

**VILLAGE OF HYTHE
BYLAW 539**

A Bylaw of the Village of Hythe in the Province of Alberta to restrict the consumption of cannabis in public places.

WHEREAS pursuant to Section 7(a) of the Municipal Government Act, R.S.A. 2000, cM-26 ("the MGA") a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS pursuant to Section 7(b) of the MGA, a Council may pass bylaws 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 House of Commons has given three readings to the Cannabis Act (Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act⁵, the Criminal Code and other Acts, 1st Sess, 42nd Parl, 2017) which will permit persons to possess cannabis if purchased from an authorized person;

AND WHEREAS the Province of Alberta has enacted An Act to Control and Regulate Cannabis, S.A. 2017, c.21 which will place restrictions on smoking or vaping cannabis in public places;

AND WHEREAS the Council deems it necessary to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in public place to prevent behaviours and conduct that may have a negative impact on the enjoyment of public places.

NOW THEREFORE, the Council of the Village of Hythe enacts as follows:

SHORT TITLE

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, 1st Sess, 42nd Parl, 2017;
 - 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 limited to an electronic cigarette, cigar cigarillo or pipe;
 - d) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed pursuant to the Alberta Peace Officer Act, or a Bylaw Enforcement Officer appointed by the Village;
 - e) "Public Place" include 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 or heating cannabis; or
 - ii. Holding or otherwise having control of any device or thing containing lit or heated cannabis;
 - g) "Use" where used as a verb in respect of cannabis includes smoke, vape apply, inhale and consume.
 - h) "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.

- (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) 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. (1) A person must not Use Cannabis in any Public Place.
- (2) No Person shall Use Cannabis in such a manner to harass, annoy, molest, impede or otherwise interfere with any other Person.

MEDICAL CANNABIS

- 4. (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 a Peace Officer, produce a copy of the person's medical document.
- (3) A person referred to in subsection (1) is subject to Smoking and Vaping restrictions under the Alberta Tobacco and Smoking Reduction Act and the Alberta Gaming, Liquor and Cannabis Act.

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.

SERVABILITY

8. Each Section of this Bylaw shall be read and construed as being separate and severable from each other Section. Furthermore, should any Section or Part of this Bylaw be found to have been improperly enacted for any reason, then such Section or Part shall be regarded as being severable from the rest of the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

EXERCISE OF DISCRETION

9. The Village has the discretion to enforce this Bylaw, and is not liable of any outcomes should a Peace Officer not decide to enforce this Bylaw if acting in good faith.

COMING INTO FORCE

10. This bylaw comes into force on the day the Cannabis Act comes into force.

Read a First time this 8^h day of October A.D. 2018

READ a Second time this 8 day of October, A.D. 2018

READ a Third time this 8 day of October, A.D. 2018



Mayor – Brian Peterson



CAO – Greg Gayton

Signed by the Mayor and CAO this 30 day of October, 2018.

SCHEDULE “A”

BYLAW 712 – CANNABIS CONSUMPTION BYLAW

Section	Description of Offence	Specified Penalty
3	Use Cannabis in a Public Place	\$100.00
4	Use Cannabis to harass, annoy, molest, impede, or otherwise interfere with any other Person	\$250.00
5 (2)	Fail to produce Cannabis medical document on demand	\$100.00
5 (3)	Medical Cannabis user use Cannabis in prohibited place	\$100.00