



**Town of Bowden
Box 338, 2101 20th Ave
Bowden, Alberta, T0M 0K0**

**Town of Bowden – Province of Alberta
REGULATION OF SMOKING & RESTRICTION OF
CONSUMPTION OF CANNABIS IN PUBLIC PLACES BYLAW
10 / 2018**

INTRODUCTION

A Bylaw of the Town of Bowden, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta 2000 and amendments thereto, for the purpose of regulating the consumption and use of cannabis in public places.

Pursuant to Section 7 of the Municipal Government Act, RSA2000, Chapter M-26 (as of January 1st, 2018) which states that a 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
- c) nuisances
- d) the enforcement of Bylaws under the Municipal Government Act or any other enactment

Whereas the Province of Alberta has enacted a Tobacco and Smoking Reduction Act (Statutes of Alberta) 2005 Chapter T-3.8 (current as of June 27, 2018) which provides for a municipality's power to make bylaws to regulate, restrict or prohibit smoking;

And Whereas the Province of Alberta has enacted an Act to Control and Regulate Cannabis (Statutes of Alberta) 2017 Chapter 21 which provides that no person may smoke or vape cannabis in any area or place where that person is prohibited from smoking under the Tobacco and Smoking Reduction Act or any other Act or the bylaw of a municipality;

And Whereas Council deems it necessary to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in public places to prevent behaviours and conduct that may have a negative effect on the enjoyment of public places;

Now therefore, Council hereby enacts as follows;

2 SHORT TITLE

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

3 DEFINITIONS

In this Bylaw the following definitions apply;

Cannabis

Has the meaning as defined by the Cannabis Act (and includes all forms or brands either liquid, gas or solid including, leaf, resin, seeds, or chemically manufactured derivatives).

Cannabis Act

Means Government of Canada Bill C-45 as current and all amendments thereof.

Promote

Means the promotion of cannabis products or chemical products or services by means of its brand characteristics, promotion of a cannabis accessory by means of its brand characteristics or promotion of a service related to cannabis.

Accessory

Includes rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, or chemical derivatives, that is represented to be used in the consumption of cannabis products.

CAO

Is the Chief Administrative Officer of the Town or the appointed designate

Council

Means the duly elected Council of the Town of Bowden

Distribute

Includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute.

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26 as amended.

Municipality

Means the Town of Bowden, a municipal corporation within the Province of Alberta.

Officer

Means a Police Officer under the Police Act while the police officer is in the exercise or discharge of the Police Officer's powers or duties, a Peace Officer appointed under the Peace Officer Act, a Sheriff or any person employed by the Town of Bowden as a Bylaw Enforcement Officer.

Private Residence

Means any building or portion thereof that is used as a permanent dwelling place and includes the yard and any outbuildings.

Public Place

Means any place to which the public has access as of right or by invitation, expressly or implied including; highway, road, alleyway, sidewalk, park, playground, outdoor rink, sports field, skate park, golf course, public market, outdoor public event, festival, parade, sporting occasion, cemetery, natural area, or public transportation vehicle.

Public Premises

Means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation.

Public Vehicle

Means a bus, taxi or other vehicle that is used to transport members of the public for a fee

Smoke or Smoking

Means;

- a) inhaling or exhaling the smoke produced by burning or heating cannabis
- b) holding or otherwise having control of any device or thing containing lit or heated cannabis

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 any other substance
- b) holding or otherwise having control of any electronic smoking device or thing that is producing vapour, emissions, or aerosol from cannabis or any other substance

Workplace

Means any part of a building, structure or other enclosed area in which an employee performs the duties of their employment, whether or not members of the public have access to the building, structure or area as of right or by express or implied invitation, and includes reception areas, corridors, lobbies, stairwells, eating areas, washrooms, lounges, storage areas, laundry rooms, enclosed parking garages and work vehicles.

4 PROHIBITION

- a) It is an offence under this Bylaw for any person to **smoke, vape** (using an electronic smoking device) or consume any **cannabis** product in any **public place, public premise, public vehicle** or **workplace**.
- b) It is an offence under this Bylaw for any person to **smoke, vape** (using an electronic smoking device) or consume any **cannabis** product in any **public place, public premise, public vehicle** or **workplace** despite that person having a

medical document issued under the Access to Cannabis for Medical Purposes Regulations (SOR/2016-230 or any amendment thereof).

- c) It is an offence under this Bylaw for any person to **distribute** or **promote** any **cannabis** product or **accessory** within the **Municipality** unless licenced to do so by Provincial Licence, Development Permit, and Town of Bowden Business Licence (or as applicable under any part or regulation, as amended over time, of the Town of Bowden Land Use Bylaw, the Tobacco and Smoking Reduction Act and / or the Cannabis Act and / or any other regulations pursuant to the retail distribution of cannabis and related products).
- d) No minor may **smoke** or **vape** (using an electronic smoking device) any **cannabis** product within the **Municipality**.

5 EXCEPTIONS

- a) The prohibition in Sections 4a and 4b does not apply to a person in a **private residence**.
- b) It is **not** an offence for any person to be in **possession** of any cannabis product in a **public place** as permitted under the Cannabis Act providing this is a controlled amount as defined under the Cannabis Act or any other Federal or Provincial Act or Regulation in force (eg; Controlled Drugs and Substances Act).

6 ENFORCEMENT

Where an **officer** believes a person has contravened any provision of this Bylaw, the **officer** may commence proceedings against the person by issuing a violation order or ticket in accordance with the Provincial Offences Procedures Act, (Statutes of Alberta) 2000 Chapter P-34 (current as of May 1, 2017 and as amended)

Any illegal act (pursuant to either the Tobacco and Smoking Reduction Act or the Cannabis Act) relating to the possession, production, sale and consumption of the use of cannabis products remains unlawful and is subject to the criminal penalties as imposed by either Provincial or Federal statute (this includes impaired driving).

7 APPLICABILITY

This Bylaw applies to all persons, residents and non-residents within the Town of Bowden Municipal Boundaries.

Any person who contravenes any provision of this Bylaw, by doing any act or thing which is prohibited, or by failing to do any act or thing that is required is guilty of an offence in accordance with this Bylaw.

8 SEVERABILITY

- a) If any part of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid part will be severed. The remainder of the Bylaw is deemed valid and enforceable.
- b) 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.
- c) The Tobacco and Smoking Reduction Act (Statutes of Alberta) 2005 Chapter T-3.8 (and all amendments thereof) will enforce any violations relating to smoking outside of this Bylaw.
- d) The Cannabis Act (Bill C-45) will enforce any violations relating to cannabis possession or consumption outside of this Bylaw.

9 BYLAW PRECEDENCE

This Bylaw has no precedence.

Schedule A forms part of this Bylaw

This Bylaw will come into effect on the final day of passing and signature thereof.

Read a first time in open council this 13 day of November,

Read a second time in open council this 13 day of November,

and finally passed by unanimous consent of the councillor's present.

Read a third time in open council this 13 day of November,



Robb Stuart, Mayor



Jacquie Molyneux, Acting Chief Administrative Officer

SCHEDULE A - Town of Bowden Bylaw 10/2018**Penalties**

Brief description of Offence	Bylaw Applicability	1st & 2nd Offence	3rd & Subsequent Offences
Smoking or vaping or consuming of cannabis products where prohibited	4a & 4b	up to \$250	minimum \$500
Unlicensed distribution or promotion of cannabis products or accessories	4c	up to \$1000	minimum \$2000