

CITY OF COLD LAKE
BYLAW #627-PL-18

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA, TO
REGULATE CANNABIS USE WITHIN THE CITY OF COLD LAKE

PURSUANT to section 7 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended Council may pass bylaws for municipal purposes 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, and (i) the enforcement of bylaws made under the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended or any other enactment;

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 Sess, 42nd Parl, 2017) which will permit persons to possess cannabis if purchased from an authorized person, subject to legislated conditions;

WHEREAS it is anticipated that the *Cannabis Act* will come into force in the summer of 2018 or shortly thereafter;

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 impact on the enjoyment of public places;

NOW THEREFORE, pursuant to the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1 - TITLE

- 1.1 This Bylaw shall be cited as the “Cannabis Use Bylaw”.

SECTION 2 - DEFINITIONS

In this Bylaw:

- 2.1 “Act” means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended;
- 2.2 “Cannabis” has the meaning given to it in the *Cannabis Act*;
- 2.3 “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
- 2.4 “CAO” means the Chief Administrative Officer of the City of Cold Lake; or someone designated by the CAO;
- 2.5 “City” means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires;
- 2.6 “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;
- 2.7 “Officer” means a Peace Officer, a Bylaw Officer, a member of the RCMP, or any person appointed by the CAO to enforce this Bylaw;
- 2.8 “Public Place” includes any place to which the public has access as of right or by invitation, express or implied including but not limited to:
- 2.8.1 licensed gaming and/or establishments;
- 2.8.2 eating or drinking establishment including their outdoor patios;

- 2.8.3 campgrounds (excepting use within an enclosed temporary residence);
 - 2.8.4 private clubs;
 - 2.8.5 places of worship;
 - 2.8.6 community recreation facility including outdoor recreation facilities, parks, sports fields, skate parks, walkways/boardwalks and outdoor pools, skating rinks;
 - 2.8.7 child care facility;
 - 2.8.8 educational service facility;
 - 2.8.9 public transportation vehicles, public transportation property and any area within 10 meters of public transportation property;
 - 2.8.10 public buildings and all areas within 10 meters of an entrance or exit to a work place;
 - 2.8.11 public streets, sidewalks, walking trails, and alleyways;
 - 2.8.12 public washrooms.
- 2.9 “Smoke” or “Smoking” means inhaling or exhaling the vapour, emissions or aerosol produced by an Electronic Smoking Device or similar device containing Cannabis, or holding or otherwise having control of an Electronic Smoking Device that is producing vapour, emissions or aerosol from Cannabis;

SECTION 3 – PROHIBITION

- 3.1 A person must not Smoke, Vape or consume Cannabis in any Public Place.

SECTION 4 – EVENTS

- 4.1 Despite section 3, a person may smoke, vape or consume cannabis at an event for which a permit has been granted by the CAO.
- 4.2 A permit granted pursuant to section 4.1 may only be issued:
- 4.2.1 To a registered society or corporation (not an individual);
 - 4.2.2 For an event held on a Public Place where the general public are invited to attend or purchase tickets to attend.
- 4.3 The CAO may impose conditions on a permit granted pursuant to section 4.1.
- 4.4 The CAO may suspend or revoke a permit issued pursuant to section 4.1 if the CAO 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 a City bylaw.
- 4.5 The holder of a permit issued pursuant to section 4.1 must ensure that:
- 4.5.1 the smoking, vaping or consumption of cannabis is only permitted in a designated area, separate and fenced off from the remainder of the event;
 - 4.5.2 alcohol and tobacco is not consumed in the area designated for the smoking, vaping or consumption of cannabis;
 - 4.5.3 the sale of cannabis is not permitted in the area designated for the smoking, vaping or consumption of cannabis; and
 - 4.5.4 that the advertising or other materials relating to promotion of cannabis cannot be seen by persons under the age of 18.

SECTION 5 – EXCEPTION FOR MEDICAL CANNABIS

- 5.1 A person who is entitled to possess Cannabis pursuant to a medical document issued under the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230:
- 5.1.1 Is not subject to this Bylaw;
 - 5.1.2 Must, on the demand of an Officer, produce a copy of the person’s medical document;
 - 5.1.3 Must still comply with City of Cold Lake Bylaw No. 554-PL-15, Smoking Bylaw.

SECTION 6 – OFFENCES AND PENALTIES

- 6.1 Any person is guilty of an offence if the Person:

- 6.1.1 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;
- 6.1.2 willfully obstructs an Officer or assaults an Officer in the exercise or performance of their duties related to this Bylaw, with the intent to resist or prevent the lawful arrest or detainment of themselves or another person.
- 6.2 A person guilty of an offence is liable on summary conviction to a fine no more than \$300 and no less than \$100.
- 6.3 A municipal violation tag or provincial violation ticket may be issued for an offence.
- 6.4 A person receiving a municipal violation tag may on or before thirty (30) days of the date issued;
 - 6.4.1 pay the fine amount to avoid prosecution of the offence;
 - 6.4.2 request that a provincial violation ticket be issued in its place to allow that person to attend court with respect to the offence.
- 6.5 A person receiving a provincial violation ticket, where a voluntary fine amount is indicated on the ticket may:
 - 6.5.1 pay the voluntary fine amount by the date specified to avoid prosecution of the offence, or
 - 6.5.2 attend, or have their agent attend, court on the required date indicated on the ticket and elect to enter a plea with respect to the offence.
- 6.6 A person receiving a provincial violation ticket, where there is no voluntary fine amount indicated, must appear in court.

SECTION 7 – ENACTMENT

- 7.1 This Bylaw shall come into full force and effect at the beginning of the day on which the *Cannabis Act* comes into force.

FIRST READING passed in open Council duly assembled in the City of Cold Lake in the Province of Alberta, this 10th day of July, A.D. 2018, on motion by Councillor Lay.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake in the Province of Alberta, this 28th day of August A.D. 2018, on motion by Deputy Mayor Grau.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed as amended in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 28th day of August, A.D. 2018, on motion by Councillor Lay.

**CARRIED
UNANIMOUSLY**

Executed this 14th day of September, 2018

MAYOR



CHIEF ADMINISTRATIVE OFFICER

