

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #017-18

A Bylaw of the City of Chestermere, in the Province of Alberta, for the purpose of regulating and controlling the public use of cannabis within the City of Chestermere.

WHEREAS the Municipal Government Act R.S.A. 2000, c. M-26 and amendments thereto authorize the Municipality to pass bylaws to regulate activities on or near a public place or place that is open to the public;

WHEREAS the Municipality deems it necessary for the health, safety, welfare, and comfort of residents to pass a bylaw to regulate and control the use of cannabis within the City of Chestermere; and

NOW THEREFORE the Municipal Council of the City of Chestermere, in the Province of Alberta, duly assembled, enact as follows:

1. TITLE

This Bylaw may be cited as the City of Chestermere "Cannabis Consumption Bylaw".

2. DEFINITIONS

In this Bylaw:

- (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 Drug and Substances Act; the Criminal Code of Canada and other Acts, 1st Sess, 42nd Parl, 2017;
- (c) "City" means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere's corporate limits, as the context requires;
- (d) "Electronic Smoking Device" means an electronic device that can be used to deliver nicotine or other substances to the Person inhaling from the device, and includes but is not limited to an electronic cigarette, cigar, cigarillo or pipe;
- (e) "Municipal Government Act" means the *Municipal Government Act*,

R.S.A. 2000, Chapter M-26, as amended or replaced from time to time;

- (f) "Peace Officer" means a member of a Police Service, or a Peace Officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5 and the regulations thereof, as amended or replaced from time to time;
- (g) "Person" means an individual or any business entity including a firm, partnership, association, corporation, company or society;
- (h) "Public Place" includes any place or location to which the public has access by right or by invitation, expressed or implied;
- (i) "Smoke" or "Smoking" means:
 - i. inhaling or exhaling the smoke produced by lit, burning, ignited or heated Cannabis;
 - ii. holding or otherwise having control of lit, burning, ignited or heated substance, or any other device or thing containing lit, burning, ignited or heated Cannabis
 - iii. inhaling or exhaling the vapour, emissions or aerosol produced by an Electronic Smoking Device or any other device containing any Cannabis;
 - iv. Holding or otherwise having control of an Electronic Smoking Device or any other device that is capable or producing vapour, emissions, or aerosol from Cannabis.

3. APPLICATION

- (a) Nothing in this Bylaw relieves a Person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- (b) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only and shall not form part of this Bylaw.
- (c) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted consequently.
- (d) All the schedules attached to this Bylaw shall form a part of this Bylaw.
- (e) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

- (f) A copy of a record of the City, certified by a designated officer as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the Person signing it.
- (g) All offences created pursuant to this Bylaw are to be construed and considered to be strict liability offences.

4. PROHIBITIONS

- (a) No Person is permitted to Smoke, use an Electronic Smoking Device or any other device for the consumption of Smoke, vapor, emissions or aerosol from Cannabis within a Public Place in the City of Chestermere.
- (b) A Person that is permitted 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.
- (c) Any Person as described in Section 4(b) must, on demand of a Peace Officer, produce a copy of their medical certificate.
- (d) Any Person as described in Section 4(b) is still restricted in use at the locations as listed in the Alberta Tobacco Reduction Act and the Chestermere Smoking Bylaw.

5. PENALTIES

- (a) Every Person who contravenes any of the provisions of this Bylaw by doing any act or thing which the Person is prohibited from doing is guilty of an offence.
- (b) Any Person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00 or in default of payment (1) one-year imprisonment, or to fine and imprisonment.
- (c) Where there is a specified penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- (d) Where there is a minimum penalty listed for an offence in Schedule "A" to this Bylaw, that amount is the minimum penalty for the offence.

6. VIOLATION TICKETS

- (a) Where a Peace Officer believes that a Person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the Provincial Offences Procedure Act.
- (b) This Section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the Provincial Offences Procedure Act, or from laying information instead of issuing a violation ticket.

7. PROSECUTIONS

- (a) In a prosecution for a contravention of this Bylaw, it is not necessary that a witness testify to the precise description, kind, brand or name of the Cannabis, cigarette, cigar, pipe, Mu'assel, Electronic Smoking Device or any other device being used in a prohibited place.

8. SEVERABILITY

- (a) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

That this Bylaw shall come into full force and effect upon the date of the third and final reading.

Read a first time this 1st day of October, 2018.

Read a second time _____ day of _____ 2018.

Read a third time and passed this _____ of _____ 2018.

Mayor

Chief Administrative Officer

SCHEDULE "A"
CHESTERMERE CANNABIS CONSUMPTION BYLAW #017-18

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
4(1)	Use Cannabis in a Public Place	\$250.00	\$500.00
4(3)	Medical Cannabis user fail to produce medical certificate	\$250.00	\$500.00
4(4)	Use medical Cannabis in prohibited place	\$250.00	\$500.00