

TOWN OF ALTONA
BY-LAW 1830/2025

Being a by-law to provide for smoke free buildings and restrict the consumption of cannabis in public places.

WHEREAS the House of Commons granted Royal Assent to 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, 1st Sess, 42nd Parl, 2017) on June 21, 2018, and came into force on October 17th, 2018, which permitted persons to possess cannabis if purchased from an authorized person;

AND WHEREAS section 6(1) of *The Smoking and Vapour Products Control Act C.C.S.M. c. S150* authorizes a municipal council to pass a by-law to limit or ban smoking or e-cigarette use in any enclosed public place in the municipality;

AND WHEREAS *The Liquor, Gaming and Cannabis Control Act, C.C.S.M. c. L153*, prohibits consumption of cannabis in a public place;

AND WHEREAS section 232(1) of *The Municipal Act*, authorizes a council of a municipality to pass by-laws respecting the following matters;

(a) the safety, health, protection and well-being of people, and the safety and protection of property;

(b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;

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(o) the enforcement of by-laws.

AND WHEREAS Section 232(2) of *The Municipal Act*, authorizes a council of a municipality may in a by-law;

(a) regulate or prohibit;

AND WHEREAS the Council of the Town of Altona deems the use of tobacco and cannabis products dangerous to the health of residents and employees therein;

AND WHEREAS the Council of the Town of Altona deems it necessary to prohibit the use of cannabis products in public places and outdoor patios;

AND WHEREAS Council deems it necessary to impose additional restrictions on the smoking, vaping and other forms of consumption of cannabis in a public place or a place open to the public to prevent behaviours and conduct that may have a negative impact on the enjoyment of public places;

NOW THEREFORE Council of the Town of Altona enacts as follows:

PART I – INTERPRETATION

1. This Bylaw may be cited as the “Smoke Free By-law”.
2. The following definitions apply to this by-law:
 - a. “cannabis” has the meaning given to it in the Cannabis Act;
 - b. “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, 1st Sess, 42nd Parl, 2017;

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- c. "e-cigarette" has the same meaning as in *The Smoking and Vapour Products Control Act C.C.S.M. c. S150*;
- d. "officer" means a Police Officer or Bylaw Enforcement Officer appointed or designated under pursuant to *The Municipal By-law Enforcement Act, C.C.S.M. c. M245*;
- e. "outdoor patio" means an outdoor area designed for the consumption of food and drink and which is
 - i. required to obtain an occupancy permit; and
 - ii. on a property where the principal use falls within the "Restaurant" or "Drinking Establishment" use classes within the Altona Zoning By-Law 1792/2021, as amended;
- f. "public place" includes any place to which the public has access as of right or by invitation, expressed or implied, including but not limited to streets, sidewalks, multi-use paths, parks, campsites within the Altona Campground, recreation facilities, schools, health care facilities, and facilities or buildings owned and operated by the Town of Altona;
- g. "smoking" means
 - i. smoking a cigarette, cigar, pipe or other device used for smoking tobacco or cannabis, or
 - ii. having control of a lighted cigarette, cigar, pipe or other device used for smoking tobacco or cannabis;
- h. "vape" or "vaping" means:
 - i. inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing an e-substance or cannabis; or
 - ii. holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from an e-substance or cannabis;

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3. Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
4. 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.
5. 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.
6. 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. All schedules attached to this Bylaw form part of this Bylaw. This by-law contains the following Schedules:

Schedule A: - Penalties

PART II - PROHIBITION

8. Unless otherwise provided herein, a person must not smoke, vape or consume cannabis in any public place or outdoor patio, or where smoking tobacco is otherwise prohibited by law or by the property owner.
9. An owner and operator of an eating and drinking establishment on which an outdoor patio is located must ensure that no person smokes, vapes or consumes cannabis on the outdoor patio.

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10. 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 provided that;
- a. the person, on demand of an officer, produces a copy of the person's medical document;
 - b. said person is otherwise in compliance with section 11. of this Bylaw;
 - c. and is not causing a nuisance.
11. Any person or employee is prohibited from smoking or vaping any substances in any building owned or operated by the Town of Altona.

PART III - OFFENCES

12. 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 liable to pay an administrative penalty pursuant to this Bylaw.

PART IV – ENFORCEMENT

13. Where an officer believes that a person has contravened any provision of this Bylaw, the officer may issue a Penalty Notice in accordance with the MBEA Enabling By-law 1765/2018.
14. This section shall not prevent an officer from issuing a ticket pursuant to *The Provincial Offences Act* C.C.S.M. c. P160 for an offence pursuant to *The Smoking and Vapour Products Control*

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Act C.C.S.M. c. S150 and The Liquor, Gaming and Cannabis Control Act, C.C.S.M. c. L153.

PART V - PENALTY

15. The administrative penalties (including discounted amounts) described in Schedule A for each contravention are hereby set.

PART VI - REPEAL

15.0 By-law Nos. 1605/2004 and 1767/2018 are hereby repealed and replaced.

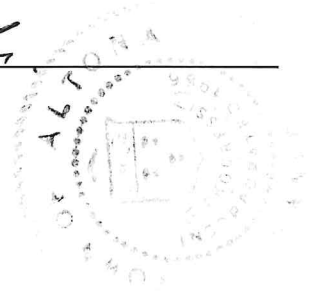
DONE AND PASSED by Council of the Town of Altona, in open meeting, duly assembled, this 25th day of February, 2025.



Mayor



Chief Administrative Officer



Read a first time this 11th day of February, 2025
Read a second time this 25th day of February, 2025
Read a third time this 25th day of February, 2025

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SCHEDULE A – PENALTIES

Provision of By-Law No. 1830/2025	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
8	Smoke, vape or consume cannabis where prohibited		
	i. First offence	\$200	\$100
	ii. Second offence	\$300	\$200
	iii. Third and subsequent offence	\$400	\$300
9	Failing to ensure that no person smokes, vapes or consumes cannabis on an outdoor patio.		
	i. First offence	\$200	\$100
	ii. Second offence	\$300	\$200
	iii. Third and subsequent offence	\$400	\$300
11	Smoke or vape in a Town-owned building		
	i. First offence	\$200	\$100
	ii. Second offence	\$300	\$200
	iii. Third and subsequent offence	\$400	\$300