

**CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA**

BYLAW 06-18

BEING A BYLAW OF THE VILLAGE OF BARNWELL IN THE PROVINCE OF ALBERTA, TO RESTRICT CONSUMPTION OF CANNABIS IN PUBLIC PLACES AND WORK PLACES

WHEREAS pursuant to Section 7 of the *Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000*, 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. businesses, business activities and persons engaged in business; and;

AND WHEREAS pursuant to Section 7 (i) of the *Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000* a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed herein;

AND WHEREAS the smoke produced by the smoking of cannabis is a nuisance for persons in public places and work places;

AND WHEREAS the Village of Barnwell deems it expedient and appropriate to limit the effects of second-hand smoke in the Village of Barnwell by regulating the smoking of cannabis in public places within the Village of Barnwell

NOW THEREFORE the Council of the Village of Barnwell, duly assembled, enacts as follows:

PART 1 – PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

1. The purpose of this Bylaw is to regulate the smoking of Cannabis in public places to reduce exposure to second-hand smoke in the Village of Barnwell for the health, safety and welfare of inhabitants.

SHORT TITLE

2. This Bylaw may be cited as the “Cannabis Non-Smoking Bylaw”.

DEFINITIONS AND INTERPRETATION

3. For the purposes of the provisions of this Bylaw, the following definitions shall apply:
 - (a) “Business” means the whole or part of any building or property, structure, vehicle or passenger conveyance utilized for commercial purposes to which members of the public have access as of right or by express or implied invitation;

- (b) "Cannabis" has the meaning given to that term in the federal 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);
 - (c) "Peace Officer" means any duly appointed Peace Officer of the Village of Barnwell or any member of the Royal Canadian Mounted Police;
 - (d) "Bylaw Officer" means any duly appointed Bylaw Officer of the Village of Barnwell;
 - (e) "Village of Barnwell or Village." means the Village of Barnwell, a municipal corporation in the province of Alberta, or the area contained within the boundaries of the Village of Barnwell, as the context may require";
 - (f) "Public Premises" means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation;
 - (g) "Public Park" means an outdoor area which is set apart, designed and intended to be used for recreation and camping activities to which the Public has access as of right or by express or implied invitation;
 - (h) "Workplace" includes the whole or any part of a building, structure, vehicle or passenger conveyance in which a business is carried on but excludes any part which includes a private residence;
 - (i) "Smoke" or "Smoking" or "Consume" or "Use" or "Vape" or "Vaping" means:
 - i. Inhaling or exhaling the smoke, vapour or emissions produced by burning or heating of cannabis; or
 - ii. Holding or otherwise having control of any device or thing containing lit or heated cannabis;
4. All schedules attached to this Bylaw form part of this Bylaw.
 5. Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
 6. Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference 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 may be substituted in its place.
 7. 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.
 8. 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.

PROHIBITIONS

- 9. No person may smoke, consume or use Cannabis in a Public Premises, Public Park or Workplace in the Village of Barnwell.

OFFENCES

- 10. Any person who contravenes a provision of the 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. Where a 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 in accordance with the Provincial Offences Procedures Act, R.S.A. 2000, c.P-34.
- 12. This section shall not prevent an 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

- 13. 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.
- 14. 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.
- 15. 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

- 16. Should any provision of the Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

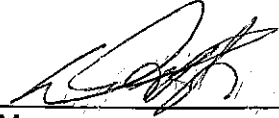
EFFECTIVE DATE

- 17. This Bylaw shall come into force upon third and final reading.


READ a **first** time this 18th day of October, 2018

READ a **second** time this 18th of October, 2018.

READ a **third** time and finally PASSED this 18^m of October, 2018.



Mayor



Chief Administrative Officer

BYLAW
SCHEDULE "A"

Section	Particulars	Violation Ticket Penalty
9	Smoke, Consume or Use Cannabis in a Public Premises, Public Park or Workplace.	1 st offence - \$250
9	Smoke, Consume or Use Cannabis in a Public Premises, Public Park or Workplace.	2 nd offence - \$500
9	Smoke, Consume or Use Cannabis in a Public Premises, Public Park or Workplace.	3 rd and all subsequent Offences - \$750