

Corporate Report

NO: R036

COUNCIL DATE: March 30, 2009

REGULAR COUNCIL

TO: Mayor & Council DATE: March 18, 2009

FROM: City Solicitor FILE: 3900-20-13680

SUBJECT: Restrictions on the Display and Sale of Drug Paraphernalia

RECOMMENDATION

Legal Services recommends that Council:

- 1. Approve amendments to the Business License By-law, 1999, No. 13680 (the "Business License By-law") as documented in Appendix "A" to this report, which if adopted will restrict the display and sale of drug paraphernalia; and
- 2. Direct the Manager, By-law & Licensing Services to give notice of the amendments to affected businesses to allow them an opportunity to comment on the amendments and to report back to Council on the comments that are received prior to Council consideration of final adoption of the by-law amendments.

INTENT

The purpose of this report is to seek Council approval of amendments to the Business License By-law that if adopted will restrict the display and sale of paraphernalia related to the illicit use of drugs. By-law Enforcement staff have encountered businesses in the City that are displaying such paraphernalia. This business activity is clearly contrary to the health and safety of the City's residents.

DISCUSSION

During the last several years from time to time the City has received complaints from the public regarding the display and sale of drug paraphernalia by businesses within Surrey. By-law Enforcement staff have approached the business owners who are openly displaying drug paraphernalia and have been successful in having the business owners remove the displays.

The number of occurrences of this business practice is growing. The introduction of regulations through an amendment to the Business License By-law is considered

necessary to assist staff in eliminating from the City such displays of drug paraphernalia in businesses and the sale of drug paraphernalia to minors.

To satisfy the requirements of the *Community Charter*, after Council has given the Business License By-law amendment by-law three readings, City staff will provide notice regarding the amendments to affected businesses, give the business owners an opportunity to make submissions on the amendments and provide a further report to Council on the input that is received prior to Council consideration of final adoption of the by-law amendments.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Approve amendments to the Business License By-law, 1999, No. 13680 (the "Business License By-law") as documented in Appendix "A" to this report, which if adopted will restrict the display and sale of paraphernalia related to the illicit use of drugs; and
- Direct the Manager, By-law & Licensing Services to give notice of the amendments to affected businesses to allow them an opportunity to comment on the amendments and to report back to Council on the comments that are received prior to Council consideration of final adoption of the by-law amendments.

CRAIG MacFARLANE
City Solicitor

JES:sma Attachment

c.c. John Sherstone, Manager, By-law & Licensing Services

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APPENDIX "A" CITY OF SURREY BY-LAW NO. 15822

A by-law to amend the provisions of "Business License By-law, 1999, No. 13680" as amended.

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The Council of the City of Surrey, in open meeting assembled, ENACT AS FOLLOWS:

- 1. "Business License By-law, 1999, No. 13680" as amended is hereby further amended as follows:
 - 1. Section 2. is amended by inserting the definition of "Drug Paraphernalia" after the definition of "Council" as follows:
 - "<u>Drug Paraphernalia</u>" means any product, equipment, thing or material of any kind primarily used to produce, process, package, store, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined in the *Controlled Drugs and Substances Act*.
 - 2. New Section 48A is inserted immediately after Section 48 "Discotheques and Dancehalls" as follows:

Drug Paraphernalia

- 48A. (1) No person carrying on a business shall display or permit to be displayed on a street or in any window facing a street, or elsewhere where it can be seen by a person inside or outside the premises, or to the public at large, any drug paraphernalia.
 - (2) No person carrying on a business shall sell drug paraphernalia to any person under the age of 19 years except where the premises are licensed as a pharmacy under the *Pharmacists Act*.
- This By-law shall be cited for all purposes as "Business License By-law, 1999,
 No. 13680, Amendment By-law, 2009, No. 15822".

PASSED THREE READINGS by the City Council or	n the, 200
RECONSIDERED AND FINALLY ADOPTED, sign with the Corporate Seal on the day of	
_	MAYOR
	CLERK