

**TOWN OF MILK RIVER
BYLAW NO. 1048**

BEING A BYLAW OF THE TOWN OF MILK RIVER IN THE PROVINCE OF ALBERTA, TO RESTRICT THE CONSUMPTION OF CANNABIS IN PUBLIC PLACES

WHEREAS 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, and subsequent amendments, which permits persons to possess cannabis from an authorized person;

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

AND WHEREAS the Province of Alberta has enacted Bill 26 being an Act to Control and Regulate Cannabis, S.A. 2017, c. 21, and subsequent amendments which will place restrictions on the smoking or vaping of cannabis in public places;

AND WHEREAS pursuant to section 7 of the Municipal Government Act, R.S.A. 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;

AND WHEREAS Council deems it necessary to impose additional restrictions on the smoking, vaping and all 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, the Council of the Town of Milk River, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SHORT TITLE

- 1.1. This Bylaw may be cited as the "Cannabis Consumption Bylaw."

2. DEFINITIONS

- 2.1. In this Bylaw:

Cannabis has the meaning given to it in the Cannabis Act;

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;

DESIGNATED OFFICER means the Chief Administrative Officer, Bylaw Enforcement Officer, RCMP Officer, Peace Officer, and/or Fire Chief of the Town of Milk River or their duly authorized assistants.

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;

Peace Officer means a member of the Royal Canadian Mounted Police or a Peace Officer appointed pursuant to the Peace Officer Act or a Bylaw Enforcement Officer.

Public Place includes any place to which the public has access as of right or by invitation, expressed or implied;

Smoke or Smoking means:

- a. inhaling or exhaling the smoke produced by burning or heating cannabis; or
- b. holding or otherwise having control of any device or thing containing lit or heated cannabis;

Use were used as a verb with respect of cannabis includes smoke, vape, apply, inhale and consume;

Vape or Vaping means;

- a. inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis, or
- b. holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis.

3. PROHIBITION

3.1. A person must not smoke, vape, or consume cannabis in any public place.

4. OFFENCES

4.1. 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.

5. ENFORCEMENT

5.1. Where a Designated Officer believes that a person has contravened any provision of this Bylaw, the Designated 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.

5.2. This section shall not prevent a Designated 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.

6. PENALTY

6.1. Where there is a specified penalty listed for an offence in the Town of Milk Rivers Rates Bylaw, that amount is the specified penalty for the offence.

6.2. Where there is a minimum penalty listed for an offence in the Town of Milk Rivers Rates Bylaw, that amount is the minimum penalty for the offence.



6.3. 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.

7. GENERAL PROVISIONS

7.1. Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

7.2. 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.

7.3. 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.

7.4. 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.

7.5. Bylaw 1013 is repealed as of January 1, 2024.

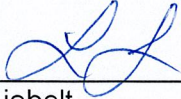
7.6. This Bylaw shall take force and effect January 1, 2024.

READ a First time this 11th day of December 2023.

READ a Second time this 11th day of December 2023.

Unanimous consent given for consideration for third reading this 11th day of December 2023.

READ a Third and Final time this 11th day of December 2023.



Larry Liebelt
Mayor



Kelly Lloyd
Chief Administrative Officer

SIGNED by the Chief Elected Official and the Chief Administrative Officer this 11th day of December 2023.