

**BY-LAW NO. 20-11
TOWN OF FALHER**

A BYLAW OF THE TOWN OF FALHER IN THE PROVINCE OF ALBERTA TO REGULATE THE CONSUMPTION OF CANNABIS IN PUBLIC PLACES WITHIN THE TOWN OF FALHER.

WHEREAS, the Government of Canada has enacted the Cannabis Act, which permits persons to possess Cannabis, if purchased from an authorized person;

WHEREAS, the Province of Alberta has enacted the Cannabis, Liquor and Gaming Act and its regulations to regulate the sale and consumption of cannabis;

WHEREAS, pursuant to section 7 of the *Municipal Government Act RSA 2000*, a municipal 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) businesses, business activities and persons engaged in business;
- (d) nuisances; and
- (e) the enforcement of bylaws made under this or any other enactment;

WHEREAS, Council deems it necessary to regulate the 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, the Council of the Town of Falher, in the Province of Alberta, duly assembled, hereby enacts as follows:

Title

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

Definitions and Interpretation

2. In this Bylaw the following definitions shall apply:

- a. **Cannabis**: has the meaning given to it in the Cannabis Act;
 - b. **Cannabis Act**: Bill C-45, An Act of the Government of Canada respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Sess, 42nd Parl, 2017;
 - c. **Cannabis Edibles**: products containing cannabis that are intended to be consumed in the same manner as food or beverage.
 - d. **Consumption/consume**: consuming Cannabis in any way or form, including but not limited to smoking, vaping, eating, drinking or ingesting any Cannabis products.
 - e. **Electronic Smoking Device**: 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
 - f. **Officer**: the person authorized or appointed to enforce the provisions of this Bylaw, and includes the Chief Administrative Officer, a Community Peace Officer, a member of the Royal Canadian Mounted Police, or any other person engaged by the Town of Falher to enforce the provisions of this Bylaw, as the context may require.
 - g. **Public Place**:
 - i. a place or building located within the corporate boundaries of the Town of Falher, whether publicly or privately owned, to which members of the public have access by right or invitation, whether expressly or implied; and
 - ii. a vehicle in a public place;
 - h. **Smoke or smoking**:
 - 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. **Town**: the Town of Falher or the area contained within the corporate boundaries of the Town of Falher.
 - j. **Vape or vaping**:
 - 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.
3. All schedules attached to this Bylaw 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. 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.
 6. 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.

General Prohibition

7. A person must not smoke or vape or consume cannabis in any public place within Town limits.

Medical Cannabis

8. A person who is entitled to possess cannabis pursuant to a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations,
9. A person referred to in subsection (1) must, on demand of an officer, produce a copy of the person's medical document.

Offences

10. 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

11. For the purpose of enforcing this Bylaw, an Officer may, upon producing proper identification, enter a Public Place to carry out inspections, examinations, investigations and inquiries.
12. Where an Officer believes that a person has contravened any provision of this Bylaw, the 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.
13. 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

14. 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.
15. 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.
16. 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.

Severability

17. Should any portion of this bylaw be declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the bylaw is deemed valid.

Enactment

18. This Bylaw comes into force on the third and final reading thereof.

READ a first time this 8th day of June, 2020

READ a second time this 8th day of June, 2020

READ a third time and finally passed this 8th day of June, 2020


MAYOR


CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A"

PENALTIES

Section	Description of Offence	Minimum Penalty	Specified Penalty
3	Smoke, vape or consume cannabis in public place	\$150.00	\$250.00

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