

BYLAW 2018-24

Office Consolidation Current as of February 4, 2021

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
REGULATE THE CONSUMPTION OF CANNABIS**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

1: TITLE

1.1. This bylaw shall be known as the “Cannabis Bylaw.”

2: INTERPRETATION

2.1. Words which have been defined in *the Municipal Government Act*, or the *Interpretation Act*, as amended shall have the same meaning when used in this bylaw unless otherwise defined in Section 2.

2.2. In this bylaw:

“Cannabis” has the meaning given to it in the *Cannabis Act (Canada)*;

“Electronic Smoking Device” means an electronic device that can be used to deliver vapor, emissions, or aerosol to the person inhaling from the device, included but not limited to an electronic cigarette, cigar, cigarillo, or pipe;

“Hotel” means an inn, guesthouse, hotel, and bed and breakfast facility;

“Manager” means an employer or other person who, directly or indirectly, controls, directs or is responsible for a place or who controls activities in the place;

Definition amended February 4, 2021 by Bylaw 2021-02

“Peace Officer” means:

- a) a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*, as amended;
- b) a person appointed as a Peace Officer pursuant to the *Peace Officer Act*, as amended; or
- c) a police officer.

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

“Smoke” 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.

“Vape” means:

- a) inhaling or exhaling the vapor, 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 vapor, emissions, or aerosol from Cannabis;

“Violation Tag” means a municipal tag or similar document issued by a Peace Officer in relations to an offence under this bylaw;

“Violation Ticket” means a ticket issued pursuant to the *Provincial Offences Procedures Act*, as amended, and the regulations thereunder;

3: PROVISIONS

3.1. No person shall Smoke or Vape Cannabis in a Public Place.

3.2. *Section deleted February 4, 2021 by Bylaw 2021-02.*

3.3. A Manager of a hotel must not designate a guest room of a Hotel as a smoking room.

Section 3.3 amended February 4, 2021 by Bylaw 2021-02

3.4. Medical Cannabis:

- a) A person who is entitled to possess Cannabis authorized by a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations SOR/2016-230 is not subject to section 3.1 of this bylaw.
- b) A person referred to in subsection (a) must, on request of a Peace Officer, produce a copy of the person’s medical document.

4: ENFORCEMENT AND PENALTIES

4.1. Any person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.

4.2. Any person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable to a minimum penalty of \$100.

4.3. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person, who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

- 4.4. A Violation Tag may be issued to such person:
 - a) either personally; or
 - b) by mailing a copy to such person at their last known address.
- 4.5. The person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 4.6. If the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended.
- 4.7. Notwithstanding section 4.3 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 4.8. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

5: ENACTMENT/TRANSITION

- 5.1. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 5.2. Schedule A forms part of this bylaw.
- 5.3. This bylaw comes into force on the date it is passed.

FIRST READING: October 16, 2018

SECOND READING: October 16, 2018

THIRD READING: October 16, 2018

OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

2018-24	Cannabis Bylaw
2021-02	Amending Bylaw Guest Room Clarification

SCHEDULE A**Penalties**

Section	Description	Minimum Specified Penalty
3.1	Smoke or Vape Cannabis in Public Place	\$300
3.2	<i>Deleted February 4, 2021 by Bylaw 2020-02</i>	Deleted
3.3	Manager of Hotel designate guest room for smoking.	\$600