

**TOWN OF ECKVILLE**  
**Bylaw # 749-18**

BEING A BYLAW OF THE TOWN OF ECKVILLE, IN THE PROVINCE OF ALBERTA FOR  
THE PUPOSE OF CONTROLLING AND REGULATING CANNABIS CONSUMPTION

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**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 Act, the Criminal Code and other Acts*, 1st Session, 42<sup>nd</sup> Parliament, 2017) which will permit persons to possess cannabis if purchased from an authorized person;

**AND WHEREAS**, the *Cannabis Act* came into force on October 17, 2018;

**AND WHEREAS**, the Province of Alberta has enacted *An Act to Control and Regulate Cannabis* SA 2017 c21 which will place restrictions on the smoking and vaping of cannabis in public places;

**AND WHEREAS**, Section 7 of the *Municipal Government Act* RSA 2000 cM-26 allows a Council to 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) the enforcement of bylaws made under the Municipal Government Act or any other enactment;

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

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

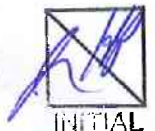
**TITLE**

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

**DEFINITIONS**

2. 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 Session, 42<sup>nd</sup> Parliament, 2017;



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- (c) "**Chief Administrative Officer**" means the person appointed by Council as its chief administrative officer or that person's designate;
- (d) "**electronic smoking device**" means an electronic device that can be used to deliver a vapor, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pip;
- (e) "**Peace Officer**" means, a member of a police service as per *the Police Act*, R.S.A. 2000, c. P-17, a Community Peace Officer appointed by the Town as per *the Peace Officer Act*, S.A. 2006, c. P-3.5, and a Bylaw, appointed by the 22Town, pursuant to *the Municipal Government Act*, R.S.A. 2000, c. M-26.
- (f) "**public place**" includes any place to which the public has access as of right or by invitation, express or implied;
- (g) "**residence**" means a place used by a person as a permanent private dwelling or temporary residence, including any private land adjacent to the private dwelling or structure on that private land that is used for the convenience or enjoyment of the occupants of the dwelling.
- (h) "**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;
- (i) "**temporary residence**" means:
- i. a tent that is set up in an area where overnight camping is legally permitted; and
  - ii. 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.
- but for clarity shall not include a campsite outside of a tent, motor home or other vehicle located on a campsite.
- (j) "**Town**" or "**Town Administration**" means, the Town of Eckville.
- (k) "**vape**" or "**vaping**" means:
- i. inhaling or exhaling the vapor, 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 vapor, emissions or aerosol from cannabis;
- (l) "**Violation Tag**" means, a tag or similar documents issued by the Municipality pursuant to *The Municipal Government Act*, R.S.A. 2000, c. M-26.

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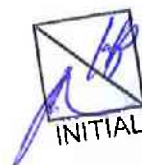
(m) "**Violation Ticket**" means, a ticket issued pursuant to Part II or III as applicable, of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34 and the regulations there under.

#### INTERPRETATION

3. All schedules attached to this Bylaw form part of this Bylaw.
4. Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
5. 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 place.
6. 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.
7. 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 license.

#### PROHIBITION

8. A person shall not smoke, vape or consume cannabis in any public place.
9. A person shall not eat or consume an edible cannabis product in any public place.
10. Despite Section 8 or 9, this Bylaw will not restrict anyone from smoking, vaping, eating or consuming cannabis within a private residence.



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**PENALTIES AND ENFORCEMENT**

11. A person who contravenes any provision of this Bylaw is guilty of an offence and shall be liable to the specified penalty set out in Schedule A.
12. A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount established by this Bylaw.
13. Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.
14. A Peace Officer may issue a Violation Ticket with a specified penalty pursuant to the Provincial Offences Procedure Act, R.S.A. 2000.
15. Where a Provincial Violation Ticket is issued, a voluntary payment equal to the specified fine amount may be made as directed.
16. Nothing in this Bylaw shall preclude a Peace Officer from issuing a Violation Ticket for a mandatory court appearance to any person who contravenes any provision of this Bylaw.
17. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence,

**EFFECTIVE DATE AND REPEAL**


18. This Bylaw shall come into force when it receives third reading and is signed by the Mayor and the Legislative Clerk or designate, and when the Cannabis Act comes into force.

READ a first time in Council this 13<sup>th</sup> day of November, 2018.

READ a second time in Council this 13<sup>th</sup> day of November, 2018.

READ a third and final time in Council this 26<sup>th</sup> day of November, 2018

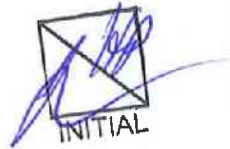
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
CAO

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Schedule 'A'  
Offences and Penalties

Section	Office	Amount
8	Smoke, vape or consume cannabis in a public place	\$250.00
9	Eat or consume edible cannabis product in a public place	\$250.00

  
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