



**BYLAW NO. 1125
OF THE TOWN OF HINTON
IN THE PROVINCE OF ALBERTA TO REGULATE CANNABIS
CONSUMPTION IN PUBLIC PLACES
IN THE TOWN OF HINTON**

WHEREAS pursuant to section 7(a) of the Act, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS pursuant to Section 7(b) of the Act, a Council may pass bylaws for municipal purposes respecting people, activities and things in, on or near a Public Place or place that is open to the Public;

WHEREAS pursuant to Section 7(d) of the Act, a Council may pass bylaws for municipal purposes respecting transport and transportation systems;

WHEREAS pursuant to Section 7(e) of the Act, a Council may pass bylaws for municipal purposes respecting Businesses, Business activities and Persons engaged in Business;

WHEREAS pursuant to Section 7(i) of the Act a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the Act or any other enactment including any or all of the matters listed therein;

WHEREAS health officials have determined that second-hand smoke from Cannabis is a health hazard and causes discomfort for many Persons;

WHEREAS Cannabis or vapour produced by Smoking Cannabis and other substances may be a nuisance for Persons in Public Places, Workplaces, Public Transportation Vehicles and on Public Transportation Property;

WHEREAS the Town of Hinton deems it expedient and appropriate to limit the effects of second-hand Cannabis in the Town of Hinton by regulating the Consumption of Cannabis and other such substances in Public Places, Workplaces and Public Transportation Vehicles within the Town of Hinton.

AND WHEREAS the federal government is proposing to pass the *Cannabis Act* not later than the summer of 2018;

NOW THEREFORE, the Council of the Town of Hinton, in the Province of Alberta, duly assembled, hereby enacts as follows:

1.0 PURPOSE

1.1 The purpose of this Bylaw is to regulate Cannabis Consumption in Public Places, Workplaces, Public Transportation Vehicles, Public Transportation Property, and any private motor vehicles (with the exception of those being used as a temporary residence, such as a parked recreational vehicle (RV)) to reduce the exposure to second-hand smoke in the Municipality for the health, safety and welfare of the inhabitants.

2.0 SHORT TITLE

2.1 This Bylaw may be cited as the “Cannabis Public Consumption Bylaw.”

3.0 PROHIBITION

3.1 A Person shall not Consume Cannabis in any Public Place, Workplace, Public Transportation Vehicle, Public Transportation Property or any private motor vehicle, with the exception of those being used as a temporary residence, such as a parked recreational vehicle (RV), within the Municipality regardless of whether or not a “No Consumption of Cannabis” sign is posted.

3.2 No Person shall Consume Cannabis inside any vehicle that is used as a Public Transportation Vehicle, regardless of whether the vehicle is on or off duty.

3.3 A Proprietor and/or Employer of a Public Place shall not permit the Consumption of Cannabis in such Public Place, whether or not a “No Consumption of Cannabis” sign is posted or visible.

3.4 Every Proprietor or Employer of a Public Place shall:

- 3.4.1 Facilitate compliance with this Bylaw;
- 3.4.2 Prohibit Consumption of Cannabis in the Public Place; and
- 3.4.3 Post “No Consumption of Cannabis” signs in accordance with section 4 of this Bylaw.

3.5 Every Proprietor or Employer shall inform each Employee that Consuming Cannabis is prohibited in the Public Place.

3.6 A Proprietor or Employer who takes, or ensures that the following steps are taken, shall be deemed to have complied with the obligation described in section 3.5:

- 3.6.1 Advises a Person who is Consuming Cannabis that Consuming Cannabis is not allowed and requests him/her to extinguish any lit Cannabis product, Electronic Smoking Device or other Smoking equipment;
- 3.6.2 Asks any Person who is Consuming Cannabis who refuses to comply with such a request as described in section 3.6.1 to leave the premises;
- 3.6.3 Refuses to provide any further service to such Person; and
- 3.6.4 Immediately reports to a Peace Officer any Person who is Consuming Cannabis, and who refuses to extinguish any lit Cannabis product, Electronic Smoking Device or other Smoking equipment, and who refuses to leave the premises when requested to do so.

