

Village of Edgerton
Bylaw #5-2018

A Bylaw of the Village of Edgerton in the Province of Alberta to restrict the consumption of cannabis in public places.

WHEREAS the House of Commons has given three readings 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) which will permit persons to possess cannabis if purchased from an authorized person;

AND WHEREAS it is anticipated that the *Cannabis Act* will come into force on October 17, 2018;

AND WHEREAS the Province of Alberta has enacted *An Act to Control and Regulate Cannabis*, S.A. 2017, c. 21 which will place restrictions on the smoking or vaping of cannabis in public places;

AND WHEREAS pursuant to section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, Council may pass by-laws respecting:

- (a) A the safety, health and welfare of people and the protection of people and property;
- (b) B people activities and things in, on or near a public place or place that is open to the public; and
- (c) The enforcement of by-laws made under the *Municipal Government Act* or any other enactment;

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

NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF EDGERTON ENACTS AS FOLLOWS:

SHORT TITLE

1. This By-law may be cited as the “Cannabis Consumption By-law”

DEFINITIONS AND INTERPRETATION

2. (1) In 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;
 - (c) “*Director of Protective Services*” means the person appointed to the position of Director of Protective Services;
 - (d) “*Electronic Smoking Device*” means an electronic device that can be used to deliver a vapour, emission or aerosol to the person inhaling from the device including but not limited to an electronic cigarette, cigar, cigarillo or pipe;
 - (e) “*Officer*” means a By-law Enforcement Officer appointed pursuant to By-law 60M86, a peace officer appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5,

- (f) “*Public Place*” includes any place to which the public has access as of right or by invitation, express or implied;
- (g) “*Smoke*” or “*Smoking*” means:
 - (i) Inhaling or exhaling the smoke produced by burning or heating cannabis; or
 - (ii) Holding or otherwise having control of any device or thing containing lit or heated 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 cannabis, or
 - (ii) Holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis.

(2) All schedules attached to the Bylaw form part of this Bylaw.

(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 By-law 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 license.

PROHIBITION

- 3. (1) A person must not *smoke, vape* or consume *cannabis* in any public place.
- (2) The selling of retail cannabis, tobacco and/or alcohol will not be permitted in residential zones and or any residence in the Village of Edgerton.
- (3) Any grow operations, wholesaling or commercial retail outlets must conform and abide with the Village of Edgerton “Land Use Bylaw” #01/98 or so amended.

MEDICAL CANNABIS

- 4. (1) 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.
- (2) A person referred to in subsection (1) must, on demand of an *officer*, produce a copy of the person’s medical document.
- (3) A person referred to in subsection (1) is subject to the Smoking and Vaping Bylaw 23M2018.

OFFENCES

5. 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 guilty of an offence pursuant to the Bylaw.

ENFORCEMENT

6. (1) Where an *officer* believes that a person has contravened any provision of this Bylaw, the *officer* may commence proceedings against the person by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.

(2) This section shall not prevent an *officer* from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Procedures Act* or from laying an information instead of issuing a violation ticket.

READ a First Time in Council this 22nd day of August, A.D. 2018





Mayor


Chief Administrative Officer

Advertised the 4th and 11th days of September, 2018 in *SandPaper*.


READ a Second Time in Council this 22nd day of August, A.D. 2018




Mayor


Chief Administrative Officer

READ a Third and Final Time in Council this 21st day of September, A.D. 2018



Mayor


Chief Administrative Officer