



THE CORPORATION OF THE CITY OF GRAND FORKS

CONTROLLED SUBSTANCE USE BYLAW NO. 2098

A bylaw to regulate the use of controlled substances in public places and areas of public access.

The Municipal Council for the Corporation of the City of Grand Forks, in open meeting lawfully assembled, **ENACTS** as follows:

Citation

1. This bylaw may be cited as the “**Controlled Substance Use Bylaw No. 2098**”

Definitions

2. In this bylaw, unless the context otherwise requires:
 - 2.1. “**City**” means the City of Grand Forks.
 - 2.2. “**Community Facility**” means a building, lands, or recreation facility including but not limited to recreation centers, arenas, picnic shelters, and other recreation facilities located in a *Park* or on any other land which the *City* or other local government body owns or controls by means of a lease, licence, or other legal instrument that is intended for athletic, social, cultural, recreational, or other use by members of, or visitors to, the community.
 - 2.3. “**Consume**”, “**Consuming**”, or “**Consumption**” means to smoke, inhale, ingest, absorb, inject, or otherwise utilize within a person’s body.
 - 2.4. “**Controlled Substance**” means a controlled substance as defined or described in Schedules I, II, or III of the *Controlled Drugs and Substances Act, 1996, Chapter 19*, as amended from time to time, but does not include a controlled substance permitted under that Act.
 - 2.5. “**Council**” means the Municipal Council of the City of Grand Forks.
 - 2.6. “**Dwelling Unit**” means a building or a part of a building in which a person(s) live(s). This means one or more rooms are to be used as or designed as a residence; which contains sleeping, cooking, and/or sanitary facilities and has an independent entrance, either directly from outside a building or from a common hallway inside a building.
 - 2.7. “**Entranceway**” includes but is not limited to doorways, verandahs, stairways, air intake systems, and windows.

- 2.8. **“Hazardous Material”** means any item that may be contaminated by controlled substances, including but not limited to broken glass, hypodermic needles, or other material with edges sharp enough to break or puncture skin.
- 2.9. **“Highway”** includes every road, street, lane, bridge, viaduct, or right of way designed or intended for or used by the general public for the passage of vehicles, and any other way open to public use, other than a private right of way on private property, but within the bounds of a *Park* does not include public pathways, walkways, sidewalks, carriage ways, or a road right of way.
- 2.10. **“Municipal Ticket Information Bylaw”** means the *City of Grand Forks Municipal Ticket Information Bylaw* No. 1957 as amended or replaced from time to time.
- 2.11. **“Municipality”** means the area within the corporate limits of the *City*.
- 2.12. **“Outdoor Public Event”** means any event where the public is invited to gather on any outdoor area of *City* owned, controlled, or operated property, including any *Park*, public square, or *Highway*, including, but not limited to:
- 2.12.1. a market, contest, festival, celebration, fair, exhibition or concert,
 - 2.12.2. an outdoor public event on any *City* owned, controlled, or operated property that is leased to a third party, or
 - 2.12.3. any event for which a *City* rental or use permit is required
- 2.13. **“Outdoor Public Space”** means any outdoor area owned, controlled, or operated by the *City* that is open to the public or to which the public is customarily admitted or invited, including but not limited to:
- 2.13.1. *Park*,
 - 2.13.2. sports venue, stadium, or sports facility,
 - 2.13.3. outdoor recreational facility,
 - 2.13.4. utility easement,
 - 2.13.5. cemetery, or
 - 2.13.6. public *Highways*, when used as part of an outdoor public event.
- 2.14. **“Park”** means any real property owned or subject to a right of occupation by the *City* for the purposes of pleasure, recreation, or community uses of the public, including all dedicated public parks, Municipal Hall grounds, or other lands used for public parks, or any playground, sports court or field, public square, beach, boulevard, or cemetery within the corporate limits of the City of Grand Forks.
- 2.15. **“Peace Officer”** shall have the same meaning as in the *Interpretation Act*, including *Staff* appointed by *Council* to enforce and administer this bylaw, and any member of the Royal Canadian Mounted Police.
- 2.16. **“Person”** includes any company, corporation, owner, partnership, firm, association, society, or party.