4.0 SIGNS

4.1 The Proprietor and/or Employer of a Public Place shall ensure that signs are posted in a prominent, clearly visible location and in accordance with this Bylaw so as to clearly identify that Consuming Cannabis is prohibited.

4.2 The Proprietor and/or Employer of the Public Place shall ensure that:

- 4.2.1 Signs are posted at all entrances to the Public Place;
- 4.2.2 Signs are posted at the entrance to each washroom; and
- 4.2.3 Signs are posted in the vicinity of any seating area where food or beverages are sold or consumed.

4.3 The signs referred to in this Bylaw shall consist of graphic symbols that comply with the provisions contained herein.

4.4 The following graphic symbol, on a white background with the circle and the interdictory stroke in red, shall be used for reference purposes only to indicate the areas where Consuming Cannabis is prohibited pursuant to this Bylaw:



No Consumption of Cannabis

As Per the TOH Cannabis Consumption Bylaw No. 1125

And the Alberta Gaming, Liquor, and Cannabis Act



4.5 The graphic symbol referred to in section 4.4 shall include the text "Town of Hinton Cannabis Consumption Bylaw 1125." The text shall be a minimum of 1.3 centimetres in height and at no time will be less than one-quarter (1/4) of the height of all other letters of the sign.

4.6 The graphic symbol referred to in section 4.4 shall include the text "No Consumption of Cannabis" in letters at least fifty (50%) percent of the diameter of the circle or symbol, and of a letter height not less than 2.54 centimetres.

4.7 The lettering of signs may be in either upper or lower case or combination thereof, but the words "letter height," as used in sections 4.5 and 4.6 shall mean the actual height of a letter whether it is in upper or lower case.

- 4.8 Notwithstanding that the graphic symbol in section 4.4 depicts Cannabis, it shall be deemed to include a reference to lit Cannabis and any other such product and any other Cannabis equipment.
- 4.9 Any sign prohibiting Consumption of Cannabis that refers to a former Non-Smoking Bylaw of the Municipality is deemed to refer to this Bylaw and to provide proper notice.
- 4.10 No Person shall remove, alter, conceal, deface or destroy any sign posted pursuant to this Bylaw. Any Person who does not comply with this section is guilty of an offence.

5.0 OFFENCES

- 5.1 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.

6.0 PENALTIES

- 6.1 Any Person who fails or neglects to perform the duties or requirements imposed upon him/her/it under the provisions of this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000).
- 6.2 The specified fine for an offence committed pursuant to this Bylaw shall be the amount shown in Schedule "A".
- 6.3 Any Person convicted of an offence shall also be liable, in default of payment of any fine, to imprisonment for up to six (6) months.
- 6.4 In the case of an offence that is of a continuing nature, a contravention shall constitute a separate offence in respect of each day, or part of a day, on which that offence 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 for each such day.

7.0 VIOLATION TAG/TICKET

- 7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag pursuant to the Municipal Government Act and the Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34, as amended, or replaced from time to time, to any Person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

8.0 EXEMPTION

- 8.1 Traditional Pipe Ceremonies are exempt from this Bylaw.

9.0 SEVERABILITY

9.1 If any section of this Bylaw or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this Bylaw shall be deemed to be separate and independent therefrom and to be enacted as such.

10.0 ENFORCEMENT

10.1 For the enforcement of this Bylaw, a Peace Officer, upon producing proper identification, may enter any Public Place and may make examinations, investigations and inquiries.

10.2 No Peace Officer may enter a Workplace that is also a Private Residence without the consent of the occupant or without first obtaining and producing a warrant.

10.3 Where a Peace Officer has reason to believe that a Person has contravened any provision of this Bylaw, he/she may serve upon such Person:

- 10.3.1 A Violation Ticket requiring a Person to appear in court with the alternative of making a voluntary payment in lieu of prosecution; or
- 10.3.2 A Violation Ticket requiring a Person to appear in court without the alternative of making a voluntary payment.

