



---

**TOWN OF HIGH LEVEL  
REGULATED SUBSTANCES BYLAW  
BYLAW NO. 992-19**

---

**WHEREAS** the Municipal Government Act, R.S.A. 2000, c. M-26 (hereinafter referred to as “the Act”), as amended, provides that a municipality may pass a bylaw for municipal purposes of the safety, health, and welfare of people, and the activities in, on or near public places as well as the protection of people, public and property;

**WHEREAS** the Council of the Town of High Level, in the Province of Alberta, deems it appropriate to establish a bylaw regulating the public consumption, purchase, sale and uses of substances regulated by the province of Alberta.

**NOW THEREFORE** the Council of the Town of High Level, in the Province of Alberta, duly assembled, hereby enacts as follows:

**Short Title**

1. The title of this bylaw may be cited as the “Regulated Substances Bylaw”

**Definitions**

2. In this bylaw, the following terms shall have the meanings shown;
  - a. “Alcohol” means any product containing a substance of methyl, isopropyl or ethyl alcohol with a greater concentration than .5% or a substance defined under Section 1(q) of the Gaming, Liquor and Cannabis Act of Alberta R.S.A 2000 Chapter G-1 as amended or replaced from time to time,
  - b. “Cannabis” means any product or substance made in part from or in entirety of cannabis plant, fresh cannabis, dried cannabis, cannabis oil, cannabis plant seeds, edibles containing cannabis or cannabis by-products, or any other substance as defined as cannabis in the Cannabis Act of Canada and its regulations.
  - c. “Cannabis Act” means Bill c-45, an act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code of Canada and other Acts;
  - d. “Chief Administrative Officer” means the Chief Administrative Officer of the Town of High Level as appointed by the Council or the Chief Administrative Officer’s authorized delegate.
  - e. “Consume” means to ingest a specified substance by way of drinking, smoking, swallowing, injecting, sniffing, eating, vaporizing, or absorbing.

- f. "Council" means the Council of the Town of High Level, elected pursuant to the Local Authorities Election Act, Revised Statutes of Alberta.
- g. "Licensed Establishment" means any business, premise or property licensed through the Province of Alberta or under permit from the Town of High Level to possess, produce, sell, consume or distribute Cannabis, Alcohol or Tobacco.
- h. "Municipal Tag" means a voluntary payment ticket issued by the Town of High Level Protective Services department offering payment for an offence in lieu of prosecution through the Provincial Justice System.
- i. "Peace Officer" means any Police Officer, Protective Services Officer, Bylaw Enforcement Officer, Peace Officer, or any designate of Town of High Level.
- j. "Permit" means any document issued by the Chief Administrative Officer authorizing the consumption of a specified substance in a public place.
- k. "Public Place" means any property whether publicly or privately owned to which members of the public have access to any area of by right, expressed or implied consent, or invitation whether on payment of any fee or not.
- l. "Tobacco" means any product specified in section 1(j) of the Tobacco and Smoking Reduction Act of Alberta R.S.A 2005 Chapter T-3.8
- m. "Violation Ticket" means the same as in the Provincial Offences Procedure Act R.S.A 2000 Chapter P-34 as amended or repealed from time to time.
- n. "Order" means any letter, notice, or document issued pursuant to this bylaw in accordance with the Municipal Government Act of Alberta to remedy a condition in contravention of this bylaw.

### Offences

- 3. No person shall Consume Cannabis in any Public Place.
- 4. No person shall Consume Cannabis in a vehicle whether commercial or private.
- 5. No person shall consume Cannabis contrary to the Tobacco and Smoking Reduction Act of Alberta S.A 2005 Chapter T3.8.
- 6. No person shall Consume Cannabis, Alcohol or Tobacco on private property without the consent of the property owner.
- 7. No person shall possess greater than 30 grams of Cannabis in a Public Place.
- 8. No person may transfer custody or ownership of any quantity of Cannabis whether for gift or in exchange for money, tangible goods or for service in a Public Place.
- 9. No person or business may sell Cannabis except in accordance with the Gaming, Liquor and Cannabis Act of Alberta R.S.A 2000 Chapter G-1 and its Regulations as amended or replaced from time to time, or the Cannabis Act.

