

## OPTIONS TO ADDRESS THE RETAIL SALE OF KNIVES

### Recommendation

1. That the September 16, 2024, Urban Planning and Economy report UPE02456, be received for information.
2. That Attachment 3 of the September 16, 2024, Urban Planning and Economy report UPE02456 remain private pursuant to section 27 (privileged information) of the *Freedom of Information and Protection of Privacy Act*.

<b>Requested Action</b>	Information Only		
<b>ConnectEdmonton's Guiding Principle</b>	<b>ConnectEdmonton Strategic Goals</b>		
<b>CONNECTED</b> This unifies our work to achieve our strategic goals.	<b>Healthy City</b>		
<b>City Plan Values</b>	LIVE		
<b>City Plan Big City Move(s)</b>	Inclusive and Compassionate	<b>Relationship to Council's Strategic Priorities</b>	Community Safety and Well-being
<b>Corporate Business Plan</b>	Serving Edmontonians		
<b>Council Policy, Program or Project Relationships</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>		
<b>Related Council Discussions</b>	<ul style="list-style-type: none"> <li>• June 17, 2024, UPE02268 - Bylaw 20801 - Bylaw Amendments to Address the Sale of Oleoresin Capsicum (OC) Spray</li> <li>• April 9, 2024, UPE02202, Omnibus Amendment to Business Licence Bylaw 20002 - Amendment 3</li> </ul>		

### Previous Council/Committee Action

At the April 9, 2024 Urban Planning Committee meeting, the following motion was passed:

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That Administration provide a report, in consultation with Edmonton Police Services and community stakeholders, with regulatory options and analysis to address the retail sale of knives, including but not limited to potential amendments to Bylaw 20002 - Business Licence Bylaw.

### Executive Summary

- This report contains four options to address the retail sale of knives in Edmonton. Based on the due date assigned to the motion and the desire expressed by Committee for timely and actionable options to address the retail sale of knives, the scope of review was focused on the Business Licence Bylaw. There may be additional bylaw or regulatory tools that could be further explored across other City work areas to address the motion.
- Of the options presented, three are available through Bylaw 20002 - Business Licence Bylaw. A number of other options that were explored in relation to the Business Licence Bylaw are also provided but these were deemed not feasible due to legal constraints and/or other limitations.

## REPORT

At the April 9, 2024 Urban Planning Committee (UPC) meeting, public speakers and Edmonton Police Service (EPS) presented concerns regarding knives being sold in corner stores, often purchased by youth and others for self-defence or use in criminal activity. The knives of concern are prominently displayed in a number of corner stores.

The federal government has jurisdiction over criminal matters, including the classification of Prohibited Weapons through the Criminal Code of Canada<sup>1</sup>. Some knife types are considered to be a prohibited weapon, but the majority of knives being sold in the affected communities are legal as per the Criminal Code of Canada, including those of concern communicated by public speakers at the April UPC meeting and EPS.

In Canada, there is no law prohibiting the carrying of knives in a public place, as long as the knife is not of a prohibited type. Within Edmonton the carrying of a knife in a public space is not currently regulated by the Public Places Bylaw 14614, but certain types of knives are proposed for inclusion in the new Public Spaces Bylaw.

Bylaw 20002 - Business Licence Bylaw establishes the rules and regulations for granting licences to businesses that meet the City's criteria for doing business in Edmonton. In recent years, significant discussion has taken place regarding the potential for Bylaw 20002 to be leveraged in response to business activities that contribute to social disorder and crime - including retailers selling Oleoresin Capsicum (OC) spray. Bylaw 20002 is limited in its authority to regulate the sale and distribution of goods that contribute to social disorder. However, where possible, there are opportunities to regulate specific business activities that may be contributing to social disorder, which in turn may help to mitigate impacts to communities and provide additional tools for enforcement.

This report presents four options for regulating the retail sale of knives - with three of the options under the Business Licence Bylaw and that meet the considerations presented above. Options 1

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<sup>1</sup> <https://laws-lois.justice.gc.ca/eng/regulations/sor-98-462/fulltext.html> Government of Canada. Cited July 11, 2024.

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through 3 include additional analysis, including financial and implementation considerations, which are discussed in Attachment 1. Administration does not recommend pursuing any of these options unless funding is allocated. A fourth option to advocate to other levels of government for stronger knife regulations is summarized below.

Businesses which operate retail sales require a business licence. Licensees who currently sell knives, including convenience stores and sporting/recreational stores, will either be categorized as Retail Sales (Major) or Retail Sales (Minor). Other business licence categories may also apply, depending on their business model.

### Option 1: Create a Convenience Store Category

This option defines and creates a new 'Convenience Store' category for business licences that can either prohibit or impose operating requirements on the sale of knives at these businesses. The category could be tailored to allow for the sale of knives of no/low concern (e.g., cutlery) or exempt these items from the applicable regulations.