11.0 REPEAL & COMING INTO EFFECT

11.1 This Bylaw comes into effect when it is passed.

12.0 DEFINITIONS AND INTERPRETATION

12.1 In this Bylaw, words have the meanings set out in the Act, except as defined in sections 12.2 to 12.50.

12.2 **Act:** the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended.

12.3 **Bike Park:** an outdoor area which is designed and intended specifically for the use of bicycles or other similar devices.

12.4 **Building:** as defined in the Land Use Bylaw 1088 as amended or replaced from time to time.

12.5 **Business:** carrying on a commercial or industrial undertaking of any kind or nature or the provision of a professional, personal or other service and includes any activity carried on by an educational institution, municipality, or a charitable organization.

12.6 **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).

- 12.7 **Child Care Facility:** has a meaning prescribed in the Land Use Bylaw 1088, as amended or replaced from time to time.
- 12.8 **Consumption/Consume:** consuming Cannabis in any way, including but not limited to Smoking, eating, drinking or ingesting any Cannabis products.
- 12.9 **Council:** the municipal council of the Town of Hinton.
- 12.10 **Drinking Establishment:** a Business where the primary purpose is the sale of alcoholic beverages for consumption on the premises and the secondary purposes of which may include entertainment, dancing, music, the preparation and sale of food for consumption on the premises, take-out food services and the sale of alcoholic beverages for consumption away from the premises.
- 12.11 **Dwelling:** as defined in the Land Use Bylaw 1088 as amended or replaced from time to time.
- 12.12 **Electronic Smoking Device:** an electronic device that can be used to deliver a vapour, emission or aerosol to the Person inhaling or drawing from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.
- 12.13 **Employee:** a Person who:
 - 12.13.1 Performs any work for, supplies any services to or fulfills any contractual obligations to any Employer; or
 - 12.13.2 Receives any instructions or training in the activity, Business, work, trade, occupation or profession of the Employer.
- 12.14 **Employer:** any Person who, as the owner, Proprietor, manager, superintendent or overseer of any activity, Business, work, trade, occupation or profession, has control over or direction of, or is directly or indirectly responsible for the employment of a Person therein.
- 12.15 **Land Use Bylaw:** The Town of Hinton Land Use Bylaw 1088 as amended or replaced from time to time.
- 12.16 **Licensed Gaming Establishment:** any premises for which the Province of Alberta has a bingo license or casino license issued under the *Gaming, Liquor and Cannabis Act*.
- 12.17 **Municipality:** The Town of Hinton.
- 12.18 **Outdoor Patio:** an area outside of a Building intended for the consumption of food or beverages by patrons of a Business providing such food or beverages, and includes:
 - 12.18.1 A Public premise where food or beverages are served that is not fully contained within an enclosed Building; and
 - 12.18.2 An outside extension of an eating or Drinking Establishment regardless of whether it is covered.
- 12.19 **Outdoor Pool:** a structure that contains water which is designed and intended for recreational use and may include a spray park or a wading pool.

12.20 **Outdoor Skating Rink:** an outdoor ice surface that is designed for recreational skating or playing hockey.

12.21 **Outdoor Theatre:** a building or outdoor area in which plays, and other dramatic performances are given.

12.22 **Park:** has a meaning prescribed in the Land Use Bylaw 1088, as amended or replaced from time to time.

12.23 **Peace Officer:** a Community Peace Officer, any duly appointed Bylaw Enforcement Officer of the Town of Hinton or any a member of the Royal Canadian Mounted Police.

12.24 **Person:** an individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society or co-operative.

12.25 **Place of Worship:** as defined in the Land Use Bylaw 1088 as amended or replaced from time to time.

12.26 **Playground:** an outdoor area upon which apparatus such as swings and slides are placed, that is available to the Public.

12.27 **Private Club:** an enclosed place or premise that operates primarily for the benefit and pleasure of the members of a non-profit corporation or service club.

