

DISTRICT OF KITIMAT

BYLAW NO. 2023, 2023

A BYLAW TO RESTRICT THE AREA OF USAGE OF AN ILLEGAL SUBSTANCE AS DEFINED IN THE SUBSECTION 56(1) CLASS EXEMPTION FOR ADULTS IN THE PROVINCE OF BRITISH COLUMBIA TO POSSESS SMALL AMOUNTS OF OPIOIDS, COCAINE, METHAMPHETAMINE AND MDMA ISSUED BY THE FEDERAL MINISTER OF HEALTH EFFECTIVE JANUARY 31, 2023

WHEREAS, by bylaw, Council may exercise its rights under the authority of section 8 (Fundamental Powers) of the *Community Charter*,

AND WHEREAS the District of Kitimat has a consolidation of regulatory bylaws referred to as the *Kitimat Municipal Code*;

NOW THEREFORE the Council of the District of Kitimat, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited as “Restriction of Use of the Illegal Substance – Subsection 56(1) Class Exemption Bylaw No. 2023, 2023”.
2. RENAME Part 7, Division 7:

“RESTRICTION OF CANNABIS, TOBACCO, AND CONTROLLED SUBSTANCE USE IN PUBLIC PLACES AND PARKS

Subdivision 1 – Definitions

STRIKE

“Consume” means to ingest cannabis into the body through means other than to Smoke or vape cannabis.

INSERT

“Consume Cannabis” means to ingest into your body in a means other than to Smoke or Vape

“Consume Controlled Substance by Needle” means to ingest into your body a Controlled Substance through a needle

“Controlled Substance” means the substances listed in Annex A of the Subsection 56(1) Class Exemption for adults in the Province of British Columbia to possess small amounts of opioids, cocaine, methamphetamine and MDMA issued by the Federal Minister of Health effective January 31, 2023

STRIKE AND INSERT THE TEXT SHOWN IN RED

“Smoke or Vape ~~cannabis/tobacco~~” includes the following:

- (a) smoke or hold lighted Cannabis or Tobacco;
- (b) use or hold a device that is vapourizing Cannabis, ~~or Tobacco~~, or Controlled Substance for inhalation or release into the air

Subdivision 2 – Restrictions

STRIKE AND INSERT THE TEXT SHOWN IN RED

- 7.7.2.1 No person shall, in any park or public place, Consume Cannabis or have in their possession any Cannabis ~~or controlled substance~~ unless the said Cannabis ~~or controlled substance~~ is consumed or possessed pursuant to and in compliance with a license issued under the Cannabis Control and Licensing Act. ~~or Controlled Drugs and Substances Act~~
- 7.7.2.2 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle in or on any of the following outdoor public places:
- (a) a skating rink, sports field, swimming pool, playground or skate park;
 - (b) a spray pool or wading pool within the meaning of regulations under the Public Health Act or a splash pad;
 - (c) a deck, seating area, viewing area or other place used in association with a place to which paragraph (a) or (b) applies.
 - (d) within a 7.5 metre distance from a place described in paragraph (a), (b) or (c)
- 7.7.2.3 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle in or on any of the following places:
- (a) lands designated as park within the District of Kitimat Zoning Bylaw;
 - (b) a regional park within the meaning of the Local Government Act;
 - (c) an outdoor area established by a local government for purposes of community recreation.
 - (d) within a 7.5 metre distance from a place described in paragraph (a), (b) or (c)
- 7.7.2.4 A person must not Smoke or Vape Cannabis, Tobacco, or a Controlled Substance, or Consume Controlled Substance by Needle:
- (a) in or at a transit shelter or bus stop, train station or stop, taxi stand, or similar place marked for passenger loading or unloading, or
 - (b) within a 7.5 metre distance from a place described in paragraph (a).

INSERT

- 7.7.2.5 A person must not Smoke or Vape a Controlled Substance or Consume Controlled Substance by Needle in any District of Kitimat facility or owned buildings.

3. PART 1 – GENERAL PROVISIONS, Division 3 – Municipal Ticket Information Systems, Subdivision 2 – Designation of Offences and Fines is amended by:

STRIKE AND INSERT THE TEXT SHOWN IN RED

Offence	Section	Fine
Smoking or Vaping Cannabis / , Tobacco, or Controlled Substance in Restricted Areas	7.7.2.2 to 7.7.2.4	\$100

INSERT:

Offence	Section	Fine
Consuming Controlled Substance by Needle in Restricted Areas	7.7.2.2 to 7.7.2.4	\$100
Smoking or Vaping Controlled Substance or Consuming Controlled Substance by Needle in District facility or owned building	7.7.2.5	\$100

4. This bylaw shall come into effect on date of adoption.

READ a first time this	6 th day of	February, 2023
READ a second time this	6 th day of	February, 2023
READ a third time this	6 th day of	February, 2023
FINALLY ADOPTED this	21 st day of	February, 2023

MAYOR

Philip Germuth

CORPORATE OFFICER

Kiona Enders