

TOWN OF SLAVE LAKE

Bylaw #29-2018  
Cannabis Consumption Bylaw

**BEING A BYLAW OF THE TOWN OF SLAVE LAKE IN THE PROVINCE OF ALBERTA TO REGULATE THE CONSUMPTION OF CANNABIS WITHIN THE TOWN OF SLAVE LAKE.**

WHEREAS the Government of Canada has enacted the *Cannabis Act*, S.C. 2018, c. 16, which will come into force on October 17, 2018 or shortly thereafter;

AND WHEREAS the Government of Alberta has enacted *An Act to Control and Regulate Cannabis*, S.A. 2017 c. 21, which will place restrictions on smoking and vaping of cannabis in public places;

AND WHEREAS pursuant to the provisions of the *Municipal Government Act* RSA 2000 c.M-26, Council may pass bylaws respecting:

- i. the safety, health and welfare of people and the protection of people and property;
- ii. people, activities and things in, or near a public place or place that is open to the public;
- iii. 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 Municipal Council of the Town of Slave Lake duly assembled, enacts as follows:

1. This bylaw shall be called the "Cannabis Consumption Bylaw."

**2. Definitions**

In this bylaw:

- 2.1. "Building" means a fully or substantially enclosed structure constructed such that it may accommodate human occupation.
- 2.2. "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, as amended from time to time and includes edible products that contain cannabis.
- 2.3. "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, c. 16.

- 2.4. "Chief Administrative Officer" means the Chief Administrative Officer of the Town, or their designate.
- 2.5. "Electronic Smoking Device" means an electronic smoking device that may be used to deliver a vapour, emission, or aerosol to the person inhaling from the device, including but not limited to an electronic cigarette, vaporizer cigarette, cigar, cigarillo, or pipe.
- 2.6. "Municipal Violation Tag" mean a Town issued notice that alleges a bylaw offence and provides a person with the opportunity to pay an amount to the Town in lieu of prosecution for the offence.
- 2.7. "Outdoor Public Event" means an outdoor market, festival, or concert that has been approved by the Town.
- 2.8. "Peace Officer" means a person employed for the purposes of preserving and maintaining the public peace, and includes:
  - 2.8.1. a provincially appointed Community Peace Officer for the Town of Slave Lake;
  - 2.8.2. a Bylaw Enforcement Officer authorized to enforce this bylaw in accordance with their appointment; and
  - 2.8.3. a regular member of the Royal Canadian Mounted Police;
- 2.9. "Proprietor" means the owner of, or any person controlling, governing, or directing activities within a place referred to in this bylaw.
- 2.10. "Public Place" includes:
  - 2.10.1. a place or building that is open to the public;
  - 2.10.2. a place or building where the public would normally have access, including implied consent to access; and
  - 2.10.3. a vehicle in a public place.
- 2.11. "Residence" means a place used by a person as a permanent private dwelling or a temporary residence, including any structure or land adjacent to the private dwelling that is used for the convenience of enjoyment of the occupants of the dwelling.
  - 2.11.1. In a building containing multiple residential units, common use areas such as parkades, washrooms, waiting rooms, meeting rooms, storage areas, elevators, stair wells, fitness facilities, kitchens, eating areas, cloak rooms and hallways shall not be considered parts of a residence.
- 2.12. "Smoke" or "Smoking" means:
  - 2.12.1. inhaling or exhaling the smoke produced by lit, burning, ignited or heated cannabis;

- 2.12.2. holding or otherwise having control of lit, burning, ignited or heated cannabis, or any device or thing containing lit, burning, ignited or heated cannabis;
- 2.12.3. inhaling or exhaling the vapour, emissions, or aerosol produced by an electronic smoking device or similar device containing cannabis; or
- 2.12.4. holding or otherwise having control of an electronic smoking device or similar device containing cannabis.

