

Report to Council



Date: March 3, 2025
To: Council
From: City Manager
Subject: Sale of Deterrent Spray Bylaw
Department: Community Safety Services Branch

Recommendation:

THAT Council receives, for information, the report from the Community Safety Services Branch dated February 24, 2025, regarding the creation of a Sale of Deterrent Spray Bylaw No. 12678;

AND THAT Bylaw No. 12678, being Sale of Deterrent Spray Bylaw, be forwarded for reading consideration;

AND THAT Bylaw No. 12679, being Amendment No. 39 to Bylaw Notice Enforcement Bylaw No. 10475, be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to give notice by placing a newspaper advertisement to allow written comments from the public to be submitted to the Community Safety Services Manager no later than 4 p.m. on March 19, 2025.

Purpose:

To adopt a bylaw regulating the sale of Deterrent Sprays (e.g. bear sprays) from businesses.

Council Priority Alignment:

Crime & Safety

Background:

Deterrent Spray (e.g., bear spray) is a large area-type airborne animal repellent, housed in an aerosol spray canister which can be deployed to deter animals like bears up to 10.5 meters (35 feet) away. Like the pepper spray used by police officers, the active ingredient is capsaicin, a chili pepper extract, known to irritate the eyes and respiratory system. Other sprays such as dog and coyote spray, have similar effects and ingredients as bear spray with a shorter deployment distance and reduced dispersal area.

There has been a notable increase of police generated files involving deterrent spray in urban areas of Kelowna as well as an increased percentage of deterrent spray files involving youth. Since 2019, files

involving deterrent spray have increased more than 80 per cent. Further, deterrent spray files that involved youth increased from 6 per cent to over 19 per cent of all files generated.

Discussion:

Deterrent Sprays are legal products in Canada and are regulated by the Federal *Pest Control Products Act* for the import, use, sale and manufacturing of the chemical products. In British Columbia, the *Integrated Pest Management Act and Regulations* excludes deterrent sprays from the list of regulated pesticides and does not require a vendor to have a specific license to sell deterrent sprays.

Staff conducted a review of best practices of other municipalities which included consideration of regulatory and non-regulatory approaches as well as an analysis of relevant legal authorities and business engagement of big box stores and local suppliers. With support from the business community, it was determined that regulating the sale of deterrent spray was the best mechanism to reduce the number of police files involving deterrent spray within the City.

The proposed Sale of Deterrent Spray Bylaw would apply to any spray containing capsaicin, or related capsaicinoids, such as dihydrocapsaicin or nordihydrocapsaicin, or any other spray listed in the Pesticide Product Information Database administered by the Federal *Pest Management Information Service*. The proposed Bylaw will require all vendors to record the sale, including serial number, of all deterrent sprays, preserve those records for three years, and make available those records to a Bylaw Officer or police officer in the course of a specific investigation. The proposed Bylaw will specifically prohibit vendors from selling to persons without identification, or those under the age of 18 years.

Conclusion:

Staff recommend regulating the sale of deterrent spray through the Sale of Spray Deterrent Bylaw to provide a barrier to sale for those who are purchasing for illegitimate use, keep it out of the hands of youth, and give authority to police and bylaw enforcement officers to educate, investigate and enforce the sale of deterrent spray.

Internal Circulation:

Office of the City Clerk
Bylaw Services
Communications Department
Business Licensing Department

Considerations applicable to this report:

Legal/Statutory Authority:

Community Charter
S. 8 - Fundamental powers
S. 15 - Licensing and standards authority
S. 60 - Business licence authority

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Consultation and Engagement:

Submitted by: K. Duggan, Community Safety Services Manager

Approved for inclusion: S. Leatherdale, General Manager, People & Protective Services

cc:

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