



TOWN OF COCHRANE

Bylaw 29/2018

Being a bylaw of the Town of Cochrane in the Province of Alberta, Canada for the purpose of regulating cannabis consumption within the Town of Cochrane.

WHEREAS: The *Municipal Government Act*, Statutes of Alberta, 2000 C.M.-26 and amendments thereto provides that a Municipal Council may pass a bylaw for purposes respecting the safety, health and welfare of people and the protection of people and property; and further for the purposes respecting people, activities and things in, on or near a public place or place that is open to the public;

WHEREAS: It has been determined that exposure to second-hand cannabis smoke is a health hazard or discomfort for many inhabitants of the Town of Cochrane;

WHEREAS: The community desires an environment where the exposure to environmental smoke is the exception as opposed to the norm;

WHEREAS: Council intends to prohibit the consumption of cannabis in all public places.

NOW THEREFORE: Council of the Town of Cochrane, duly assembled, enacts as follows:

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

DEFINITIONS AND INTERPRETATION

2. (1) In this Bylaw:
 - (a) "*cannabis*" has 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*;
 - (c) "*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;

- (d) "*Peace Officer*" means a person engaged by the Town as a Community Peace Officer, a Bylaw Enforcement Officer, or a member of the Royal Canadian Mounted Police to carry out the provisions of this Bylaw.
 - (e) "*public place*" includes any place to which the public has access as of right or by invitation, express or implied;
 - (f) "*smoke*" or "*smoking*" means:
 - (i) inhaling or exhaling the smoke produced by burning *cannabis*; or
 - (ii) holding or otherwise having control of any device or thing containing lit *cannabis*;
 - (g) "*vape*" or "*vaping*" means:
 - (i) inhaling or exhaling the vapour, emissions or aerosol produced by an *electronic smoking device* or similar device containing *cannabis*, or
 - (ii) holding or otherwise having control of an *electronic smoking device* that is producing vapour, emissions or aerosol from *cannabis*.
 - (h) "*Violation Ticket*" means a ticket issued pursuant to the Provincial Offences Procedures Act
- (2) All schedules attached to this Bylaw form part of this Bylaw.
- (3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- (4) 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.
- (5) 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.
- (6) 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.

PROHIBITION

3. A person must not *smoke, vape* or consume *cannabis* in any *public place*.

MEDICAL CANNABIS

4. (1) Despite section 3, 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 a *Peace officer*, produce a copy of the person's medical document.
 - (3) A person referred to in subsection (1) is subject to the Smoking Bylaw 09-2017.

OFFENCES

5. 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.

ENFORCEMENT

6. (1) Where a *peace officer* believes that a person has contravened any provision of this Bylaw, the *peace 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.
 - (2) This section shall not prevent a *peace 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.

PENALTY

7. (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.
 - (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.
 - (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.

COMING INTO FORCE

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

Read a first time August 13, 2018
Read a second time August 13, 2018
Unanimous consent August 13, 2018
Read a third time August 13, 2018



Mayor



Manager, Legislative Services

SCHEDULE A PENALTIES

Section	Description of Offence	Minimum Penalty	Specified Penalty
3	<i>Smoke, vape or consume cannabis in public place</i>	\$200	\$400