2.13. "Temporary Residence" means:

- 2.13.1. a place that is used by a traveller in respect of which the traveller pays a fee;
- 2.13.2. a vacation or recreational dwelling;
- 2.13.3. a tent that is set-up in an area where overnight camping is permitted;
- 2.13.4. a motor home or other vehicle that is parked in an area that is not a highway or road and where overnight camping is permitted;
- 2.13.5. a watercraft that has built-in living accommodation and is moored in an area where moorage is not prohibited; and
- 2.13.6. a room to let in a hotel, motel, lodge or inn or similar place.

That is being used as a temporary private dwelling, including any structure or land adjacent to the dwelling that is used for the convenience or enjoyment of the occupants of the dwelling.

2.14. "Town" means the municipal corporation of the Town of Slave Lake where the context so requires, the area contained within the boundaries of the Town.

2.15. "Violation Ticket" means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* RSA 2000 c. P-34.

### **3. Prohibitions for Smoking**

- 3.1. Except as permitted in this bylaw, no person shall smoke cannabis in a public place.
- 3.2. A person who is 18 years of age or older may smoke cannabis in a residence.
- 3.3. A person who is 18 years of age or older may smoke cannabis in an area, approved by the Town, specifically reserved for smoking by the proprietor of an outdoor public event.

### **4. Offence**

- 4.1. A person who contravenes any provision of this bylaw is guilty of an offence.

- 4.2. In the case of an offence that is of a continuing nature, a contravention of a provision of this bylaw constitutes a separate offence with respect to each day, or any part of a day, during which the contravention continues, and a person is guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such separate offence.

## **5. Fines and Penalties**

- 5.1. A person who is guilty of an offence under this bylaw is liable:
  - 5.1.1. to a specified penalty of \$250.00; or
  - 5.1.2. on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than one (1) year, or both.

## **6. Municipal Violation Tag**

- 6.1. A peace officer may issue, with respect to an offence under this bylaw, a municipal violation tag specifying the penalty established by this bylaw.
- 6.2. Where a municipal violation tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

## **7. Violation Ticket**

- 7.1. A peace officer may issue, with respect to an offence under this bylaw, a violation ticket:
  - 7.1.1. specifying a penalty established by this bylaw; or
  - 7.1.2. requiring an appearance in court without the option of making a voluntary payment.
- 7.2. Where a violation ticket specifies a penalty, a voluntary payment equal to the specified penalty amount may be made as directed.

## **8. General and Interpretation**

- 8.1. Without restricting any other power, duty, or function granted by this bylaw, the Chief Administrative Officer may:
  - 8.1.1. carry out whatever inspections are reasonably required to determine compliance with this bylaw; and
  - 8.1.2. delegate any powers, duties, and functions under this bylaw to an employee of the Town.
- 8.2. A copy of a record of the Town, certified by the Chief Administrative Officer, as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

- 8.3. The burden of proving, on a balance of probabilities, that an exception referred to by this bylaw applies in a particular case is on the person alleging such exception.
- 8.4. Headings or subheadings are inserted for ease of reference and guidance purposes only and do not form part of this bylaw.
- 8.5. 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.
- 8.6. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.
- 8.7. Nothing in this bylaw relieves a person from complying with any provision of any federal, provincial, or municipal law or regulation or any other requirement of any lawful permit, order, or license.

**9. Coming into Force**

- 9.1. This bylaw will come into force on such date as the *Cannabis Act*, or its specific enabling provisions, comes into force.

READ A FIRST TIME THIS 18 DAY OF September, 2018.

  
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 MAYOR

  
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 CHIEF ADMINISTRATIVE OFFICER




READ A SECOND TIME THIS 2 DAY OF October, 2018.

  
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 MAYOR

  
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 CHIEF ADMINISTRATIVE OFFICER



READ A THIRD TIME THIS 2 DAY OF October, 2018.

  
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 MAYOR

  
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 CHIEF ADMINISTRATIVE OFFICER

