

**VILLAGE OF STIRLING
IN THE PROVINCE OF ALBERTA
Bylaw No. 477-18
Consumption of Cannabis in Public Spaces Bylaw**

**A BYLAW OF THE VILLAGE OF STIRLING 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 in October 2018 or shortly thereafter;

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 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 the Council of the Village of Stirling, duly assembled, enacts as follows:

CITATION

1. This Bylaw may be cited as the "Consumption of Cannabis in Public Spaces Bylaw".

DEFINITIONS

2. (1) 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 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 peace officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5, or a member of the RCMP;
- e) "public place" includes any place to which the public has access as of right or by invitation, express 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;
- (e) "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 this 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 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.

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

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 Provision 3 of 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.

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 this Bylaw.

NUISANCES

6. No person shall cause or permit the consumption of cannabis on property they own or occupy if the consumption is likely to disturb the peace of any other individual. In considering how the consumption disturbs the peace of any other individual, the following criteria shall be considered:
 - (a) The form of cannabis being consumed;
 - (b) The time of day and duration of consumption;
 - (c) Proximity of the consumption to adjacent or affected properties;
 - (d) Impact of the consumption on the health or well-being of others;
 - (e) Nature and intended use of surrounding areas, and;
 - (f) Steps taken by the owner or occupier of the property to reduce or mitigate the impacts to other individuals.

ENFORCEMENT

7. (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

PENALTY

8. (1) 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.

(2) 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.

(3) 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.

COMING INTO FORCE

9. This bylaw comes into force on the day the Cannabis Act comes into force.

SEVERABILITY

10. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

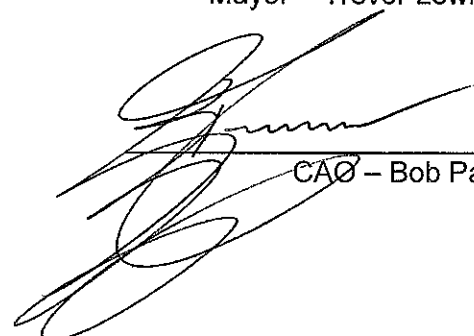
READ A FIRST TIME THIS THE 3 DAY OF OCTOBER 2018

READ A SECOND TIME THIS THE 9 DAY OF JANUARY 2019

READ A THIRD TIME AND PASSED THIS THE 1 DAY OF MAY 2019



Mayor – Trevor Lewington



CAO – Bob Payette

Schedule A

Section	Description of Offence	Penalty 1 st offence	Penalty 2 nd offence
3	Smoke, vape or consume cannabis in public place	\$250	\$500