- 2.17. **“Prohibited Area”** means any location or area described in Schedule “A”, attached to and forming part of this bylaw, where the possession or *Consumption* of a *Controlled Substance* is prohibited.
- 2.18. **“Property”** means land, with or without improvements, so affixed to the land as to make them in fact and in law, a part of it;
- 2.19. **“Public Premise”** means all or any part of a building, structure, or other enclosed area to which members of the public have access as of right or by express or implied invitation.
- 2.20. **“Public Space”** means any real property or portions of real property owned or leased by the City, and other unoccupied areas of Crown Land including those contiguous to a watercourse within the corporate limits of the City of Grand Forks, to which the public is ordinarily invited or permitted to be in or on, and includes, but is not necessarily limited to, a trail, the grounds of public facilities, or buildings, the Kettle and Granby Rivers’ foreshore, and public parking lots;
- 2.21. **“Public Vehicle”** means a bus, taxi or other vehicle that is used to transport members of the public for a fee.
- 2.22. **“School Property”** means property that is owned or leased by, or operated under the authority of, a board established under the *School Act* or the *Independent School Act* and used for delivering educational programs or other learning programs and includes real property and improvements.
- 2.23. **“Smoke”** or **“Smoking”** means to inhale, exhale, burn or carry a(n):
- 2.23.1. lighted cigarette, cigar, pipe, hookah pipe, other lighted or heated smoking equipment that burns or vaporizes tobacco, cannabis, or any other weed or controlled substance, but does not include the carrying of lighted incense or other lighted smoking equipment used solely for ceremonial or religious purposes, or
 - 2.23.2. activated electronic cigarette.
- 2.24. **“Staff”** means the Chief Administrative Officer or designate.
- 2.25. **“Trail”** means any pathway or trail and all improvements, including all public sections of the Trans-Canada Trail, within the corporate limits of the City of Grand Forks but does not include the travelled portion of a *Highway*.
- 2.26. **“Vehicle”** means a conveyance for the carriage or transport of an individual, goods, or materials, whether self-propelled or drawn or pulled by animals or any mechanical or muscular device or other motive power, and includes trailers, bicycles, tricycles, or motor vehicles such as motorcycles or snowmobiles.

Regulations

3. A person shall not:
 - 3.1. cause or permit anything to be done in contravention of this bylaw,
 - 3.2. *Consume a Controlled Substance in a Prohibited Area,*
 - 3.3. brandish, display, or make visible to another person a *Controlled Substance* while in a *Prohibited Area,*
 - 3.4. brandish, display, or make visible to another person any paraphernalia for the purpose of storing, transporting, or *Consuming a Controlled Substance* while in a *Prohibited Area,*
 - 3.5. throw, deposit, drop, leave, place, or dump, or cause to be thrown, deposited, dropped, left, or placed, a *Controlled Substance* or paraphernalia for the purpose of storing, transporting or *Consumption of a Controlled Substance,* in a *Park, Public Space,* or the waters adjacent thereto, or in a *Prohibited Area,*
 - 3.6. discard any *Hazardous Material* in or at a *Park, Public Space,* or *Prohibited Area,* except in an enclosed authorized receptacle suitable for the type of *Hazardous Material,*
 - 3.7. carry on, or permit to carry on, an activity involving, or having involved, the *Consumption of a Controlled Substance* and which causes, or may cause a nuisance, injury, harm, or damage to a person, structure or thing in a *Public Space* or *Prohibited Area.*
4. A person, being the owner or occupier of private property, shall not cause, permit, or allow another person to *Consume a Controlled Substance in a Prohibited Area* upon that property.
5. *City Staff* or a *Peace Officer* may remove and impound, from a *Public Place* or *Prohibited Area,* any item that contravenes this bylaw and deliver the same to a place of safekeeping until it is returned to the owner or disposed of in accordance with this bylaw.
 - 5.1. Any item removed that is deemed a *Hazardous Material* will be disposed of without notice to the owner.
 - 5.2. Fees for removal and storage of items will be assessed in accordance with the *City's Fees and Charges Bylaw* and shall be payable by the owner in full, prior to the return of the item to the owner.
 - 5.3. On the expiration of thirty days from the date an item is removed and impounded, the *City* may dispose of any item at public auction or through other lawful processes, including recovery, on behalf of the *City,* of any fees accrued.

Restriction of Access

6. *City Staff* or a *Peace Officer* may direct a person to leave any *Park, Public Space,* or *Prohibited Area* if that person is believed to be, or have been, acting in contravention of this

bylaw or any other enactment, including federal or provincial enactments respecting the use or possession of *Controlled Substances*.

