

BYLAW C-7832-2018

A Bylaw of Rocky View County, in the Province of Alberta, to regulate the consumption of cannabis within Rocky View County.

The Council of Rocky View County, in the Province of Alberta, duly assembled, enacts as follows:

PURPOSE AND TITLE

- 1 The purpose of this bylaw is to impose additional restrictions on the public consumption of cannabis within the geographic boundaries of Rocky View County, over and above the restrictions in the *Controlled Drugs and Substances Act* and the *Gaming, Liquor and Cannabis Act*.
- 2 This bylaw may be referred to as the “*Cannabis Consumption Bylaw*.”

DEFINITIONS

- 3 In this Bylaw, the following definitions apply:
 - (1) “**Cannabis**” has the same meaning as in the *Controlled Drugs and Substances Act*;
 - (2) “**Chief Administrative Officer**” or “**County Manager**” means the Chief Administrative Officer of Rocky View County;
 - (3) “**Controlled Drugs and Substances Act**” means the *Controlled Drugs and Substances Act*, SC 1996, c 19 as amended or replaced from time to time.;
 - (4) “**Council**” means the duly elected Council of Rocky View County;
 - (5) “**Council Policy**” means policies that are approved by Council, provide strategic direction on programs and services delivered by the County, primarily impact and address residents of the County, provide an official position on plans to govern the people of the County, and are within Council’s jurisdiction under the *Municipal Government Act*;
 - (6) “**County**” means Rocky View County and its jurisdictional boundaries;
 - (7) “**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;
 - (8) “**Event**” means any public or private event, gathering, celebration, festival,

competition, contest, exposition, or similar type of activity including, but not limited to, the following types of events:

- (a) music festivals or concerts, including live and/or pre-recorded music and professional and/or amateur performers;
 - (b) dances and dance parties, including live and/or pre-recorded music and professional and/or amateur performers;
 - (c) weddings;
 - (d) circuses;
 - (e) parades;
 - (f) trade shows;
 - (g) promotional displays;
 - (h) laser shows;
 - (i) Fireworks and Pyrotechnic displays;
 - (j) expositions;
 - (k) exhibitions;
 - (l) athletic or sports events, walkathons, meets and contests;
 - (m) shows, trials, races, and other competitive events;
 - (n) rodeos; and
 - (o) any other private or public function;
- (9) **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police (R.C.M.P.), a Community Peace Officer appointed by the Solicitor General of Alberta in accordance with the *Peace Officers Act*, SA 2006, c P-3.5, or a Bylaw Enforcement Officer employed by Rocky View County in accordance with the *Municipal Government Act*;
- (10) ***Gaming, Liquor and Cannabis Act*** means the *Gaming, Liquor and Cannabis Act*, RSA 2000, c G-1 as amended or replaced from time to time;
- (11) ***Municipal Government Act*** means the *Municipal Government Act*, RSA 2000, c M-26 as amended or replaced from time to time;
- (12) **“Private Residence”** means any building or structure, and the land associated with it, used principally for human habitation on a permanent or temporary basis, but does not include common areas within campgrounds such as playgrounds, kitchen shelters, washrooms, parking areas, or roads.

- (13) **“Public Place”** includes any place to which the public has access as of right or by invitation, express, or implied;
- (14) **“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;
- (15) **“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.

PROHIBITION

- 4 A person must not Smoke, Vape, or otherwise consume Cannabis in any Public Place, including Parks, Municipal Reserves, Environmental Reserves, etc. within the geographic boundaries of Rocky View County.
- 5 A person must not Smoke, Vape, or otherwise consume Cannabis at any Event, except when that Event is held indoors in a private residence.
- 6 This Bylaw does not apply to a person who is entitled to possess Cannabis according to a medical document provided by a health care practitioner to a person who is under their professional treatment in accordance with *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230.
- 7 This Bylaw does not apply to areas licensed for cannabis consumption by the provincial or federal government.

GENERAL PENALTY PROVISION

- 8 In accordance with the *Municipal Government Act*, any person that violates any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine of \$10,000.00 or, in default of payment of the fine, to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

OFFENCES

- 9 A Person who violates any provision of this Bylaw is guilty of an offence and is liable, upon conviction, to a specified penalty as set out in Schedule ‘A’ of this bylaw. If there is no specified penalty listed in Schedule “A” for a particular offence, the specified penalty shall be \$1,000.00.

- 10 Where there is a minimum penalty listed for an offence in Schedule 'A' of this Bylaw, that amount shall be the minimum penalty for that offence. If there is no minimum penalty listed in Schedule 'A' for a particular offence, the minimum penalty shall be \$500.00.

ENFORCEMENT

- 11 Where an Enforcement Officer has reasonable grounds to believe that a Person has violated any provision of this Bylaw, the Enforcement Officer may commence Court proceedings against such Person by:
- (1) issuing the Person a Violation Ticket pursuant to the provisions of the *Provincial Offences Procedure Act*, or
 - (2) swearing out an information and complaint against the Person.
- 12 Where an Enforcement Officer issues a Person a Violation Ticket in accordance with section 9, the Enforcement Officer may either:
- (1) allow the Person to pay the specified penalty established in Schedule "A" of this Bylaw for the offence by including the penalty in the Violation Ticket; or
 - (2) require a Court appearance of the Person where the Enforcement Officer believes that it is in the public interest pursuant to the *Provincial Offences Procedure Act*.
- 13 No provision of this Bylaw, nor any action taken pursuant to any provision of this Bylaw, shall in any way restrict, limit, prevent, or preclude the County from pursuing any other remedy in relation to an offence as may be provided by the *Municipal Government Act* or any other law of the Province of Alberta.

OBSTRUCTION

- 14 Any Person who obstructs, hinders, or impedes an Enforcement Officer, designated officer, or County employee, contractor, or agent in the exercise of any of their powers or duties under this bylaw, or knowingly makes a frivolous, malicious, or vexatious complaint pursuant to this bylaw, is guilty of an offence.

POWERS OF CHIEF BYLAW ENFORCEMENT OFFICER

- 15 Without restricting any other power, duty, or function granted by this bylaw, the Chief Administrative Officer may:
- (1) establish investigation and enforcement procedures for the purposes of this bylaw;
 - (2) establish forms for the purposes of this bylaw;
 - (3) delegate any powers, duties, or functions under this bylaw to an employee of the County.

STRICT LIABILITY OFFENCE

16 It is the intention of Council that all offences created by this bylaw are to be interpreted as strict liability offences.

SEVERABILITY

17 Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

REPEAL AND EFFECTIVE DATE

18 Bylaw C-7832-2018 is passed and shall come into full force and effect when it has received third reading, is signed by the Reeve or Deputy Reeve and Chief Administrative Officer or designate in accordance with the *Municipal Government Act*, and not before October 17, 2018.

READ A FIRST TIME IN COUNCIL this 16th day of October, 2018

READ A SECOND TIME IN COUNCIL this 16th day of October, 2018

UNANIMOUS PERMISSION FOR THIRD READING 16th day of October, 2018

READ A THIRD TIME IN COUNCIL AND PASSED this 16th day of October, 2018



Reeve



County Manager or Designate

October 16, 2018

Date Bylaw Signed

SCHEDULE 'A'
SPECIFIED AND MINIMUM PENALTIES

Section Reference	Description	Specified Penalty	Minimum Penalty
GENERAL PROHIBITION			
4	Consume Cannabis in a Public Place	\$100	\$50
5	Consume Cannabis at an Event	\$100	\$50
OBSTRUCTION			
14	Obstruction	\$500	\$250