

THE CITY OF EDMONTON
BYLAW 20801
BUSINESS LICENCE BYLAW 20002 Amendment No. 4

WHEREAS, pursuant to section 7 of the Municipal Government Act, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business, and the enforcement of bylaws;

Edmonton City Council enacts:

1. Bylaw 20002, Business Licence Bylaw, is amended by this bylaw.
2. Section 7 is deleted and replaced with the following:

**APPLICANTS
UNDER 18 YEARS
OF AGE**

7

A licence may not be issued to any person under 18 years of age for the following Business Categories:

- (a) Adult Service;
- (b) Alcohol Sales (Consumption off Premises);
- (c) Alcohol Sales (Consumption on Premises / Minors Allowed);
- (d) Alcohol Sales (Consumption on Premises / Minors Prohibited);
- (e) Bingo / Casino;
- (f) Body Rub Centre;
- (g) Body Rub Practitioner;
- (h) Cannabis Cultivation Facility;
- (i) Cannabis Processing Facility;
- (j) Cannabis Retail Sales;
- (k) Escort;
- (l) Escort Agency;
- (m) Escort Agency (Independent);
- (n) Erotic Entertainment Agency;
- (o) Erotic Entertainment Venue;
- (p) Erotic Entertainer;
- (q) Firearm Sales, Service, and Manufacturing;
- (r) Oleoresin Capsicum (OC) Spray Sales; and
- (s) Tobacco and Vaping Product Sales.

3. Section 55.1 and the included section heading is added following section 55:

Oleoresin Capsicum (OC) Spray Sales

REGULATIONS

- 55.1 (1) It is a deemed condition of the Oleoresin Capsicum (OC) Spray Sales Business Category that for every transaction where Oleoresin Capsicum (OC) Spray is sold, the licensee must:
- (a) ensure that an up-to-date copy of the OC Spray purchaser guide as approved by the City Manager is provided to the purchaser before the transaction can proceed;
 - (b) accurately record the following information in a form and manner acceptable to the City Manager within 24 hours of the transaction:
 - (i) the date and time the Oleoresin Capsicum (OC) Spray was sold,
 - (ii) a physical description of the Oleoresin Capsicum (OC) Spray sold in the transaction, including, the quantity sold, manufacturer, make, model, and wherever possible, the serial number or other identifying markings,
 - (iii) the Employee who conducted the transaction,
 - (iv) the full name, identification type, and one of either the birth date or identification number from:
 - (A) 1 piece of valid government-issued photo identification containing the full name, photograph, and birth date of the person purchasing the Oleoresin Capsicum (OC) Spray, or
 - (B) 2 pieces of valid identification where 1 piece is government-issued identification, the second piece is not a debit or credit card, and collectively both pieces contain the full name, photograph, and birth date of the person purchasing the Oleoresin Capsicum (OC) Spray,
 - (v) Confirmation by the Employee who conducted the transaction that the identification provided under (iv) appeared to match the purchaser;

- (c) not sell Oleoresin Capsicum (OC) Spray to a person under 18 years of age;
 - (d) not sell the Oleoresin Capsicum (OC) Spray where the make, model, serial number, manufacturer's name or any other distinguishing mark has been altered or in any way obliterated; and
 - (e) retain the record of the transaction in (a) and (b) for 2 years.
- (2) It is a deemed condition of the Retail Sales of Oleoresin Capsicum (OC) Spray that where Oleoresin Capsicum (OC) Spray is available for sale, the licensee must:
- (a) secure the Oleoresin Capsicum (OC) Spray in a locked cabinet where it is only accessible to an Employee; and
 - (b) not cause or permit an Employee who is under 18 years to conduct or approve a transaction for the sale of Oleoresin Capsicum (OC) Spray.

