

**CITY OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW #018-18**

A Bylaw of the City of Chestermere, in the Province of Alberta, to amend Smoking Bylaw (Bylaw 009-15).

**WHEREAS** The Municipal Government Act, RSA 2000, C. M-26 and amendments thereto provides that a Municipal Council may 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 smoking within the City of Chestermere; and

**AND WHEREAS** Council deems it desirable to amend Bylaw 009-15 being the Smoking Bylaw;

**NOW THEREFORE**, The Council of the City of Chestermere, duly assembled, enacts as follows:

1. Section 2(c) is added to read the following:

“Cannabis” means the definition given to it in the Cannabis Act;

2. Section 2(d) is added to read the following:

“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, 1<sup>st</sup> Sess, 42<sup>nd</sup> Parl, 2017;

3. Section 2(f) is added to read the following:

“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;

4. Section 2(k) is added to read the following:

“Medically Prescribed Cannabis” means Cannabis that has been medically prescribed by a doctor pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR 2016-230;

5. Section 2(q) is added to read the following:

“Smoke” or “Smoking” means:

- i. Inhaling or exhaling the smoke produced by lit, burning, ignited or heated substances, including tobacco or Medically Prescribed Cannabis;
- ii. Holding or otherwise having control of a lit, burning, ignited or heated substance, including tobacco or medically prescribed Cannabis, for the purposes as described in Section 2(q)(i) of this bylaw;
- iii. Inhaling or exhaling the vapor, emissions or aerosol produced by an Electronic Smoking Device or any other device containing a substance, including tobacco or Medically Prescribed Cannabis;
- iv. Holding or otherwise having control of an Electronic Smoking Device or any other device that is capable of producing vapor, emissions or aerosol from a substance, including tobacco or Medically Prescribed Cannabis.

6. Section 4(a) is amended to read the following:

No person shall carry or possess a lit cigarette, cigar, pipe, burn tobacco or use Medically Prescribed Cannabis, Mu'assel, or use an Electronic Smoking Device in any manner in, on or within 5 metres of:

- i. Anniversary Park;
- ii. A Bike Park;
- iii. Cove Beach;
- iv. A Dog Park;
- v. John Peake Park;
- vi. A Playground
- vii. A Skate Park;
- viii. A Sports Field;
- ix. A Skating Rink;
- x. Sunset Beach;
- xi. A Water Spray Park

7. Section 7 is amended to read the following:

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 cigarette, cigar, pipe, tobacco, Cannabis, Mu'assel, or Electronic Smoking Device being used in a prohibited place.

8. Schedule "A" be replaced with Schedule "A" of this Bylaw.

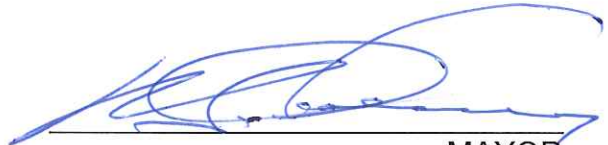
9. This Bylaw comes into full force and takes effect on the date of third and final reading.

READ A FIRST TIME this 1 day of October 2018

READ A SECOND TIME this 1 day of October 2018

READ A THIRD TIME this 1 day of October 2018

Resolution Numbers –

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CAO

## SCHEDULE "A"

Section	Offence	Minimum Penalty	Specified Penalty
4(1)(a)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of Anniversary Park	\$100.00	\$200.00
4(1)(b)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of a Bike Park	\$100.00	\$200.00
4(1)(c)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of Cove Beach	\$100.00	\$200.00
4(1)(d)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of a Dog Park	\$100.00	\$200.00
4(1)(e)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of John Peake Park	\$100.00	\$200.00
4(1)(f)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of a Playground	\$100.00	\$200.00
4(1)(g)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of a Skate Park	\$100.00	\$200.00
4(1)(h)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of a Sports Field	\$100.00	\$200.00
4(1)(i)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of a Skating Rink	\$100.00	\$200.00
4(1)(j)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of Sunset Beach	\$100.00	\$200.00
4(1)(k)	Smoking or use medically prescribed Cannabis in, on, or within 5 metres of a Water Spray Park	\$100.00	\$200.00