

City of Chilliwack

Bylaw No. 5056

A bylaw to protect the public and improve the general welfare of the community through the regulation of pepper spray and bear spray sales.

The Council of the City of Chilliwack in open meeting assembled enacts as follows:

CITATION

1. This bylaw may be cited as **"Sale of Pepper Spray and Bear Spray Regulation Bylaw 2021, No. 5056"**.

DEFINITIONS

2. In this Bylaw:

“Authorized Identification” means one of the following types of identification that is integrated with a photograph of the bearer:

- (1) a driver’s licence issued by a Canadian province or territory;
- (2) British Columbia identification card or other card issued by the Province of British Columbia
- (3) a passport issued by a recognized government;
- (4) Certificate of Canadian citizenship issued by the Government of Canada;
- (5) a Canadian permanent resident card; or,
- (6) any other form of provincial or federal identification that is Canadian in origin;

"Authorized Vendor" means a retail business that primarily services and caters to the needs of outdoor enthusiasts and sportspersons, by selling apparel and equipment for activities such as camping, hunting, fishing, and hiking;

"Authorized Wholesaler" means a bulk distributor of goods exclusively sold to retailers for resale to consumers and end users;

"Bear Spray" means a device containing capsaicin and other related capsaicinoids, in strengths of 1-2%, that is designed to be used as protection against wildlife;

“City” means the City of Chilliwack;

"Inspector" means:

- (1) a Peace Officer, including a member of the Royal Canadian Mounted Police;
- (2) the Director of Development and Regulatory Enforcement Services;
- (3) Bylaw Enforcement Officers;
- (4) the deputy of a person, officer or employee referred to in (1) or (2); or,
- (5) other persons designated by Council by name of office or otherwise to act in the place of the persons, officers or employees referred to in (1) to (3);

"Notice to Purchaser" means the form attached to and forming part of this Bylaw as Schedule A;

"Pepper Spray" means a device containing oleoresin capsicum that is designed to be used for the purpose of injuring, immobilizing or otherwise incapacitating any person, and does not include Bear Spray;

"Transaction" means an interaction between an Authorized Vendor and a person involving the sale, trade, barter or exchange of Bear Spray;

"Transaction Register" means the register referred to in Sections 7 and 8 of this Bylaw.

SALE OF PEPPER SPRAY PROHIBITED

3. No person shall sell, offer to sell, trade, barter, or exchange Pepper Spray.

REGULATION OF SALE OF BEAR SPRAY

4. No person other than an Authorized Vendor or an Authorized Wholesaler shall sell, offer to sell, trade, barter, or exchange Bear Spray.
5. An Authorized Vendor shall not display, shelve or store Bear Spray in areas accessible to the public.
6. An Authorized Vendor shall not sell, offer to sell, trade, barter, or exchange Bear Spray to:
 - (1) any person under the age of 18 years;
 - (2) any person who does not present Authorized Identification;
 - (3) any person who the Authorized Vendor knows is purchasing Bear Spray for a person under the age of 18 years or for a person who is not in possession of authorized identification; or,
 - (4) any person who does not complete and sign a Notice to Purchaser.
7. Every Authorized Vendor of Bear Spray shall keep a record of all Transactions in a Transaction Register in accordance with the requirements of this Bylaw.

8. A record of every Transaction shall be made at the time of the Transaction and shall include a copy of the completed and signed Notice to Purchaser.
9. Every Authorized Vendor shall, at all reasonable times during business hours, produce the Transaction Register for the inspection by an Inspector.
10. No Authorized Vendor shall cause, allow or permit any Transaction record required pursuant to this Bylaw to be deleted, erased, obliterated, or removed until one year has passed from the date of the Transaction.

INSPECTION

11. Every person shall, at all reasonable times, permit an Inspector to enter into and inspect any place of business to ascertain whether the regulations and provisions of this Bylaw are being obeyed.
12. No person shall obstruct, refuse or neglect to admit to any real property an Inspector in the execution of their duties for any purpose relating to this Bylaw.

OFFENCE

13. Every person who violates a provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and is liable to the penalties imposed under this Bylaw or any other applicable Bylaw of the City.
14. Each day that a violation continues to exist is deemed to be a separate offence against this Bylaw.
15. Any person who contravenes any of the provisions of this Bylaw commits an offence punishable upon summary conviction and is liable to a fine of not more than \$50,000.00 or to imprisonment for not more than six months or to both.

SEVERABILITY

16. If at any time, any provision of this Bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid, or ultra vires provision.

Received first and second reading on the 2nd day of March, 2021.

Received third reading on the 2nd day of March, 2021.

Notice given under Section 59 of the Community Charter in two editions of the Chilliwack Progress on the 5th day and 12th day of March, 2021.

Received adoption on the 16th day of March, 2021.

Mayor

Corporate Officer

SCHEDULE "A"

NOTICE TO PURCHASER

IMPORTANT: Bear Spray repellent may not be sold to individuals under the age of 18, or to individuals who are not willing to complete this form. Bear Spray repellents are registered under the *Pest Control Products Act*; it is illegal to use a pest control product without following label directions.

WARNING:

Capsaicin sprays have proven effective in repelling aggressive **bears only** when sprayed directly in the eyes and nose, and should be used only as a last resort. Capsaicin sprays will not repel bears from treated objects or areas, and may result in increased investigation of sites by bears. Canisters should not be test fired in areas inhabited by bears. If a canister has been test fired, all residues of product should be washed from the canister nozzle and cap with soap and water before being transported to areas inhabited by bears. This product is sold without warranty expressed or implied. No warranty or representation is made as to the ability of this product to protect the user from injury or death. The user assumes all risk when confronted by a bear. Remember, there is no guaranteed method of responding to a bear or other predator attack; each encounter is unique.

The user assumes all risks when confronted by a bear or predatory animal.

NAME: _____ DATE : _____ TIME: _____
ADDRESS : _____
CITY : _____ PROVINCE : _____ POSTAL CODE : _____
TELEPHONE : _____ PRODUCT & QUANTITY : _____

Authorized Identification (check one):

- ☐ Driver's Licence
☐ BC Identification Card
☐ Passport
☐ Certificate of Canadian Citizenship
☐ Permanent Resident Card
☐ Other: _____

Issuing Authority: _____

Identification number: _____

I have read and understood the terms and conditions for the purchase and use of this product.

PURCHASER'S SIGNATURE: _____

For Staff Use

☐ ID CHECKED BY

Print Name: _____

Staff Signature: _____