



*City of Langley*

**THE CITY OF LANGLEY**  
*The Place To Be!*

**DRUG PARAPHERNALIA BYLAW NO. 2624**

A Bylaw to regulate Drug Paraphernalia Dealers in the City of Langley.

WHEREAS the unregulated possession and use of drug paraphernalia tends to foster drug crime and exacerbate the effects of crime on the community;

AND WHEREAS regulation of drug paraphernalia sales will foster crime prevention and mitigate the effects of crime on the community.

The Council of the City of Langley in open meeting assembled, enacts as follows:

- 1) This bylaw may be cited as the “Drug Paraphernalia Bylaw 2006, No. 2624”.
- 2) In this Bylaw

“business day”	means any calendar day, including any holiday, during which a dealer is open for business to one or more members of the public;
“dealer”	means a person to whom the City has issued a business licence, or who is obligated by a City bylaw to hold a business licence, for the purposes of selling drug paraphernalia;
“drug paraphernalia”	means all equipment, products, and materials of any kind which are used or designed for use in smoking, inhaling, ingesting, injecting, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, or introducing into the human body a controlled substance as defined in Schedules I, II, and III of the <i>Controlled Drugs and Substances Act</i> , SC 1996, c. 19, as may be amended from time to time, other than a controlled substance permitted under that Act. Without limiting the generality of the foregoing, drug paraphernalia includes pipes of any kind for the smoking of cannabis, including bongs and hookahs;

- “licence” means a licence to carry on a business, trade, profession, or other occupation issued under the City of Langley *Business Licence and Regulation Bylaw*, 2004, No. 2564;
- “picture identification” means one or more of the following that includes a photograph of the bearer:
- (a) Valid driver’s licence issued by a Canadian province or territory;
  - (b) Provincial identity card;
  - (c) Passport issued by a legitimate government;
  - (d) Certificate of Indian status issued by the Government of Canada;
  - (e) Certificate of Canadian citizenship issued by the Government of Canada; or
  - (f) Conditional release card issued by Correctional Services Canada.
- “premises” means any shop, store, or other place where a dealer carries on the business of selling drug paraphernalia;
- “property” means goods, chattels, wares, merchandise, articles, or things;
- “purchase” means to buy, barter, deal in, take in exchange, take in part payment, acquire, acquire on consignment, or receive;
- “RCMP” means the Officer in Charge at the Langley RCMP Detachment and includes their designate;
- “register” means the set of records referred to in Sections 4 through to 15, and where this Bylaw stipulates that a dealer has an obligation in connection with a register, the reference is to that register which the dealer is obliged, under Sections 4 through 15, to establish and maintain;

- 3) If a Court finds any provision or part of a provision of this Bylaw illegal or void, the remaining, provisions or parts of provisions will continue to have full force and effect.

### **DRUG PARAPHERNALIA DEALERS**

- 4) Every dealer in accordance with Sections 4 through to 15 must establish and maintain a written register of all buyers of drug paraphernalia.
- 5) Every dealer, immediately after the sale of any drug paraphernalia, must set out in the register in the English language, a record of the purchase, in chronological order by date of purchase. The record must include:
  - a) the name, residence, or street address, and birth date of the buyer;
  - b) confirmation of the identity of the buyer by way of picture identification including a complete description of the picture identification and name of the authority who issued it;
  - c) a complete description of the material purchased;
  - d) the price paid for the property; and
  - e) the date of the purchase.
- 6) Every dealer must:
  - a) maintain the register in the form attach to this Bylaw as Schedule “A”; and
  - b) record all information in the register in legible handwriting in ink.
- 7) A dealer must not amend, obliterate, deface, or erase any entry in the register or remove any page from the register, either wholly or partially or electronically or manually.
- 8) Every dealer, during business hours on business days must, when requested, produce the register for inspection by the RCMP or the Chief Licence Inspector.
- 9) The RCMP may remove a dealer’s register from the dealer’s premises at any time for inspection at the RCMP headquarters or for use as evidence in the Court.
- 10) Immediately upon return of the register taken under Section 9 to the dealer, the dealer must record in the register, in chronological order, under Section 6, every sale by the dealer of drug paraphernalia that occurred during the absence of the register.
- 11) Every dealer must:
  - a) subject to Section 9, keep on its premises the register, or any portion of the register, that contains any entry that is less than 24 months old;
  - b) keep the register within the Province of British Columbia, for seven years after the date of the last entry; and
  - c) if the dealer sells, leases, or otherwise disposes of the dealer’s business to any person, possession of the whole register must be transferred to such person, who then becomes the dealer for the purposes of this Bylaw.