7. A person directed to leave a place by *City Staff* or a *Peace Officer* must proceed immediately to the nearest exit point.
8. *City Staff* or a *Peace Officer* may direct a person not to return to a *Park, Public Space, or Prohibited Area* for 48 hours if that person is believed to be, or has acted, in contravention of this bylaw or any other enactment, including federal or provincial enactments respecting the use or possession of *Controlled Substances*.
9. A person directed to leave and not return to a place for 48 hours by *City Staff* or a *Peace Officer*, and who returns sooner than 48 hours, shall be guilty of an offence under this bylaw.

Exceptions

10. This bylaw shall not apply to any emergency or health services practitioner or other person who is licensed and/or authorized to possess and/or administer a *Controlled Substance* to another person in the exercise of their duties or employment.
11. Section 3.2 of this bylaw shall not apply to a person who, with a valid prescription, is in possession of a *Controlled Substance* dispensed by a pharmacist and that they are directed to *Consume* by a physician.
12. This bylaw shall not apply to a person who is in possession of an opioid receptor antagonist, such as Naloxone, intended solely for the prevention of an opioid overdose of a person.
13. This bylaw shall not apply to a person *Consuming a Controlled Substance* within a dwelling unit on privately owned property.
14. This bylaw shall not apply to a person *Consuming a Controlled Substance* within a health care facility or other similar treatment or service facility with a designated and supervised *Controlled Substance Consumption* room.
15. This bylaw shall not apply to cannabis which is regulated under the City's *Smoke- and Vape-Free Places Bylaw No. 2054*.

Offence and Penalty

16. A person who violates a provision of this bylaw or who suffers or permits an act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do, or refrains from doing, anything required to be done by any other provisions of this bylaw, is guilty of an offence under this bylaw.
 - 16.1. Each day the violation is caused or allowed to continue shall be considered a separate violation.
17. This bylaw may be enforced by means of a municipal ticket information or bylaw notice in the forms prescribed for those purposes in the *Community Charter* or *Bylaw Notice Enforcement Act*. Designated offences, bylaw enforcement officers, fines, fine reductions,

or surcharges shall be as specified within the *City's Municipal Ticket Information Bylaw* and *Bylaw Notice Enforcement Bylaw* as adopted and amended from time to time.

18. In addition to penalties set out in section 7.4, a court may also make orders in accordance with section 263.1 of the *Community Charter*, as may be amended from time to time.
19. Nothing in this bylaw limits the *City* from utilizing any other remedy that would otherwise be available to the *City* at law, including civil remedies and/or injunctions.
20. A person who commits an offence contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not less than \$500.00 and not more than \$10,000.00 in addition to the costs of prosecution, or liable to a term of incarceration for a period of not more than 6 months, or both. Any penalty imposed pursuant to this bylaw shall be in addition to, and not in substitution of, any other penalty or remedy imposed pursuant to any other applicable statute, law, or legislation.

General


21. Any enactment referred to herein is a reference to an enactment of the Province of British Columbia and any regulations thereto, as amended, revised, consolidated, or replaced from time to time.
22. If any section, paragraph, or phrase of this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this bylaw.

Read a first, second, and third time by the Municipal Council this 12th day of June 2023.

Adopted this 26th day of June 2023.



Mayor – Everett Baker



Corporate Officer – Daniel Drexler

Schedule "A"

Prohibited Areas

"Prohibited Area" means any location or area, identified herein, where the *Consumption* of a *Controlled Substance* is prohibited.

1. The following locations and areas are identified as prohibited areas:
 - a) in or within 30 meters of a *Park, Public Premise, Community Facility, School Property, playground, or an Outdoor Public Event,*
 - b) in or within 10 meters of an entranceway to a workplace, business, financial institution, multi-residential building, or a dwelling unit other than the dwelling of the person *Consuming,*
 - c) within 10 meters of another person in a *Public Space,* without the other person's express verbal consent,
 - d) within 30 meters of any person who is, or appears to be, a minor under the age of 18,
 - e) on public sidewalks,
 - f) within the Core Commercial (CC) zoned area of Market Avenue between Riverside Drive and 5th Street (excluding alleys and private parking lots),
 - g) on a street or *Highway,*
 - h) in a *Public Vehicle,*
 - i) in a vehicle parked at a *Park, Public Premise, Community Facility, School Property, Outdoor Public Event or City property.*

CERTIFICATE

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 2098, cited as the "Controlled Substance Use Bylaw No. 2098", as passed by the Municipal Council on the ___ day of _____, 2023.

Corporate Officer of the Municipal Council of the
City of Grand Forks