This option best addresses the concerns expressed by public speakers and EPS by regulating only those types of retailers where the sale of knives has been identified as a significant concern, while avoiding extending regulations to those that were not identified as a concern - such as sporting/recreational and kitchen supply retailers.

Although knives were the focus of Administration's research and engagement, this option could also be leveraged to prohibit the sale of other types of items at convenience stores that are likely to be weaponized and contribute to social disorder - including bear spray and polymer knuckles.

Option 1 is estimated to cost a total of \$940,000 and full implementation is estimated to take two years. Additional details are included in Attachment 1.

### Option 2: Amend the Existing Retail Sales Business Licence Categories

This option amends the 'Retail Sales (Major)' and 'Retail Sales (Minor)' business licence categories (those categories already applied to all existing businesses who sell knives) to impose operating requirements that all retailers must follow when selling knives, with potential exceptions for cutlery where there is a very clear distinction from other knives. These operating requirements would apply to all licensed retailers that sell knives, including those retailers not identified as a community concern - such as big box stores, department stores, kitchen supply stores, hardware stores and sporting/recreational supply stores. The benefit of this option is that it involves all retailers and can therefore be applied should concerns extend to other retailer types.

Option 2 is estimated to cost a total of \$1,335,000 and full implementation is estimated to take three years. Additional details are included in Attachment 1.

### Option 3: Leverage Existing Business Licence Review Provisions

Bylaw 20002 currently includes provisions for a business licence review, which is a formal process through which a licence may be refused, suspended, cancelled, or issued with operating requirements under specific grounds - including public interest. EPS and other enforcement agencies can and do currently request licence reviews by submitting proposals to Administration, which include relevant information and evidence to demonstrate that public interest grounds

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have been met. The business licence review mechanism is typically leveraged by enforcement agencies to address challenges with minors-prohibited drinking establishments, and other businesses that enforcement agencies may encounter problems with during beat patrols and routine inspections.

To date, Administration has not received requests from any enforcement agency to prohibit specific products from being sold by a retail business of concern, and as such Administration has identified an opportunity for further education to enforcement agencies regarding the capabilities of the existing business licence review tool to address the knives and retailers of concern communicated at the April 9, 2024 Urban Planning Committee meeting.

This option provides a pathway for enforcement agencies to address specific retailers without impacting those retailers that sell knives responsibly. This option does not require an amendment to the bylaw, as the existing provisions can be applied to address concerns with a particular business that sells knives. This option can be utilized in conjunction with Options 1 and 2, or can stand on its own.

Option 3 is estimated to cost a total of \$225,000 and full implementation is estimated to take two years. Additional details are included in Attachment 1.

### Operating Requirements for Options 1, 2, and 3

Within Options 1 and 2, Council could choose which operating requirements could be applied to the sale of knives. Administration has identified the following operating requirements that could reasonably be applied to Option 1 or 2, reflecting on the commentary heard at the April Committee meeting and through the engagement undertaken for this report.

- Prohibiting retailers from selling knives to a person who is under 18 years of age
- Requiring retailers to obtain photo identification to verify the age of a purchaser who appears to be under 25 years of age (or any other defined age limit)
- Requiring retailers to keep knives locked in a display case or secure room
- Requiring retailers to post signage with City-approved messaging to communicate any applicable restrictions on the sale of knives to customers and employees.

Under Option 3, similar operating requirements could be applied by Administration on a case-by-case basis through a business licence review, and there may be further opportunities to consider alternative requirements based on the specific circumstances.

The impacts of these requirements on businesses and members of the public who purchase knives will vary significantly under each option and are discussed in Attachment 1.

### Option 4: Advocate to Other Levels of Government for Stronger Knife Regulations

The federal government has jurisdiction over criminal matters, including the classification of Prohibited Weapons through the Criminal Code of Canada. However, only a limited class of knives are prohibited - the majority of knives being sold in Edmonton are legal.

While the provincial government has no specific responsibility for restricting knife sales, it does have jurisdiction over victim supports, youth justice, mental health resources, housing supports, and similar social services. Both municipal and provincial governments have jurisdiction over

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promoting health and safety, protecting youth, deterring or suppressing conditions conducive to crime occurring, protecting public spaces, and preventing an excessive demand for municipally or provincially provided services. Based on feedback provided by public speakers and EPS at the April 9, 2024 Urban Planning Committee meeting, advocacy could be undertaken to the provincial government to fund support programs for at-risk youth, victims of crime, vulnerable communities, and mental health resources to help address the root causes of knife violence.

Advocacy could also be undertaken to the federal government for stronger regulations on the sale and possession of knives, including the further development of a practical definition of restricted knives with federal licensing requirements - similar to current firearm regulations.

### **Assessment of Other Ideas**

Based on the feedback provided by public speakers at the April 9, 2024 Urban Planning Committee meeting, Administration also assessed the possibility of defining and regulating the sale of “restricted knives” only, and requiring businesses to record transactions involving knife sales. These were determined to be infeasible. Additional details regarding this assessment of these and other options are discussed in Attachment 2.

