

# The Summer Village of Crystal Springs

## BYLAW NO. 241

### Consumption of Cannabis in Public Places Bylaw

**A BYLAW OF THE SUMMER VILLAGE OF CRYSTAL SPRINGS, IN THE PROVINCE OF ALBERTA, TO RESTRICT THE CONSUMPTION OF CANNABIS IN PUBLIC PLACES WITHIN THE SUMMER VILLAGE OF CRYSTAL SPRINGS.**

**AND WHEREAS** 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 Part, 2017) which permits persons to possess cannabis if purchased from an authorized person came into force in October 2018;

**AND WHEREAS** the Province of Alberta has amended the *Gaming, Liquor and Cannabis Act* R.S.A. 2000, c. G-1 which will prohibit the use of cannabis in certain places;

**AND WHEREAS** pursuant to section 7 of the Municipal Government Act, R.S.A. 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 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** Council of the Summer Village of Crystal Springs hereby enacts as follows;

#### **Section 1 – Title**

**1.1** This Bylaw shall be known as the "Consumption of Cannabis in Public Places Bylaw".

#### **Section 2 – Definitions**

**2.1** In this bylaw, the following terms shall mean:

- (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 Part, 2017;
- (c) "Consume" or "Consumption" means to eat, drink or ingest;
- (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 Bylaw Enforcement Officer or Community Peace Officer employed by the Summer Village of Crystal Springs and appointed pursuant to the *Peace Officer Act*, S.A. 2006, c. P-3.5, or a member of the RCMP;
- (f) "Public Place" means any place, including privately or publicly owned or leased Property, which the public reasonably has or is permitted to have access, whether on payment or otherwise;
- (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.

### **Section 3 – Interpretation**

3.1 The headings in this bylaw are for reference purposes only.

### **Section 4 – Prohibition**

4.1 A person must not smoke, vape or consume cannabis in any Public Place.

### **Section 5 – Enforcement**

5.1 A person who contravenes this Bylaw by doing any act or thing which the person is prohibited from doing is guilty of an offence.

### **Section 6 – Violation Tickets and Penalties**

- (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 pursuant to the Provincial Offences Procedures Act, R.S.A 2000, c. P-24.

- (b) Where there is a specified penalty listed for the offence in Schedule "A" to this Bylaw, that amount is the specified penalty for the offence.
- (c) This section does not prevent any Officer from issuing a violation ticket requiring a Court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedures Act*, R.S.A. 2000 c. P-24 or from laying an information in lieu of a violation ticket.

### **Section 7 – Severability**

7.1 Should any section or part of this bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

### **Section 8 – Coming into Force**


8.1 This Bylaw shall come into force and effect upon final passing.

Read a first time this 14<sup>th</sup> day of November, 2018.


Read a second time this 14<sup>th</sup> day of November, 2018

Given unanimous consent to proceed to third reading this 14<sup>th</sup> day of November, 2018.

Read a third and final time this 14<sup>th</sup> day of November, 2018.



**Mayor Ian Rawlinson**  
**Summer Village of Crystal Springs**



**Sylvia Roy, C.A.O.**  
**Summer Village of Crystal Springs**

**Schedule "A"**  
**Specified and Minimum Penalties**

<b>Section</b>	<b>Offence</b>	<b>Minimum Penalty</b>	<b>Specified Penalty</b>
3(1)	Smoke, vape or consume cannabis in a public place	\$250.00	\$250.00