

CITY OF SURREY

BY-LAW NO. 13622 (Amended by 13708)

Surrey Sale of Pepper Spray Regulation
By-law, 1998
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As amended by By-law No. 13708, 05/03/99

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

- (a) WHEREAS pepper spray is now frequently used in the City as an offensive weapon by criminals during robberies, sexual assaults, car jackings, home invasions and other criminal offences;
- (b) AND WHEREAS pepper spray is openly advertised for sale and sold in the City as a dog repellent and a bear spray with the knowledge of the vendor and purchaser that it is intended as a weapon for use against people;
- (c) AND WHEREAS misleading business practices on the part of such pepper spray vendors have been found to exist from place to place throughout the City;
- (d) AND WHEREAS the regulation of such businesses will improve the general welfare of the City.

Under its statutory powers, including Sections 679 and 680 of the *Municipal Act*, R.S.B.C. 1996, c. 323, the Council of the City of Surrey enacts the following provisions:

INTENT OF BY-LAW

- (a) to protect the public from pepper spray vendors that engage in misleading business practices; and
- (b) to improve the general welfare of the community through the regulation of pepper spray vendors.

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Part 1
Introductory Provisions

Title

1. This By-law may be cited as "Surrey Sale of Pepper Spray Regulation By-law, 1998, No. 13622".

Definitions

2. In this By-law:

"Authorized Identification"

means any one or more of the following:

- (a) valid provincial or state driver's license integrated with a photograph of the bearer;
- (b) British Columbia identification card issued to the bearer within five (5) years of the date it is produced by the bearer as evidence of identification;
- (c) valid passport;
- (d) any other form of provincial or federal identification integrated with a photograph of the bearer.

"Chief of Police"

means the Chief of Police of the City of Surrey for the time being or the senior resident member of the Royal Canadian Mounted Police Force responsible for the policing of the City.

"License"

means a valid and subsisting license to carry on a business, trade, profession or other occupation issued under Business License By-law, 1999, No. 13680.

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"License Inspector"

means the person from time to time appointed as license inspector of the City and includes any acting or assisting inspector.

"Officer"

includes:

- (a) every member of the Royal Canadian Mounted Police responsible for the policing of the City; and
- (b) every By-law Enforcement Officer appointed by the City to enforce City by-laws.

"Pepper Spray"

means any article or substance containing oleoresin capsicum spray, also known as pepper spray and o.c. spray.

"Person"

includes natural persons of either sex, associations, corporations and partnerships whether acting by themselves or by a servant, agent or employee.

"Sporting Goods Store"

means a business which lawfully sells restricted weapons or firearms in accordance with the provisions of the Criminal Code, R.S., c. C-34.

"Vendor"

includes every person who carries on the trade or business of selling pepper spray, or who keeps a store, shop or other premise for the purpose of carrying on such trade or business.

"Vendor's Register"

means the vendor's register referred to in Section 5 of this By-law.

Part 2 Vendor's Register

Register Requirements

3. Every vendor shall keep a record of all pepper spray sold or otherwise disposed of by the vendor.
4. Every record shall be written in ink in a plain legible hand in the English language.
5. Every record shall be made at the time of, or immediately after such sale, in a book known as the "Vendor's Register".
6. Every record shall include the following particulars:
 - (a) a full and complete description of, and any descriptive mark or name of any pepper spray sold, including the volume of pepper spray sold;
 - (b) the price paid for the pepper spray;
 - (c) the precise date and hour of selling the pepper spray; and
 - (d) the name, residence or street address, and description of the person to whom the pepper spray was sold. The description of the person shall include date of birth, height, weight, eye colour, race, gender and the type and number of authorized identification presented. Such information shall be compared to and recorded from the person's authorized identification by the vendor.

Inspection of a Register

7. Every vendor shall, at all reasonable times during business hours, produce the Vendor's Register for the inspection of the Chief of Police or any other officer.
8. The Vendor's Register may be removed at any time by any officer for the

inspection at the headquarters of the officer or for use as evidence in Court.

9. Immediately upon the return of a register to the vendor, the vendor shall enter therein in proper sequence each and every transaction involving the sale by the vendor of pepper spray made during the absence of the register.

Alteration of a Register

10. No vendor shall permit any entry made in a register to be erased, obliterated or defaced, or permit any page or other portion of the register to be cut out or removed.
11. Every vendor shall number each record in the register in sequence and number each page of the register in sequence.

Part 3 Sale of Pepper Spray

License

12. No person shall carry on, maintain, own or operate a business as a vendor, unless and until the person has a license to operate as a vendor.

Restriction to Sporting Goods Stores

13. No person shall carry on, maintain, own or operate a business as a vendor except as part of the operation of a sporting goods store from the same store, shop or premise.

Restriction on Sale

14. No vendor shall sell in the way of business any pepper spray to:
 - (a) any person under the age of eighteen (18) years;
 - (b) any person who does not present authorized identification; or
 - (c) any person who the vendor knows is purchasing pepper spray for a person under the age of eighteen (18) years or for a person who is not in possession of authorized identification.

Part 4 Right of Entry

Right of Entry

15. Every vendor shall, at all reasonable times, permit the Chief of Police or any other officer to enter into and inspect any place of business to ascertain whether the regulations and provisions of this By-law are being obeyed and any person

who refuses entry shall be in violation of this By-law and shall be liable to the penalties hereby imposed.

**Part 5
Offences and Penalties**

Offences

16. Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this By-law shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

Penalties

17. Any person who violates any of the provisions of this By-law shall upon summary conviction, be liable to a penalty of not less than \$100.00 and not more than \$5,000.00 plus the cost of the prosecution, or to a term of imprisonment not exceeding thirty (30) days, or both.

**Part 6
General Provisions**

Commencement

18. This By-law shall come into force on the date of final adoption hereof.

PASSED THREE READINGS on the 14th day of December, 1998.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the corporate seal on the 4th day of January, 1999.

"D. W. McCALLUM" MAYOR

"D. B. KENNY" CLERK