10. A person shall only Consume a Tobacco product in accordance with the Tobacco and Smoking Reduction Act of Alberta S.A 2005 Chapter T3.8.
11. No person shall Consume a Tobacco product in any designated park or school ground.
12. No person shall consume Alcohol in a public place as defined in the Gaming, Liquor and Cannabis Act of Alberta R.S.A 2000 Chapter G-1 as amended or replaced from time to time and its Regulations.
13. No person shall mix or prepare Alcohol in a public place with the intent, or for the purpose of being consumed in any place.
14. No person shall transport Alcohol except in accordance with the Gaming, Liquor and Cannabis Act of Alberta R.S.A 2000 Chapter G-1 as amended or replaced from time to time and its Regulations.
15. No property owner whether private or commercial shall permit persons under the influence of Cannabis, Alcohol or Tobacco on that property to cause a disturbance to the public.
16. No person shall cause a disturbance in or near a public place while under the influence of Cannabis or Alcohol.
17. No Licensed Establishment shall sell, store, display or stock any Cannabis, Alcohol or Tobacco product not listed on their business license unless otherwise permitted.
18. No Licensed Establishment shall possess or sell Cannabis, Alcohol or Tobacco in the same establishment unless otherwise permitted,
19. No personal shall obstruct a Peace Officer in the course of duties as authorized under this bylaw by
  - a. Failing to comply with an Order issued under this bylaw.
  - b. Failing to identify their name and date of birth if suspected of an offence under this bylaw.
  - c. Hindering an investigation by way of false or misleading statements.
  - d. Failing to comply with a legal demand of a Peace Officer.

### Exemptions

20. 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 subjected to the prohibitions in this bylaw but must comply with the Alberta Gaming, Liquor and Cannabis Act R.S.A 2000 Chapter G-1 for consumption in public places.
  - a. A person referred to in Section 19 must produce a copy of a person's medical document on demand of a peace officer.

- i. Failing to produce a document mentioned in 19(a) may result in search, seizure and prosecution of an offence under this bylaw.
21. Any person, business, organization or society may apply through the Chief Administrative Office for a temporary permit granting permissions as specified on the approving document or permit allowing for public consumption, sales, and distribution.
  - a. All approvals are at the discretion of the Chief Administrative Officer
  - b. All approvals are subjected to the applicant providing any information the Chief Administrative Officer determines necessary.
  - c. Permits shall only be granted to a person, business, organization or society who have not been convicted of an offence under this bylaw or an offence under the *Controlled Drugs and Substance Act of Canada*.
  - d. Permits may be refused to the application with or without explanation.
  - e. An approved permit shall have a document purporting conditions the permit holder is responsible to adhere to.
  - f. All permits and documents shall be issued in a format satisfactory to the Chief Administrative Officer.
22. Any person, business, agent, licensee or employee of a business shall not be held liable for an offence of another person if the person, business, agent, licensee or employee of a business takes reasonable steps to prevent or stop the continuation of an offence.

#### Powers of a Peace Officer

23. A Peace Officer may issue an order as authorized by the Chief Administrative Officer respecting any one or more of the following to any person, business or licensed establishment;
  - a. Restricting the sale of Cannabis, Alcohol or Tobacco to a specified person
  - b. Restricting a specified person from being in a licensed establishment that sells Cannabis, Alcohol or Tobacco.
  - c. Directing that any contravention of this bylaw not be repeated or of continuous nature
  - d. Directing that any condition that is not in compliance with this, or any applicable bylaw with the Town of High Level be remedied in a specified time period.
  - e. Restricting a licensed vendor from the sale of Cannabis, Alcohol or Tobacco if suspected on reasonable grounds of an offence under this Bylaw, the Gaming, Liquor and Cannabis Act of Alberta R.S.A 2000 Chapter G-1 as amended or replaced from time to time and its Regulations, the Criminal Code of Canada, Cannabis Act or the Controlled Drugs and Substance Act of Canada, pertaining to unlawful sale of Cannabis, Alcohol or any substance defined under the Controlled Drugs and Substance Act of Canada.
  - f. Suspending a business license to any business if the business, business owner, or staff member of a business is suspected on reasonable grounds of an offence under this Bylaw, the Gaming, Liquor and Cannabis Act of Alberta R.S.A 2000 Chapter G-1 as amended or replaced from time to time and its Regulations, the Criminal Code of Canada, Cannabis Act or the Controlled Drugs and Substance Act of Canada, pertaining to unlawful sale of Cannabis, Alcohol or any substance defined under the Controlled Drugs and Substance Act of Canada.

