

TOWN OF SWAN HILLS

BYLAW NO. 2018-06

PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF SWAN HILLS, IN THE PROVINCE OF ALBERTA, TO AMMEND BYLAW 2012-05, THE COMMUNITY STANDARDS BYLAW.

WHEREAS pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, a municipality has the authority to pass a Bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, a municipality has the authority to pass a Bylaw for municipal purposes respecting people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M-26 and amendments thereto, grants a municipality the authority to pass, amend and repeal a bylaw;

NOW THEREFORE the Council of the Town of Swan Hills in the Province of Alberta, duly assembled hereby enacts as follows:

That Bylaw No. 2012-05 is hereby amended:

1. By adding the following definitions to Section 2 - Definitions:

2(40) **CANNABIS** – cannabis plant, fresh cannabis, dried cannabis, cannabis oil, and cannabis plant seeds and any other substance defined in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

2(41) **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.

2(42) **CONSUME** – where used as a verb in respect of cannabis, includes smoke, vape, apply, inhale or ingest.

2(43) **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(44) **PARK** – means any public place owned by the Town that is used for community or personal activities, and includes, but is not limited to, regional and neighbourhood parks, picnic areas, playgrounds, and landscaped areas.
- 2(45) **PEDESTRIAN WALKWAY** – means any developed walking and biking paths owned by the Town.
- 2(46) **RECREATION FACILITY** – means any property owned by the Town that is used for indoor or outdoor sports and recreational activities, and includes, but is not limited to, swimming pools, ice and curling rinks, gymnasiums, tennis courts, skate parks, and athletic fields.
- 2(47) **RESIDENCE** – means a place used by a person as a permanent private dwelling or a temporary residence, including any structure or land adjacent to the private dwelling or temporary residence that is used for the convenience or enjoyment of the occupants of the dwelling.
- 2(48) **ROAD RIGHT OF WAY** – means all developed and undeveloped roads and right of way controlled by the Town.
- 2(49) **SMOKE OR SMOKING** – means:
- (a) inhaling or exhaling the smoke produced by burning cannabis; or
 - (b) holding or otherwise having control of any device or thing containing lit cannabis.
- 2(50) **TEMPORARY RESIDENCE** – means:
- (a) a place that is used by a traveller in respect of which the traveller pays a fee;
 - (b) a tent that is set up in an area where overnight camping is legally permitted; and
 - (c) a motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is legally permitted.
- 2(51) **USE with respect to Electronic Smoking Device**, means to inhale or exhale vapour from an Electronic Smoking Device or hold an activated Electronic Smoking Device.
- 2(52) **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.

2. By adding Section - 7.A after Section 7.

Section 7.A – Cannabis Consumption Restrictions

7.A(1) No person shall smoke, vape, consume or use cannabis:

- (a) in any area or place where that person is prohibited from smoking under the *Tobacco and Smoking Reduction Act* or any other Act or Bylaws of the Town;
- (b) on a road right of way;
- (c) on a sidewalk or pedestrian walkway;
- (d) in a park or a recreation facility;
- (e) where smoking is prohibited by a public sign;
- (f) an outdoor special event, unless in a defined area specifically authorized by an event permit pursuant to section 7.A(5) and identified by the event organizer as a designated cannabis consumption area.

7.A(2) Nothing in this Bylaw shall prohibit a person from consuming or using cannabis in a residence or on private property.

7.A(3) Notwithstanding Section 7.A(1), any person who is authorized to possess cannabis per a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, and amendments thereto is not subject to this Bylaw.

7.A(4) Any person exempt pursuant to Section 7.A(3) must, on demand of a Peace Officer, produce a copy of such person's medical document.

7.A(5) Notwithstanding Section 7.A(1), a person may smoke, vape or consume cannabis at an event for which a permit has been granted by the Chief Administrative Officer.

- (a) The Chief Administrative Officer may impose conditions on any permit granted.
- (b) The Chief Administrative Officer may suspend or revoke any permit issued if the Chief Administrative Officer determines that a permit holder or any person at an

event for which a permit has been issued has contravened any federal or provincial legislation or any other municipal bylaw.

(c) The holder of a permit issued must ensure that:

- (i) the smoking, vaping or consumption of cannabis is only permitted in a designated area, separate and fenced off from the remainder of the event;
- (ii) the sale of cannabis is not permitted in the area designated for the smoking, vaping or consumption of cannabis; and
- (iii) any advertising or other materials relating to the promotion of cannabis cannot be seen by a minor.

3. Schedule "A", Specified Penalties is amended by inserting:

SPECIFIED PENALTIES		
Sec.	Offence	First Offence Penalties
7.A(1)	Smoke, vape, consume or use cannabis where prohibited	\$200.00

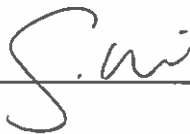
4. This Bylaw shall take force and effect upon the date of the final passing thereof.

READ a first time this 10 day of October, 2018.

READ a second time this 24 day of October, 2018.

READ a third time and finally passed this 24 day of October, 2018.

Mayor



Chief Administrative Officer