12.28 **Proprietor:** the owner, operator, lessee, or licensee of premises, or where applicable:

- 12.28.1 The Person who ultimately controls, governs or directs the activity carried on within any premises referred to in this Bylaw and includes the Person usually in charge thereof;
- 12.28.2 A hospital board appointed pursuant to the *Hospitals Act*, R.S.A. 2000, C.-H-12;
- 12.28.3 A board of governors established pursuant to the *Post Secondary Learning Act* S.A. 2003, C.P-195; or
- 12.28.4 A board of trustees elected pursuant to the provisions of the *School Act*, R.S.A. 2000, c. S-3.

12.29 **Public:** any Person other than the owner, lessee, Proprietor or Employer of a particular Building or place.

12.30 **Public Building:** any enclosed Building or structure as defined in this Bylaw to which the Public can and does have access by right or by invitation, whether or not:

- 12.30.1 All members of the Public are invited;
- 12.30.2 The Proprietor has the right to exclude any particular Persons;
- 12.30.3 Payment, membership or the performance of some formality is required prior to access;
- 12.30.4 The Public has access to the Building only at certain times, or from time to time;

- 12.30.5 A member of the Public has access only if they are a member or if they are accompanied by a member;
- 12.30.6 Subject to section 12.30.7, if the Public has access only to a portion of the Building or structure, the entire Building or structure shall be deemed to be a Public Building;
- 12.30.7 Where a Building includes a Private Residence, the following shall apply:
 - a) That portion of the Building containing the Private Residence shall be deemed not to be a Public Building, and
 - b) If a Building contains two or more Private Residences, those common areas of the Building, including washrooms, corridors, reception areas, elevators, escalators, foyers, hallways, stairways, lobbies, laundry rooms and enclosed parking garages, shall be deemed to be a Public Building.

12.31 **Public Place:** any place to which the Public has access, regardless of whether or not access is granted by means of membership or admission fees, and includes but not limited to:

- 12.31.1 Licensed Gaming Establishments;
- 12.31.2 Drinking Establishments;
- 12.31.3 Restaurants;
- 12.31.4 Outdoor Patios;
- 12.31.5 Private Clubs;
- 12.31.6 Place of Worship;
- 12.31.7 Community Recreation Facility;
- 12.31.8 Child Care Facility;
- 12.31.9 School or Educational service facility;
- 12.31.10 Public Transportation Vehicles and Public Transportation Property;
- 12.31.11 Public Buildings;
- 12.31.12 Workplaces;
- 12.31.13 Recreation Facility;
- 12.31.14 Parks;
- 12.31.15 Outdoor Pool or Splash Park;
- 12.31.16 Skate Park or Skateboard Park;
- 12.31.17 Tennis Court;
- 12.31.18 Bike park;
- 12.31.19 A Zoo;
- 12.31.20 Outdoor Special Events;
- 12.31.21 Outdoor Theatre;
- 12.31.22 Walking Trail, Roadway or Sidewalk;
- 12.31.23 Sports Fields; and
- 12.31.24 Playground

12.32 **Public Transportation Vehicle:** a School bus, bus, taxi, limousine, or private for-hire vehicle, airplane or other similar vehicle which is being used, or is subject to use, by a passenger or passengers.

12.33 **Public Transportation Property:** any premises owned, used or occupied by the Municipality for the purposes of providing transit services, including Public Transportation Vehicle Shelters.

12.34 **Public Transportation Vehicle Shelter:** any structure with a roof designed to protect a passenger from the elements while waiting for a School bus, bus, taxi, limousine, airplane or other similar vehicles.

12.35 **Recreation Facility:** indoor or outdoor recreation facilities, as defined in the Land Use Bylaw 1088, as amended or replaced from time to time.