24. A person who receives a written order under this bylaw or section 545 or 546 of the Municipal Government Act of Alberta may by written notice request council to review the order within
- (a) 14 days after the date the order is received, in the case of an order under section 545, and
  - (b) 7 days after the date the order is received, in the case of an order under section 546,
25. A Peace officer who on reasonable and probable grounds believes that'
- a. Cannabis or Alcohol is possessed, used or found in commission of an offence of this bylaw, and
  - b. Obtaining a warrant would cause a delay that could result in the loss or destruction of evidence

May conduct a search, if necessary, by reasonable force of the person, vehicle or persons near the vehicle or licensed establishment.

26. A Peace Officer may immediately seize any Cannabis, Alcohol or Tobacco product and the container in which it is held or paraphernalia possessed for the purpose of, used or found in the commission of an offence under this bylaw.
- a. A Peace Officer who in making a search under Section 25 for the purposes of consumption in a public place contrary to this bylaw, seizes any Cannabis or Alcohol may immediately destroy the Cannabis or Alcohol or retain it until the final disposition of the offence where it may be returned to the owner or subject to forfeiture by the crown.
  - b. A Peace Officer who in making a search under Section 25 pertaining to any offence under this bylaw not pertaining to public consumption seizes any Cannabis or Alcohol shall retain it until final disposition or until the Peace Officer determines it reasonable to return to the lawful owner.
27. A Peace Officer or Chief Administrative Officer may in accordance with Section 542 of the Municipal Government Act of Alberta enter and inspect to ensure compliance to this bylaw or any other bylaw;
- a. Any Licensed Establishment.
  - b. unlicensed premises and unlicensed facilities where Cannabis or Alcohol sales, production, consumption or distribution have been, are or will be conducted.
  - c. premises with respect to which a liquor licence or cannabis licence has expired or been suspended or cancelled.

28. A Peace Officer or Chief Administrative Officer may in accordance with Section 542 of the Municipal Government Act of Alberta enter and inspect, at any reasonable time, premises or facilities described in an application for a business licence to determine if the premises or facilities meet the requirements of this bylaw.

29. In carrying out an inspection of a premise as authorized under Section 27 or 28 of this bylaw relating to Cannabis, Alcohol or Tobacco a Peace Officer may
- a. Inspect, audit, examine all inventory and products inside the establishment, including but not limited to product on display, product in storage and product out of plain view.

- b. inspect, audit, examine and make copies of any records, documents, books of account and receipts relating to Cannabis or Alcohol, a licence or licensed establishment or may temporarily remove any of them for those purposes,
  - c. interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts,
  - d. interview and request identification from any person who appears to be a minor who is found in the licensed premises, or a person who appears to be a minor who is found outside the licensed premises if the Peace Officer has reasonable grounds to believe that the person is contravening or has contravened this bylaw.
  - e. interview and request identification from any person who appears to be intoxicated in licensed establishment or who is found in the licensed establishment after the sale and consumption of Cannabis or Alcohol have been required to cease under the another Act or Regulation, or a person who is found outside the licensed establishment if the Peace Officer has reasonable grounds to believe that the person is contravening or has contravened this bylaw, and
  - f. Seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.
30. A Peace Officer who on probable grounds believes an offence has been committed under this bylaw may at their discretion;
- a. Serve a Municipal Tag for the amount listed in the specified penalty.
  - b. Serve a Part 3 Violation Ticket.
  - c. Serve a Part 2 Summons requiring a mandatory court appearance.
  - d. Lay a long form information.
  - e. In the case where a person has been arrested, release on a long form information recognizance or promise to appear and undertaking.
31. A Peace Officer who finds a person committing an offence under this Bylaw, may, if necessary to prevent the continuation of the offence, establish the identity of the person or preserve the evidence use in commission of the offence, arrest that person for no longer than reasonably necessary until the Peace Officer believes on reasonable grounds the offence will not continue,
32. Any Municipal Tag or Violation Ticket shall be determined to have been served when done so in accordance with the Provincial Offences Procedure Act R.S.A 2000 Chapter P-34 as amended or repealed from time to time.
33. Any Person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not less than Five Hundred (\$500) Dollars but not exceeding Five Thousand (\$5000). In default of payment of any fine imposed a Form 21 Warrant of Committal shall be issued to enforce a period of imprisonment not less than 9 days and not exceeding sixty (60) days or until such fines are paid.

