordance with the *Municipal Government Act* or his/her delegate;
- 2.06 **"Consumption"** or **"Consume"** means the smoking, vaping or any other method of inhaling or exhaling Cannabis and includes the holding or otherwise having control of any

device or thing containing lit or heated Cannabis or which is producing vapour, emissions or aerosol from Cannabis;

- 2.07 **“Council”** means the duly elected Council of the City;
- 2.08 **"Municipal Government Act"** means the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 as amended, together with all regulations passed thereunder;
- 2.09 **“Municipal Tag”** means a violation tag or similar document issued by the City pursuant to the *Municipal Government Act* and as referred to in Section 9 below;
- 2.10 **“Officer”** means a Person appointed by the City to enforce the provisions of this Bylaw including a Bylaw Enforcement Officer, Peace Officer or a member of the RCMP;
- 2.11 **"Peace Officer"** means an individual appointed pursuant to the *Peace Officer Act*, S.A. 2006, Chapter P-36, and any amendments thereto;
- 2.12 **“Person”** includes an individual, proprietorship, corporation, company, partnership or society;
- 2.13 **"Premises"** means any property, land, building and/or structure including but not limited to commercial, industrial, recreational and institutional property but does not include a Private Residence;
- 2.14 **“Private Residence”** means a self-contained living premise for domestic use of one or more individuals and where access is provided from a separate private entrance from the exterior of a building or from a common hall, lobby or stairway and includes a parked recreational vehicle being utilized as a temporary residence, balconies, yards, gardens, decks, patios, private sidewalks, private driveways or other outside area whether or not covered by a roof;
- 2.15 **“Smoking Bylaw”** means City of Airdrie Smoking Bylaw No. B-44/2004 as amended from time to time;
- 2.16 **“Special Event”** means an organized one-time or annual event that temporarily restricts typical public access to City property. A Special Event must also have one or more of the following elements:
- a. the event occurs on multiple public properties or facilities;
 - b. the requested use for the land or facility is different than the original intended purpose;
 - c. public use is limited by the duration of the event;
 - d. has an impact on public safety;
 - e. requires a road closure;
 - f. estimated attendance of +200 people at any given time; and/or
 - g. involves the support, approval and/or services of two or more business units of the City,
- and includes festivals;
- 2.17 **"Specified Penalty"** has the same meaning as in the *Provincial Offences Procedure Act*, R.S.A. 2000 Chapter P-34, as amended and regulations thereunder; and

- 2.18 “**Violation Ticket**” means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000 Chapter P-34, as amended and regulations thereunder, and as referred to in Section 10 of this Bylaw; and

SECTION 3 – GENERAL PROVISIONS

- 3.01 Consumption of Cannabis is prohibited within the City unless consumed at a Private Residence, at one of the designated Cannabis Consumption Sites which are set out in Schedule “A”, or in accordance with Section 4.
- 3.02 No Person may Consume Cannabis in contravention of this Bylaw.
- 3.03 No Person who owns, occupies, leases, rents, or controls a Premises may permit or allow the Consumption of Cannabis on or in that Premises in contravention of this Bylaw.
- 3.04 Nothing in this Bylaw supersedes the provisions set out in the Smoking Bylaw with respect to the smoking or vaping of substances other than Cannabis, as such substances are defined in the Smoking Bylaw.

SECTION 4 – SPECIAL EVENTS

- 4.01 At the discretion of the Special Events organizer and with the prior approval by the City, Special Events may have an area designated for Consumption of Cannabis, conditional upon all the requirements prescribed by the City’s Special Events Guidelines being met and adhered to.

SECTION 5 – MEDICAL CANNABIS

- 5.01 (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 not subject to this Bylaw.
- (2) A person referred to in subsection (1) must, on demand of an Officer, produce a copy of the person’s medical document.
- (3) A person referred to in subsection (1) is subject to Smoking Bylaw No. B-44/2004.