### **Implementation**

Full implementation of one of the above options, and any associated operating requirements could take up to three years. This is because business licences are issued for up to two years at a time, and the requirements cannot be retroactively applied should Option 1 or 2 be advanced. Upon the issuance of the licence after the two year mark, enforcement efforts would be then undertaken. The Edmonton Police Service will be responsible for investigations and enforcement related to operating requirements, and City Administration will be responsible for licensing administration, proactive education about the new requirements, and enforcement only of appropriate Bylaw 20002 licensing and categorization.

### **Budget/Financial Implications**

Options 1 and 2 would require additional administrative resources to implement, with resource requirements dependent on the compliance behaviour of the businesses. Attachment 1 details the estimated resource and enforcement implications for each option. There is currently no funding available in the approved 2023-2026 Operating Budget to address the additional resources that are required in any of the three options discussed.

### **Legal Implications**

Criminal activity falls under the federal criminal power, and is outside of the ability of the City to regulate. The City, as long as it acts within the authorities of the *Municipal Government Act*, RSA 2000, c M-2, is permitted to regulate businesses and business activities, along with the safety, health and welfare of people and the protection of people and property, for municipal purposes. Any overlap with the federal criminal law power must be incidental for a municipal bylaw to be valid. Private legal considerations are provided in Attachment 3.

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### Community Insight

#### Engagement with Purchasers and Community Members

A survey was distributed to members of the public via the Edmonton Insight Community and through the City's website. The survey asked those who have, or may purchase knives in the future to provide feedback on how they might be impacted by, and how they perceive potential regulations. In total, 4,494 people responded to the survey. The feedback on potential regulations was generally mixed. Highlights from respondents include:

- 51 per cent of respondents agree that minors should not be allowed to purchase a knife without an adult present; however, 53 per cent disagree that age restrictions on the purchase of knives would prevent youths from acquiring knives elsewhere for committing crimes.
- 36 per cent of respondents would not be willing to provide identification when purchasing a knife.
- 61 per cent of respondents disagree that having knives locked up would prevent people from buying them to commit a crime.
- 21 per cent of responses were positive comments about regulation, including that knives should not be sold in convenience or corner stores, and that having immediate access to knives causes significant harm to vulnerable communities.

Additional information, including open ended sentiments gathered from respondents, can be found in Attachment 4.

On June 7, 2024, Administration met with representatives from Arts on the Ave and the Alberta Avenue Community League, both of whom were public speakers at the April 9, 2024 Urban Planning Committee. Representatives reiterated key concerns, further clarified that Administration should not focus potential regulations exclusively on minors, and expressed a strong desire for Administration to continue exploring regulatory options to address knife violence under other municipal bylaws, including the Zoning Bylaw and Public Places Bylaw.

#### Engagement with Businesses

A survey was distributed directly to licensed retailers. Retailers that sell knives were asked about their current business practices with respect to the sale of knives, how they might be impacted by regulations, and general thoughts on the regulation of knife sales.

Among the retailers that sell knives (26 respondents), 14 respondents had concerns about requiring identification from buyers and keeping knives in a secure enclosure. Seven respondents had concerns about a requirement to post signage. When asked questions about potential restrictions on selling knives in combination with other items, 12 respondents had concerns about not being able to sell grocery items in combination with all types of knives. Five respondents had concerns about not being able to sell tobacco / vaping products and pharmaceuticals in combination with knives, four respondents had concerns about not being able to sell alcohol with knives, and three respondents had concerns about not being able to sell cannabis products with knives.

Further details of engagement are discussed in Attachment 4.

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### Other Supporting Information

EPS collected some data in two areas of the City, which is discussed in Attachment 4. A brief summary of findings from other jurisdictions is available in Attachment 5.

### **GBA+**

Engagement on this topic focused upon two surveys. The first was sent to the Edmonton Insight Community and focused on how respondents felt about potential restrictions on the sale of knives. The second was sent to businesses who would be affected by any regulatory changes on the sale of knives who have opted into receiving stakeholder engagement emails from the Business Licensing team. Survey respondents disclosed a range of identity markers from different perspectives, including gender, age, income level, and racialized minorities including Indigenous peoples.

More research would need to be undertaken to understand the GBA+ impacts of the potential options. Some options may objectively impact people more than others, e.g. requiring retailers to obtain photo identification to verify the age of a purchaser who appears to be under 25 years of age.

### **Environment and Climate Review**

This report was reviewed for environment and climate risks. Based on the review completed no significant interactions with the City's environmental and climate goals were identified within the scope of this report.

### **Attachments**

1. Analysis of Options to Address the Retail Sale of Knives
2. Additional Assessments
3. PRIVATE - Legal Considerations
4. What We Heard Report
5. Findings from Other Jurisdictions