

BYLAW 21012 - AMENDMENTS TO BUSINESS LICENCE BYLAW 20002 - ADDRESSING THE RETAIL SALE OF KNIVES

Recommendation

That Community and Public Services Committee recommend to City Council:

That Bylaw 21012 be given the appropriate readings.

Purpose

To amend Bylaw 20002 - Business Licence Bylaw to prohibit the sale of knives at convenience stores to improve public safety and limit the adverse impacts of having convenient access to knives.

Readings

Bylaw 21012 is ready for three readings. If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree that “Bylaw 21012 be considered for third reading.”

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 convenience stores.

At the September 16, 2024, Community and Public Services Committee (CPSC) meeting, Administration brought forward an information report with four options to regulate the retail sale of knives through Bylaw 20002 - Business Licence Bylaw. CPSC generally supported Option 1 - Create a Convenience Store Category, and asked Administration to return to City Council with additional details regarding funding for implementation of that option, including a “leaner” funding option.

At the October 2, 2024, City Council meeting, a motion was passed directing Administration to proceed with implementing Option 1 (No Funding) - Create a Convenience Store Category, and to subsequently prepare an unfunded service package for Option 1 (Leaner Funding) for future

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consideration by City Council as part of the Fall 2024 Supplemental Operating Budget Adjustment. As additional funding was not approved, Administration will implement Option 1 (No Funding).

As discussed at the September 16, 2024, CPSC and October 2, 2024 City Council meetings, establishing a new Convenience Store category should help to address concerns expressed by public speakers and EPS to focus efforts on only regulating the types of retailers where the sale of knives has been identified as a significant concern. The creation of a Convenience Store category will help to avoid extending regulations to those retailers that have not been identified as a concern - such as sporting / recreational retailers and kitchen supply retailers.

Bylaw 21012 proposes a series of amendments to Bylaw 20002 to implement Option 1 (No Funding) by creating a Convenience Store Category and prohibiting the sale of knives at convenience stores. The amending bylaw is provided as Attachment 1, and the redlined version is included as Attachment 2.

Proposed Amendments

New Definitions

The motion requires that definitions for “Knife” and “Convenience Store” be adopted into Bylaw 20002. The proposed definition for “Knife” captures all items where a blade is affixed to a handle. The proposed definition for “Convenience Store” considers the types of goods and services offered, the typical physical size of the store and complimentary services that are commonly associated with a convenience store. The definition also includes provisions to prevent overlap with other forms of Retail Sales by mandating a defined space requirement for the portion of the business that is being used to operate as a convenience store.

If Bylaw 20002 is amended to implement the Convenience Store business licence category, Convenience Stores will be prohibited from selling knives of any kind on the premises, except for basic cutlery.

New Regulations and Fines

To support the new definitions, new regulations set out that it is a deemed condition that knives (apart from basic cutlery) must not be sold on any portion of a Convenience Store premise. The bylaw also sets out new \$2,000 fines where knife sales are found to be occurring at a Convenience Store.

Licensing Implementation

Full implementation will take a minimum of two years once Bylaw 20002 is amended. This is because business licences are issued for up to two years at a time, and the new requirements cannot be applied to existing businesses until their licences are renewed.

Option 1 (No Funding)

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Administration will send targeted correspondence to all licensed tobacco retailers and gas stations - categories commonly associated with convenience stores - to inform them of the new requirements. These licences will also be flagged to ensure the renewal process cannot be finalized until a Business Licensing Advisor has reviewed the categories to determine whether the new Convenience Store category is required or not. This option has a higher likelihood of not fully capturing all businesses as a convenience store upon renewal. If a business is not correctly assigned the Convenience Store category at renewal and is found to be selling knives, the initial enforcement response will be focused on the incorrect categorization prior to enforcing the ban on the sale of knives at the retailer.

Enforcement

The approach to enforcement of licensing requirements will be predominantly complaint-based, with Municipal Enforcement Officers (MEOs) investigating complaints for unlicensed or incorrectly categorized businesses and applying enforcement action where appropriate, or flagging the file for business licensing administrative staff to apply the new category at the time of renewal. These complaints will not be prioritized over other types of complaints. Due to limited MEO resources, moving through the continuum of enforcement actions may be limited or delayed. However, EPS has the authority to enforce operating requirements once the correct category is applied, and apply other seizure tools that are available to them, at their discretion.

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 respondents 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 the potential regulations, 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 about the survey, including open-ended sentiments gathered from respondents, can be referenced in Urban Planning and Economy report UPE02456.

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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 meeting. 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 the 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 for the sale of knives, how they might be impacted by potential 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 can be referenced in Urban Planning and Economy report UPE02456.

Budget/Financial Implications

An unfunded service package for Option 1 (Leaner Funding) was prepared by Administration as an enhanced set of implementation activities to address the retail sale of knives. This Option was included in Fall 2024 Supplemental Operating Budget Adjustment. As additional funding was not approved, Administration will not undertake the implementation actions associated with this Option - which would have included additional staff to verify business activities and the development of an automated process to reduce manual efforts.

Legal Implications

Bylaw 21012 introduces amendments to the Business Licensing Bylaw, establishing a new Retail Sales (Convenience Store) business category and prohibiting the sale of knives as outlined in the proposed provisions, except for basic cutlery. This category also includes provisions to prevent overlap with other forms of Retail Sales by mandating a detached and enclosed space requirement for the portion of the business used to operate as a convenience store.

Although the City is unable to regulate knife usage, these amendments provide clear guidance to businesses in the new category that the sale or display of knives could lead to legal implications.

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Additionally, the amendments grant enforcement officers entry rights for inspection purposes to verify compliance with the bylaw.

Attachments

1. Amending Bylaw 21012
2. Bylaw 20002 - Business Licence Bylaw REDLINE

Others Reviewing the Report

- M. Plouffe, City Solicitor