12.36 **Restaurant:** an enclosed place or premises, the primary purposes of which is the preparation and sale of food for consumption on the premises, the secondary purpose of which may include the sale of alcoholic or non-alcoholic beverages, takeout food services and catering. A Restaurant does not include a Drinking Establishment but does include any premises for which a Class A liquor license has been issued for the sale and consumption of liquor in premises open to the Public, and where minors are not prohibited by the terms of the license.

12.37 **Roadway:** any street or highway, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles.

12.38 **School or Educational Service Facility:** has a meaning prescribed in the Land Use Bylaw 1088, as amended, or replaced from time to time.

12.39 **Sidewalk:** a concrete, asphalt, or wooden path for pedestrians usually located adjacent to a road.

12.40 **Skate Park or Skateboard Park:** an outdoor area which is designed and intended specifically for the use of skateboards, in-line skates, or other similar devices.

12.41 **Smoke or Smoking** includes the act of:

- 12.41.1 Inhaling or exhaling the smoke produced by burning Cannabis; or
- 12.41.2 Carrying, holding or otherwise controlling of any lit Smoking equipment, such as cigar, cigarette or pipe containing Cannabis or any other such substances.

12.42 **Special Event:** a gathering held at a location that is open to the public including but not limited to concerts, fairs, carnivals, parades, markets, races or other events of similar nature.

12.43 **Sports Field:** land within the Town of Hinton used for the playing of a sport including but not limited to baseball diamonds, field hockey or cricket pitches, and rugby, soccer or football fields.

12.44 **Tennis Court:** a fenced area on which tennis is played.

12.45 **Traditional Pipe Ceremonies:** any cultural or religious ceremony involving pipes or the use or consumption of tobacco products.

12.46 **Violation Tag:** a tag or similar document used by the Town, pursuant to the Municipal Government Act and the regulations thereunder.

12.47 **Violation Ticket:** a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, R.S.A. 2000 c. P-34, as amended or replaced from time to time, and regulations thereunder, and as referred to in section 7 of this Bylaw.

12.48 **Walking Trail:** a path designed for walking, hiking, cycling or other recreational activities.

12.49 **Workplace:** any enclosed area of a Building or structure in which an Employee works and includes washrooms, corridors, lounges, eating areas, Outdoor Patios, reception areas, elevators, escalators, foyers, hallways, stairways, enclosed walkways, amenity areas, lobbies, laundry rooms and enclosed parking garages used by Employees or designated for Employee use. For clarification purposes:

- 12.49.1 A place is a Workplace whether or not the Employee is employed by the Proprietor of the premises at which the Employee works;
- 12.49.2 Subject to section 12.49.4 below, if an Employee works in any portion of a Building, the entire Building shall be deemed to be a Workplace;
- 12.49.3 Home offices that employ non-residents or that require Public access shall be deemed to be a Workplace; and
- 12.49.4 Any portion of a Building that is used exclusively as a Private Residence, including a hotel room or a motel room, shall not be deemed to be a Workplace.

12.50 **Zoo:** a facility, indoor or outdoor, where living animals are kept for study, conservation or display.

12.51 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.

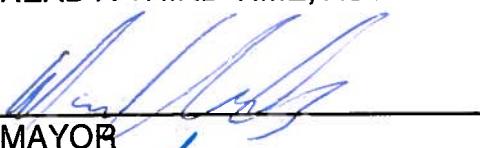
12.52 Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

12.53 Nothing in this Bylaw relieves a Person from complying with any provision of any federal, provincial or municipal law or regulation or any requirements of any lawful permit, order or license.

READ A FIRST TIME THIS 11th DAY OF SEPTEMBER, 2018.

READ A SECOND TIME, AS AMENDED, THIS 18th DAY OF SEPTEMBER, 2018.

READ A THIRD TIME, AS AMENDED, THIS 2nd DAY OF OCTOBER, 2018.



MAYOR



DIRECTOR OF CORPORATE SERVICES

SCHEDULE "A"

OFFENCE PENALTIES

SECTION	OFFENCE	MINIMUM PENALTY	MAXIMUM PENALTY
6.2	Consumption of Cannabis in a Public Place	\$400.00	\$400.00