- 12) Every dealer must deliver by hand or facsimile to the RCMP at the Langley RCMP Detachment between 8:30 a.m. and 10:30 a.m. on each business day of the dealer's business, a report consisting of an exact and legible photocopy of that portion of the register containing each entry of drug paraphernalia sold by the dealer that occurred during the period of time between 8:00 a.m. on the immediately preceding business day of the dealer and 8:00 a.m. on the business day the report is due, and signed by the dealer.
- 13) A dealer must not carry on the business of buying or selling drug paraphernalia except at the premises designated in the dealer's licence.
- 14) A dealer must not sell any drug paraphernalia to any person under the age of 19 years.
- 15) Every dealer, on demand by the RCMP during business hours on business days, must permit the RCMP to inspect:
  - a) any property in the dealer's premises;
  - b) the dealer's premises.

#### **DRUG PARAPHERNALIA DEALER'S LICENCE**

- 16) Every dealer of drug paraphernalia must hold a separate licence known as a Drug Paraphernalia Dealer's Licence.
- 17) Every application for a Drug Paraphernalia Dealer's Licence must be made to the City on the application form provided by the City.
- 18) The fee for a Drug Paraphernalia Dealer's Licence is \$1,000.00.
- 19) The RCMP has the authority to approve, suspend, cancel or refuse any Drug Paraphernalia Dealer's Licence issued or applied for under this Bylaw.
- 20) On approval by the RCMP of an application for a Drug Paraphernalia Dealer's Licence, and on payment of the fee, the City must issue a Drug Paraphernalia Dealer's Licence.
- 21) An appeal of the refusal, suspension or cancellation of the licence may be made to Council and the decision of Council shall be final.
- 22) A Drug Paraphernalia Dealer's Licence is valid for a period of one year from the date of issuance, but may be extended for such further periods, not exceeding one year, as the RCMP may determine.
- 23) The RCMP may authorize the issuance of a temporary Drug Paraphernalia Dealer's Licence for a determined period of less than one year.
- 24) Every drug paraphernalia dealer must, at all times, display a Drug Paraphernalia Dealer's Licence on their premises.

**OFFENCES AND PENALTIES**

- 25) Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of any of the provision so of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw or who does any act which violates any of the provisions of this Bylaw, shall be guilty of an offence against this Bylaw and be liable to the penalties hereby imposed.
- 26) Every person who commits an offence against this Bylaw is punishable on conviction by a fine of not less than \$200.00 and not more than \$10,000.00 for each offence.
- 27) Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$10,000.00 for each day such office is continued.

**EXEMPTION**

- 28) This Bylaw does not apply to licensed medical doctors, pharmacists, or owners of pharmacies.

**REPEAL AND ENACTMENT**

- 29) This Bylaw comes into force and takes effect on and after the date of the final passing thereof.

READ A FIRST AND SECOND TIME this eighth day of May, 2006

NOTICE given under Section 59 of the *Community Charter* on the nineteenth day of May, and twenty third day of May, 2006.

OPPORTUNITY for representations to Council provided under Section 59 of the *Community Charter* up to the twenty ninth day of May, 2006.

READ A THIRD TIME this twenty ninth day of May, 2006

Finally Adopted on the nineteenth day of June, 2006.

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Mayor

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Clerk

**“Drug Paraphernalia Bylaw 2006, No. 2624”**

**SCHEDULE “A”**

<b>City of Langley Drug Paraphernalia Registry</b>						
<b>Buyer</b>			<b>Type of ID Provided</b>	<b>Purchase Date</b>	<b>Items Purchased</b>	<b>Price</b>
<b>Name</b>	<b>Street Address</b>	<b>Birth Date</b>				
<i>Sample: Smith, John</i>	<i>Young Road, Chilliwack, BC V2P 8A4</i>	2-Jun-71	BC Driver's Licence No. 123456	5-Feb-06	Hydroponic Lighting, Pumps, Trays	\$765.00
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