4. In Schedule A, the following Oleoresin Capsicum (OC) Spray Sales Business Category row is added following the Manufacturer Business Category:

| Business Category | Description |
|-------------------------------------|--|
| Oleoresin Capsicum (OC) Spray Sales | A Business that sells Oleoresin Capsicum (OC) Spray, which is any type of aerosol capsaicin or capsaicinoid spray used to deter bears, commonly known as bear repellent, or bear deterrent spray, to consumers or end users. |

5. In Schedule A, the Retail Sales (Major) and Retail Sales (Minor) Business Categories are amended by adding 'oleoresin capsicum (OC) spray' after 'ammunition' in the description as follows:

| Business Category | Description |
|-------------------------|--|
| Retail Sales (Major) | A Business that sells new goods or rents items to consumers or end users, and has a total space of 600 square metres or more, or has an occupancy load of 61 persons or more, or stores flammable or hazardous materials on the Premises. Does not include wholesalers, or the sale or rental of vehicles, industrial equipment, second hand goods, firearms, ammunition, oleoresin capsicum (OC) spray, tobacco, vaping products, Cannabis, or alcohol. |
| Retail Sales (Minor) | A Business that sells new goods or rents items to consumers or end users, and has a total space of less than 600 square metres, and has an occupancy load of 60 persons or less, and does not store flammable or hazardous materials on the Premises. Does not include wholesalers, or the sale or rental of vehicles, industrial equipment, second hand goods, firearms, ammunition, oleoresin capsicum (OC) spray, tobacco, vaping products, Cannabis, or alcohol. |

6. In Schedule A, the Travelling or Temporary Sales Business Category is amended by adding ‘oleoresin capsicum (OC) spray’ after ‘industrial equipment’ in the description as follows:

| Business Category | Description |
|-------------------------------|---|
| Travelling or Temporary Sales | A Business that sells goods or services directly to consumers from place to place, from a temporary location where the public has an expected right of access, from a vending machine, or at a consumer’s place of residence. Does not include Administration Office / Professional Service; Auction; Cannabis Retail Sales; Construction, Contracting, and Labour Service; Financial Service; Food Truck / Food Cart; Pawnbroker; Public Market Vendor; Scrap Metal Dealer and Recycler; Second Hand Dealer; Tobacco and Vaping Product Sales; the sale, rental, maintenance, or repair of vehicles, industrial equipment, oleoresin capsicum (OC) spray, or firearms; massage services; personal services related to the care or appearance of the body; or services of an erotic or sexual nature. |

7. In Schedule A, the Wholesale, Warehouse, and Storage Business Category is amended by adding ‘oleoresin capsicum (OC) spray’ after ‘ammunition’ in the description as follows:

| Business Category | Description |
|-----------------------------------|---|
| Wholesale, Warehouse, and Storage | A Business that sells or distributes commodities to other Businesses or institutions for use or resale, or receives and stores goods for eventual sale or distribution, or provides storage services or facilities to third parties. Does not include vehicle wholesalers, industrial equipment wholesalers, or the sale or storage of food, beverages, firearms, ammunition, oleoresin capsicum (OC) spray, or goods manufactured on the Premises. |

8. In Schedule B, the following Oleoresin Capsicum (OC) Spray Sales Business Category row is added following the Manufacturer Business Category row:

| Business Category | Tier | Consultation | Notification | Other Requirements |
|-------------------------------------|-------------|---------------------|---------------------|---------------------------|
| Oleoresin Capsicum (OC) Spray Sales | 3 | | - EPS | |

9. In Schedule C, the following Oleoresin Capsicum (OC) Spray Sales Business Category rows are added following the section 54(b) offence row:

| Offence | Bylaw Section | Fine |
|--|----------------------|-------------|
| Oleoresin Capsicum (OC) Spray Sales | | |
| Fail to provide a purchaser guide | 55.1(1)(a) | \$1,000 |
| Fail to record a transaction as required when OC Spray sold | 55.5(1)(b) | \$1,000 |
| Sell OC Spray to a person under 18 years of age. | 55.5(1)(c) | \$2,000 |
| Sell OC Spray where distinguishing marks have been altered or obliterated. | 55.5(1)(d) | \$1,000 |
| Fail to retain record of transaction for 2 years. | 55.5(1)(e) | \$1,000 |
| Fail to secure OC Spray | 55.1(2)(a) | \$1,000 |
| Cause or permit Employee under 18 years to sell OC Spray | 55.1(2)(b) | \$2,000 |

10. This bylaw comes into force on July 4, 2024.

READ a first time this 3rd day of July 2024;

READ a second time this 3rd day of July 2024;

READ a third time this 3rd day of July 2024;

SIGNED AND PASSED this 3rd day of July 2024.

THE CITY OF EDMONTON


.....

MAYOR


.....

CITY CLERK