

**VILLAGE OF VILNA
IN THE PROVINCE OF ALBERTA
BYLAW #540-18**

A Bylaw of the Village of Vilna 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 Session, 42nd Parliament, 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. 217, 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, RSA 2000, C. M-26, Council may pass bylaws respecting:

- a) The safety, health and welfare of people and the protection of people and property;
- 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 bylaws made under the Municipal Government Act or any other enactments;

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 behaviors and conduct that may have a negative impact of the enjoyment of public places;

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

1. SHORT TITLE:

This Bylaw may be cited as the “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 representing cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts, 1st Session, 42nd Parliament, 2017;
- c. “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;
- d. “officer” means a Bylaw Enforcement Officer for the Village of Vilna, the Chief Administrative Officer for the Village of Vilna or designate, or a Peace Officer appointed pursuant to the Peace Officer Act, S.A. 2006;
- e. “public place” includes any place to which the public has access as of right or by invitation, expressed or implied;
- f. “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;
- g. “vape” or “vaping” means:
 - i. inhaling or exhaling the vapour produced by burning or heating cannabis; or
 - ii. holding or otherwise having control of any electronic smoking device or thing containing lit or heated cannabis;

3. INTERPRETATIONS

- a. All Schedules attached to this Bylaw form part of this Bylaw;
- b. Headings or Sub-Headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- c. Where this Bylaw 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.

- d. Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court or competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- e. 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.

4. PROHIBITION

- a. A person must not smoke, vape or consume cannabis in any public place.

5. OFFENCES

- a. Any person who contravenes any provision of the 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.

6. ENFORCEMENT

- a. 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 Procedures Act, RSA 2000.
- b. 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.

7. PENALTY

- a. Where there is a specified penalty listed for an offence in Schedule A of this Bylaw, that amount is the specified penalty for the offence.
- b. Where there is a minimum penalty listed for an offence in Schedule A of this Bylaw, that amount is the minimum penalty for the offence.
- c. In this section, "specified penalty" means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.

SCHEDULE A – PENALTIES

<u>Section</u>	<u>Description of Offence</u>	<u>Minimum Penalty</u>	<u>Specified Penalty</u>
4	Smoke, vape or consume Cannabis in a public place	\$100.00	\$300.00

Read a First Time in Council this **17th day of September 2018**

Determined by Council to be a Protective Services Bylaw and therefore resolved to use the Direct Decision engagement process.

Read a Second Time in Council this **17th day of September 2018**

Read a Third and Final time, with the unanimous consent of all Councillors present, this **17th day of September 2018**

Mayor

S E A L

Chief Administrative Officer