

**BYLAW 2018-05  
VILLAGE OF BEISEKER  
CANNABIS CONSUMPTION BYLAW**

A BYLAW OF THE VILLAGE OF BEISEKER IN THE PROVINCE OF ALBERTA TO REGULATE THE  
CONSUMPTION OF CANNIBAS

**WHEREAS** pursuant to the provisions of the *Municipal Government Act* R.S.A. 2000 c. M26 as amended, Council may pass a bylaw for municipal purposes 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 WHEREAS** the *Municipal Government Act*, R.S.A. 2000, c. M26, authorizes a municipality to pass bylaws respecting the enforcement of bylaws made under the MGA or any other enactment.

**AND WHEREAS** Council deems it appropriate to limit the exposure that children and youth have to the smoking and vaping of cannabis in public places within the Village;

**NOW THEREFORE** the Council of the Village of Beiseker enacts as follows:

1. **Citation**

This Bylaw shall be cited as the “Cannabis Consumption Bylaw”

2. **Definitions**

In this Bylaw:

- 2.1 “Cannabis” has the same meaning as defined in the Cannabis Act.
- 2.2 “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.
- 2.3 “Consume” where used as a verb in respect of cannabis includes smoking, vaping, applying, inhaling or ingesting.
- 2.4 “Council” means the municipal Council of the Village of Beiseker duly elected under the Local Authorities Election Act.
- 2.5 “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 pipe.
- 2.6 “Enforcement Officer” means a person appointed by Council pursuant to the *Municipal Government Act*, and includes a member of the Royal Canadian Mounted Police, a Community Peace Officer or a Bylaw Enforcement Officer.
- 2.7 “Person” means any individual, firm, partnership, corporation, trustee, executor, administrator or any other legal representative.
- 2.8 “Public place” includes any place to which the public has access as a right or by invitation, expressed or implied.
- 2.9 “Residence” means any place used a person as a permanent private dwelling or a temporary residence, including any structure or land adjacent to the private dwelling or a temporary residence that is used for the convenience or enjoyment of the occupants of the dwelling.
- 2.10 “Smoke or Smoking” means:
  - a. inhaling or exhaling the smoke produce by burning cannabis; or
  - b. holding or otherwise having control of any device or thing containing lit cannabis.

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- 2.11 “Temporary Residence” means:
- a. a place that is used by a traveller in respect of which the traveller pays a fee;
  - b. a tent, trailer, motor home or other recreational vehicle that is set up in an area where overnight camping is legally permitted.
- 2.12 “Use” with respect to an Electronic Smoking Device, means to inhale or exhale vapour from an Electronic Smoking device or hold an activated Electronic Smoking device.
- 2.13 “Vape or Vaping” means:
- a. inhaling or exhaling the vapour, emissions or aerosol produced by an electronic smoking device or similar device containing cannabis; or
  - b. holding or otherwise having control of an electronic smoking device that is producing vapour, emissions or aerosol from cannabis.
- 2.14 “Village” means the Village of Beiseker in the Province of Alberta.
- 2.15 “Violation Tag” means a ticket or similar document issued by an Enforcement Officer pursuant to the *Municipal Government Act*, R.S.A. 2000, c-M-26 and amendments.
- 2.16 “Violation Ticket” means a ticket issued in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c P-34 and amendments.

**3. Purpose**

- 3.1 The purpose of this Bylaw is to regulate smoking and vaping of cannabis in public places in order to promote the safe, enjoyable and reasonable use of such property for the benefit of all citizens.

**4. Regulations**

- 4.1 No person shall smoke, vape, consume or use cannabis:
- a. in any area or place where that person is prohibited from smoking under the *Tobacco and Smoking Reduction Act*, or any other Act or Bylaw of the Village; and
  - b. in any public place.
- 4.2 Nothing in this Bylaw shall prohibit a person from consuming or using cannabis in a residence, temporary residence or on private property.

**5. Medical Cannabis**

- 5.1 Despite Section 4, 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.
- 5.2 A person referred to in Section 5.1 must, on demand of an Enforcement Officer, produce a copy of the person’s medical document.

**6. Penalties and Enforcement**

- 6.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not more than Ten Thousand (\$10,000.00) Dollars.
- 6.2 Any Person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a fine of \$500.00 (five hundred dollars).

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- 6.3 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues.
- 6.4 An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.5 Where a Violation Tag has been issued pursuant to Section 6.3, the Person to whom the Violation Tag has been issued may, in lieu of being prosecuted for the offence, pay to the Village, the penalty specified on the Violation Tag.
- 6.6 In the event the Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid in the prescribed time, an Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket to the Person to whom the Violation Tag as issued pursuant to the *Provincial Offences Procedures Act*.
- 6.7 Notwithstanding, Section 6.3, an Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket to any Person to whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 6.8 A Violation Ticket issued with respect to a violation of this Bylaw may be served upon the Person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.

**7. Severability**

- 7.1 If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.

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

Read a first time this 26<sup>th</sup> day of November, 2018  
Read a second time this 10<sup>th</sup> day of December, 2018  
Read a third and final time this 10<sup>th</sup> day of December, 2018

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Mayor Wise

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CAO Leslie