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**A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH CONCERNING THE USE OF TOBACCO PRODUCTS AND CANNABIS IN PUBLIC PLACES WITHIN THE SUMMER VILLAGE OF SUNDANCE BEACH.**

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**WHEREAS** Section 7 of the MGA (as defined below) authorizes a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** the Council (as defined below) deems it proper and expedient to pass a bylaw for the purpose of restricting the use of Tobacco Products (as defined below) and Cannabis (as defined below) in public places in the Summer Village (as defined below);

**NOW THEREFORE**, the Council, duly assembled, hereby enacts as follows:

**1.0 SHORT TITLE**

- 1.1 This Bylaw shall be known as the "Tobacco Products and Cannabis Bylaw".

**2.0 DEFINITIONS**

- 2.1 Definitions used in this Bylaw, if not defined in this Bylaw, shall have the same meanings attributed to those definitions in the MGA.
- 2.2 In this Bylaw:
- a) **"Bylaw Enforcement Officer"** means (i) a person who is an employee of the Summer Village or third party and who has been appointed to carry out the duties of enforcing its Bylaws, (ii) a person who is a community peace officer as defined under the Peace Officer Act (*Alberta*), or (iii) a person who is a member of the Royal Canadian Mounted Police;
  - b) **"Cannabis"** means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act and its regulations, it being acknowledged that "Cannabis" includes edible products that contain cannabis and that cannabis is a broad term used to describe the various products which are derived from the leaves, flowers and resins of the Cannabis sativa and Cannabis Indica plant or hybrids of the two and which exist in various forms and are used for different purposes (e.g. medical, recreational and industrial, uses);

- c) **"Cannabis Act"** means an Act *respecting* Cannabis and to amend the *Controlled Drugs and Substances Act, the Criminal Code and other Acts, S.C. 2018 Chapter 16;*
- d) **"CAO"** means the Chief Administrative Officer of the Summer Village;
- e) **"Consume"** or **"Consuming"** means to eat, drink, or ingest;
- f) **"Council"** means the Council of the Summer Village;
- g) **"Electronic Smoking Device"** means an electronic device that can be used to deliver a vapor, emission or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe;
- h) **"Easement Holders Association"** means the Alberta society known as the Sundance Beach Easement Holders' Association;
- i) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26;*
- j) **"Municipal Tag"** means a form of ticket issued by the Summer Village pursuant to the MGA for breach of its Bylaws;
- k) **"POPA"** means the *Provincial Offences Procedure Act, Revised Statutes of Alberta, 2000 Chapter P-34;*
- l) **"Private Property"** means any land, buildings or property located in the Summer Village which is privately owned and to which members of the public do not have access as of right. For greater certainty, "Private Property" includes (i) land which is owned by the Easement Holders Association and which certain members of the Easement Holders Association have the right to use and occupy pursuant to a written easement agreement, (ii) public utility lots which are owned by the Summer Village and which certain residents of the Summer Village have the right to use and occupy pursuant to a written easement agreement, (iii) public utility lots which are owned by the Summer Village and which certain residents of the development known as "Sundance Estates" have the right to use and occupy pursuant to a written license agreement, and (iv) road allowances which are controlled by the Summer Village and which certain residents of the Summer Village have the right to use and occupy pursuant to a written license agreement;
- m) **"Public Place"** means any land, buildings or property located in the Summer Village which is owned by the Summer Village and to which members of the public have access as of right, or by express or implied invitation, whether on



payment of any fee or not. For greater certainty, "Public Place" includes the Summer Village's community centre, garage and storage buildings and its parks and playgrounds but excludes roads located in the Summer Village and Private Property;

- n) **"Smoke" or "Smoking"** means to inhale or exhale a cigarette, cigar, pipe, hookah or other smoking implement designed to burn or heat products for the purpose of inhaling its smoke or emissions;
- o) **"Summer Village"** means the Summer Village of Sundance Beach;
- p) **"Tobacco Products"** means any products composed in whole or in part of tobacco, tobacco leaves or extract from tobacco leaves;
- q) **"Vape" or "Vaping"** means to inhale or exhale the vapor, emissions or aerosol produced by an Electronic Smoking Device or similar device; and
- r) **"Violation Ticket"** means a ticket issued pursuant to Part 2 or Part 3, as applicable, of the POPA.

### 3.0 GENERAL INTERPRETATION

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes any reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.6 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.



#### **4.0 PROHIBITION**

- 4.1 No person shall Consume, Smoke, or Vape Tobacco Products or Cannabis in any Public Place.

#### **5.0 EXEMPTION**

- 5.1 Nothing in this Bylaw shall prohibit a person from Consuming, Smoking or Vaping Tobacco Products or Cannabis in or on any Private Property.

#### **6.0 FINES AND ENFORCEMENT**

- 6.1 A person who contravenes any provision of this Bylaw is guilty of an offence pursuant to this Bylaw.
- 6.2 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 and a person guilty of such an offence is liable to a fine in an amount not less than the amount established in accordance with Section 6.3 below for each separate offence.
- 6.3 Any person who is guilty of an offence under this Bylaw is liable for a fine not less than the amount established in this section and not more than \$10,000. The following fine amounts are established for use in Municipal Tags and Violation Tickets (which offer a voluntary payment option):
- a) \$200 for any offence under Section 6.1 above; and
  - b) double the fine amount described above for any subsequent offence which means an offence committed by a person within one year after that person has already been convicted of the same offence or has voluntarily paid a fine for the same offence.
- 6.4 With respect to an offence under this Bylaw, a Bylaw Enforcement Officer may issue a Municipal Tag or a Violation Ticket specifying the amount of the fine established in accordance with Section 6.3 above.
- 6.5 When a Municipal Tag is issued, the amount of the fine indicated therein may be paid in accordance with the Municipal Tag in lieu of prosecution.
- 6.6 When a Violation Ticket is issued with a specified penalty, the amount of the fine indicated therein may be paid in accordance with the Violation Ticket in lieu of prosecution.



- 6.7 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from issuing a Violation Ticket for a mandatory court appearance to any person who contravenes any provision of this Bylaw.
- 6.8 Nothing in this Bylaw shall preclude a Bylaw Enforcement Officer from laying charges under any alternate governing legislation.

## 7.0 REPEAL

- 7.1 This Bylaw shall replace Bylaw P18 (Smoking Bylaw) and Bylaw P18 is hereby repealed.

## 8.0 COMING INTO FORCE

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

**READ** a first time this 19<sup>th</sup> day of November, 2020.

**READ** a second time this 19<sup>th</sup> day of November, 2020.

**READ** a third and final time this 24<sup>th</sup> day of June, 2021.

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Peter Pellatt, Mayor  
Summer Village of Sundance Beach

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June Boyda, Chief Administrative Officer  
Summer Village of Sundance Beach