

Bylaw 913/2018
Amendment to Community Standards
Bylaw 857/2014



			<i>Year/Month/Day</i>
Resolutions	319/2018	Effective Date	2018/10/17
Related Bylaws	Bylaw 883/2016 and Bylaw 857/2014		
Lead Role	Legislative and Protective Services		

A BYLAW TO AMEND THE COMMUNITY STANDARDS BYLAW 857/2014 OF THE TOWN OF DEVON, IN THE PROVINCE OF ALBERTA.

WHEREAS, Section 7, Part 2, Division 1 of the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, authorizes a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, Section 7, Part 2, Division 1 of the *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, authorizes a council to pass bylaws for municipal purposes respecting nuisances, including unsightly premises or property;

AND WHEREAS, pursuant to Sections 542, 543, 545, 546 (0.1), 546.1, 547, 549, and 550 of *Municipal Government Act*, Revised Statutes of Alberta 2000 Chapter M-26 and amendments thereto, Council believes the regulation through a Community Standards Bylaw would benefit the community as a whole;

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

NOW THEREFORE, the Municipal Council of the Town of DEVON, Alberta duly assembled, hereby enacts as follows:

That Bylaw 857/2014 Community Standards and Amending Bylaw 883/2016, shall, in all other respects, remain the same. This amending bylaw comes into full force and upon third and final reading of Amending Bylaw 913/2018.

Definitions:

- a) **“CANNABIS”** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the *Cannabis Act* (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis;
- b) **“FENCE”** means any privately-built Fence and a developer-built community screening Fence;
- c) **“GOOD REPAIR”** means a condition where something is free from:
 - 1) Significant damage;
 - 2) Broken, missing or fallen parts;
 - 3) Rot or other significant deterioration;

- 4) Openings which are not secured against trespassers or infiltration or air and precipitation; or;
 - 5) Other visual evidence of a lack of general maintenance.
- d) **“HARD SURFACE”** means a surface on a property which is comprised of either asphalt, concrete or a gravel pad purposely designed and engineered for the express purpose of parking either a trailer or motor vehicle;
 - e) **“SMOKE”** means to inhale, exhale, burn or otherwise have control over an ignited cigarette, cigar, pipe, hookah pipe, or any other implement designed to burn or heat Tobacco, Cannabis or any other substance for the purpose of inhaling or tasting its Smoke or emissions;
 - f) **“STRUCTURE”** includes any building, retaining wall, scaffolding, garage, container, mobile home, shed or portable shack.
 - g) **“TOBACCO”** means a product composed in whole or in part of Tobacco, including Tobacco leaves and any extract of Tobacco leaves, but does not include any product for use in nicotine replacement therapy;
 - h) **“UNREGISTERED MOTOR VEHICLE”** means the whole or any part of any vehicle which are not currently registered or licensed in accordance with Alberta Motor Vehicle Registries for the current year;
 - i) **“VAPE”** means the use of an electronic cigarette or smoking device, vaporizer, or any similar device containing Tobacco, Cannabis or any other substance which emits vapour, emissions or aerosol;

206. Control of Weeds and Unmaintained Vegetation on Premises or Property

- 7. Remove or prune any and all trees, shrubs, and vegetation that are overgrown, demonstrates neglect, are excessive or are deemed to be a nuisance to any adjacent or neighbouring property as per the Community Peace Officer discretion.

212. Junked Vehicles

- 1. No person shall park a Junked Vehicle on any premises or property in a residential district.

308. Smoking in public places

- 1. No person shall smoke or vape within five (5) metres from a doorway, window or air intake of a building or patio provided however that nothing in this provision prohibits a person from smoking within five meters from a doorway, window, or air intake of a building designed, intended and used exclusively as a private residence.
- 2. No person shall smoke or vape cannabis in a public place or in any vehicle.
- 3. No person shall smoke or vape on any hospital, school or child care facility property.

309. Smoking areas

1. Notwithstanding any provision within this Bylaw, a designated smoking area for Tobacco only may be established within a Public Place as long as:
 - 1.1 It is not placed within 5 meters of the doorway, window or air intake of a building or shelter;
 - 1.2 It complies with all applicable provincial legislation; and
 - 1.3 Access to any person under the age of 18 is prohibited.

310. Medical Cannabis

1. A person who is entitled to possess cannabis pursuant to a medical document issued pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230 is not subject to this bylaw except section 308 and 309.
2. A person referred to in subsection (1) must, on demand of an officer, produce a copy of the person's medical document.

311. Purchasing Cannabis

1. Cannabis and cannabis seeds can only be purchased at privately run retail stores permitted through the Alberta Gaming and Liquor Commission or government operated online sales and proof of purchase shall be retained and provided upon demand.
2. No person shall consume cannabis at any approved cannabis retail outlet.
3. Children under the age of eighteen (18) shall not enter into any privately run retail stores permitted to sell cannabis even if accompanied by an adult.
4. Thirty (30) grams of cannabis is the maximum amount that can be purchased daily or be in possession of at a time.

312. Growing Cannabis

1. Adults will be able to grow up to 4 plants per household from seeds purchased from licenced cannabis retailers.
2. Renters, condo-dwellers and those whom live in multi-family dwellings may be restricted from growing cannabis in their homes based on the rules established in rental agreements or condominium bylaws.

601. General Penalty Provisions

1. Any person that contravenes any provision of this Bylaw is guilty of an offence with the fine amounts established for use on violation tickets as set out in Schedule A.

That this Bylaw shall come into full force on the day the *Cannabis Act* comes into force and effect upon the final passing thereof.

READ A FIRST TIME IN COUNCIL this 10th day of September, 2018

READ A SECOND TIME IN COUNCIL this 10 day of October, 2018

READ A THIRD TIME IN COUNCIL this 10 day of October, 2018

Ray Ralph, Mayor

Tony Kulbisky, Chief Administrative Officer

Schedule "A" – Penalties

Infraction/Offence	First Offence	Second Offence	Third and Subsequent Offence
Sec. 206(1) - Fail to maintain grass or weeds	\$155.00	\$287.00	\$575.00
Sec. 206(3) – Fail to maintain tree	\$155.00	\$287.00	\$575.00
Sec. 206(4) – Fail to maintain shrub	\$155.00	\$287.00	\$575.00
Sec. 209(1) – Allow fence or structure to become a hazard	\$300.00	\$600.00	\$900.00
Sec. 209(2) – Fail to maintain property in good repair	\$300.00	\$600.00	\$900.00
Sec. 212 – Parking of junked vehicles on premises or property	\$155.00	\$287.00	\$575.00
Sec. 213(1) – More than one (1) unregistered motor vehicle parked on premises or property	\$155.00	\$287.00	\$575.00
Sec. 308(1) – Smoking or vaping within 5 meters of a doorway or air intake	\$155.00	\$287.00	\$575.00
Sec. 308(2) – Smoking or vaping in public places	\$155.00	\$287.00	\$575.00