SECTION 6 – OFFENCES

- 6.01 Any Person who contravenes any provision of this Bylaw is guilty of an offence.
- 6.02 In the case of an offence that is of a continuing nature, an offence shall constitute a separate offence in respect of each day, or part of a day, on which that contravention of the Bylaw continues.
- 6.03 It is the intention of Council that all offences created by this Bylaw be interpreted to be strict liability offences.

SECTION 7 – PENALTIES

- 7.01 Any corporation, company, partnership, proprietorship or society which contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand (\$10,000.00) dollars.
- 7.02 Any individual who contravenes a provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding One Thousand (\$1,000.00) dollars and for a second or subsequent offence, to a fine of not more than Five Thousand (\$5,000.00) dollars.
- 7.03 The Specified Penalty for an offence committed pursuant to this Bylaw is established as follows:
- | | |
|---|------------|
| Corporations, companies, partnership, proprietorship, society | \$1,000.00 |
| Individual | \$ 250.00 |

SECTION 8 – ENFORCEMENT

- 8.01 An Officer is a "designated officer" for the purposes of Sections 542 - 545 of the *Municipal Government Act*.
- 8.01 For the purpose of enforcing this Bylaw, an Officer, upon producing proper identification, may at all reasonable hours, enter any place where the Consumption of Cannabis is prohibited and carry out inspections, remedies, enforcement or other actions in accordance with Section 542 of the *Municipal Government Act*.

SECTION 9 – MUNICIPAL TAGS

- 9.01 An Officer is hereby authorized to issue a Municipal Tag to any Person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.02 A Municipal Tag may be issued to such Person:
- either personally;
 - by mailing a copy of the Municipal Tag to such Person at his/her last known postal address, or
 - if upon a corporation, company, partnership, proprietorship or society, by mailing a copy to the Municipal Tag to the registered office as shown in the applicable registry office search,
- and such service shall be deemed to be good and sufficient for the purpose of this Bylaw.
- 9.03 Where a Municipal Tag has been mailed, it shall be deemed to have been received fourteen (14) days after mailing.
- 9.04 The Municipal Tag shall be in a form approved by the City Manager and shall state:
- the name of the Person;

- b) the nature of the offence including the relevant Bylaw provision(s);
- c) the municipal or legal description of the land on or near where the offence took place;
- d) the appropriate penalty for the offence as specified in Section 7 of this bylaw;
- e) that the penalty shall be paid within thirty (30) days of the issuance of the Municipal Tag;
- f) any other information as may be required by the City Manager.

9.05 Where a Municipal Tag is issued pursuant to Section 9 of this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay the penalty specified on the Municipal Tag to the City within the time period indicated on the Municipal Tag.

9.06 Nothing in this Bylaw shall prevent an Officer from immediately issuing a Violation Ticket.

SECTION 10 – VIOLATION TICKET

10.01 In those cases where a Municipal Tag has been issued and if the penalty specified on a Municipal Tag has not been paid within the prescribed time, an Officer is hereby authorized to issue a Violation Ticket.

10.02 Notwithstanding Section 10.01 of this Bylaw, an Officer is hereby authorized to immediately issue a Violation Ticket to any Person who the Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

SECTION 11 – MISCELLANEOUS

11.01 If any section or sections of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

11.02 Nothing in this Bylaw relieves a Person from complying with any Federal, Provincial or City legislation, bylaw, regulation, permit, order, license, approval or other direction.

11.03 The expenses and costs of any enforcement action or measures taken by the City are an amount owing to the City by the Person in contravention of this Bylaw.

11.04 Where any contravention of this Bylaw occurs on property for which the Person who committed the contravention is the registered owner, any unpaid enforcement expenses or costs may be added to the tax roll of that property in accordance with the *Municipal Government Act*.

11.05 This Bylaw comes into force on the date that *Bill 45, An Act respecting Cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*, 1st Sess, 42nd Parl., 2017, comes into force.

Read a first time this 3rd day of July, 2018.

Read a second time this 3rd day of July, 2018.

Read a third and final time this 3rd day of July, 2018.

Executed this _____ day of July, 2018.

Mayor

City Clerk

SCHEDULE A
Cannabis Consumption Sites