

BYLAW NO. 01-19

LEDUC COUNTY

A BYLAW TO RESTRICT THE CONSUMPTION OF CANNABIS IN PUBLIC PLACES WITHIN SPECIFIC AREAS IN LEDUC COUNTY, IN THE PROVINCE OF ALBERTA.

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, 42nd Parliament, 2017* which will permit persons to possess cannabis if purchased from an authorized person.

It is anticipated that the *Cannabis Act* will come into force in October 2018.

The Province of Alberta has amended the *Gaming, Liquor and Cannabis Act R.S.A. 2000, c. G-1* which will prohibit the use of cannabis in certain places.

Pursuant to section 7 of the *Municipal Government Act, R.5.4. 2000, c. M- 26*, 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; and
- c) the enforcement of bylaws made under the *Municipal Government Act* or any other enactment.

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

NOW THEREFORE

The Council of Leduc County in the province of Alberta, duly assembled, and under the authority of the *Municipal Government Act*, as amended, hereby enacts the following:

PART 1 – SHORT TITLE

1. SHORT TITLE

- 1.1 This bylaw shall be known as the "Consumption of Cannabis in Public Places Bylaw".

PART 2 – INTERPRETATION AND APPLICATION

2. DEFINITIONS

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 Session, 42nd Parliament, 2017*;
- (c) "**Consume**" or "**Consumption**" means to eat, drink or ingest;

- (d) **“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;
- (e) **“Peace Officer”** means a Bylaw Enforcement Officer, appointed pursuant to the *Municipal Government Act*, or Community Peace Officer employed by Leduc County and appointed pursuant to the *Peace Officer Act S.A. 2006, c. P-3.5*, or a member of the RCMP;
- (f) **“Public Place”** means any place, including privately or publicly owned or leased Property, which the public reasonably has or is permitted to have access, whether on payment or otherwise;
- (g) **“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;
- (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.

RULES OF INTERPRETATION

- 2.2 This Bylaw applies to areas outlined by Schedule "B" of this Bylaw within Leduc County and has no force or effect in any other areas of Leduc County.
- 2.3 Nothing in this Bylaw relieves a person from complying with any provision of any Provincial or Federal legislation or regulation, other bylaw or any requirement of any lawful permit, order or licence.
- 2.4 The headings in this Bylaw are for guidance purposes and convenience only.
- 2.5 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

PROHIBITION

- 2.6 Notwithstanding Part 3 of this Bylaw, no Person shall smoke, vape or consume cannabis in any Public Place within the geographical boundaries of the Edmonton International Airport.

PART 3 – DESIGNATED CANNABIS AREAS AIRPORT LANDS

3. EXEMPTION

- 3.1. The Edmonton Regional Airports Authority may, by written application given to the Leduc County Manager from time to time, designate areas located within the geographical boundaries of the Edmonton International Airport as places where Cannabis may be consumed.
- 3.2. This Bylaw shall not apply to those areas designated pursuant to Section 3.1.
- 3.3. The Edmonton Regional Airports Authority may, by further written notice given to the Leduc County Manager from time to time, remove one or more designations made

by it pursuant to Section 3.1, in which case this Bylaw shall once again apply to those areas from which the designation has been remove.

- 3.4. Leduc County shall maintain a list of areas located within the geographical boundaries of the Edmonton International Airport and designated pursuant to Section 3.1 and shall make the same available for public inspection.

PART 4 – ENFORCEMENT

4. OFFENCE

- 4.1 A Person who contravenes any provision of this Bylaw is guilty of an offence.
4.2 Where an 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 pursuant to Part 3 of the *Provincial Offences Procedures Act R.S.A. 2000, c.P-24*.
4.3 Where there is a specified penalty listed for the offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
4.4 This section does not prevent any Peace Officer from issuing a summons requiring a Court appearance of the defendant, pursuant to the provisions of Part 2 of the *Provincial Offences Procedures Act R.S.A.2000 c.P-24* or from laying an information in lieu of a violation ticket.

OBSTRUCTION

- 4.5 A Person shall not obstruct or hinder any Peace Officer in the exercise or performance of the Peace Officer's powers pursuant to this Bylaw.

PART 5 – GENERAL

5 ENACTMENT

- 5.1 This bylaw shall come into force and effect when it has received third reading and has been duly signed.

Read a first time this 5th day of February, 2019.



DEPUTY MAYOR


COUNTY MANAGER

Read a second time this 2nd day of April, 2019.

Read and third and final time this 2nd day of April, 2019.



MAYOR


COUNTY MANAGER

SCHEDULE "A"

| SECTION | OFFENCE | PENALTY |
|----------------|-------------------------------------|----------------|
| 2.6 | Smoke/vape cannabis in Public Place | \$287 |
| 4.5 | Obstruction of Peace Officer | \$500 |

SCHEDULE "B"

Areas under the Jurisdiction of Consumption of Cannabis in Public Places Bylaw