- 34. Any Person who is an owner, agent, employee or licensee of an Licensed Establishment who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a fine not less than Two Thousand (\$2000) Dollars but not exceeding Ten Thousand (\$10000). In default of payment of any fine imposed a Form 21 Warrant of Committal shall be issued to enforce a period of imprisonment not less than 20 days and not exceeding sixty (60) days or until such fines are paid.
  
- 35. In any circumstance where an offence is of a continuous nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day or part of a day during which the contravention continues and a person guilty of such offence is liable to a fine in an amount not less than that established by this bylaw for each separate offence.

**Severability**

- 36. If any provision of this bylaw is declared invalid or beyond the authority of a Council to enact, that provision shall be severed independently from this bylaw as a whole and the remaining provisions shall remain valid and enacted.

**Effective Date**

- 37. This bylaw becomes effective upon the third and final reading.

**READ A FIRST TIME** this 28<sup>th</sup> day of January, 2019.

**READ A SECOND TIME** this 25<sup>th</sup> day of February, 2019.

**READ A THIRD AND FINAL TIME** this 25<sup>th</sup> day of February, 2019.

**SIGNED AND PASSED** this 25<sup>th</sup> day of February, 2019.

(Original signed)

\_\_\_\_\_  
**MAYOR**

(Original signed)

\_\_\_\_\_  
**MUNICIPAL SECRETARY**

## SPECIFIED PENALTY LISTING

3. Consume Cannabis in any Public Place.	\$ 115.00 / \$300.00 2 <sup>nd</sup> Offence
4. Consume Cannabis in a vehicle.	\$ 115.00 / \$300.00 2 <sup>nd</sup> Offence
5. Consume Cannabis contrary to Tobacco Act.	\$ 115.00 / \$300.00 2 <sup>nd</sup> Offence
6. Consume Cannabis on private property w/o consent.	\$ 115.00 / \$300.00 2 <sup>nd</sup> Offence
7. Possess greater than 30 grams of Cannabis in Public.	COURT.
8. Transfer custody or ownership of Cannabis in Public.	\$350.00 / \$700.00 2 <sup>nd</sup> Offence
9. Sell Cannabis contrary to Act.	\$500.00 / \$1000.00 2 <sup>nd</sup> Offence
10. Consume Tobacco product contrary to the Act.	\$287.00 / \$700.00 2 <sup>nd</sup> Offence
11. Consume a Tobacco in park or school ground w/minors.	\$287.00 / \$700.00 2 <sup>nd</sup> Offence
12. Consume Alcohol in public place.	\$ 115.00 / \$300.00 2 <sup>nd</sup> Offence
13. Mix or prepare Alcohol in a public place.	\$ 115.00 / \$300.00 2 <sup>nd</sup> Offence
14. Transport alcohol contrary to the Act.	\$ 115.00 / \$300.00 2 <sup>nd</sup> Offence
15. Property owner permit intoxicated disturbance.	\$350.00 / \$700.00 2 <sup>nd</sup> Offence
16. Cause disturbance while intoxicated.	\$500.00 / \$750.00 2 <sup>nd</sup> Offence
17. Licensed establishment sell, or permit sale of unauth. substance	\$750.00 / \$1500.00 2 <sup>nd</sup> Offence
18. Licensed Establishment possess or sell multiple substances.	\$750.00 / \$1500.00 2 <sup>nd</sup> Offence
19. Obstruct Peace Officer	\$750.00 / \$1500.00 2 <sup>nd</sup> Offence