

“SECONDHAND DEALERS AND PAWNBROKERS BYLAW 1997 NO. 5230”

Consolidated Version

1997-NOV-05

Includes Amendment: 5277

CITY OF NANAIMO

BYLAW NO. 5230

A BYLAW TO REGULATE BUSINESSES OF SECONDHAND DEALERS AND
PAWNBROKERS

WHEREAS pursuant to Section 679 of the *Municipal Act* the Council may, by bylaw, regulate the carrying on of business in the Municipality, for the purpose of protecting the public or preventing or minimizing nuisances and misleading business practices, and the regulations may be different for different classes of business; and

WHEREAS pursuant to Section 680 of the *Municipal Act*, the Council may, by bylaw, require all licenced persons purchasing, taking in barter, or receiving used or second hand goods to notify the Chief Constable having jurisdiction in the Municipality within 24 hours after purchasing, taking or receiving them, and not to alter the form of, or to sell, exchange or otherwise dispose of, those goods within 72 hours after the hour of purchasing, taking or receiving;

THEREFORE the Council of the City of Nanaimo, in open meeting assembled, does hereby ENACT AS FOLLOWS:

1. Title

This Bylaw may be cited as the "SECONDHAND DEALERS AND PAWNBROKERS BYLAW 1997 NO. 5230".

2. Interpretation

In this bylaw, unless the context otherwise requires:

"Address"	means a street address and not a post office box number.
"Auction"	means the business of purchasing or receiving articles, goods or things to be sold by auction.
"Auctioneer"	includes any person who carries on the business which includes auctioning articles, goods or things.
"Chief of Police"	means the Officer-In-Charge of the Nanaimo Detachment, Royal Canadian Mounted Police and includes any member of the R.C.M.P. appointed or designated by the Chief of Police to act on his behalf.
"City"	means the City of Nanaimo.
"Dealer"	includes a secondhand dealer, a junk dealer and a pawnbroker.

“Junk”	includes any of the following used or old articles or goods, rubber tires, metal, plastics, plastic containers, glass, paper, sacks, wire, ropes, rags, machinery, or cans.
“Junk Dealer”	means a person who carries on the business of purchasing or selling junk, or who carries on the business of a junk store or junk shop.
“Large Household Furnishings/ Appliances”	means sofas, tables, beds, dressers, washers, dryers, fridges, stoves, dishwashers or similar large household furnishings or appliances, but does not include microwave ovens.
“Licence Inspector”	means a person appointed from time to time to administer City of Nanaimo bylaws.
“Pawnbroker”	includes every person who carries on the business of taking goods or chattels in pawn, whether or not the provisions of the <i>Pawnbrokers Act</i> apply to him.
“Pledge”	an article pawned with a Pawnbroker.
“Purchase”	includes buy, barter, deal in, take in exchange, take in part payment, or receive on consignment, and “purchasing” and “purchased” shall be construed accordingly.
“Register of Articles or Goods Received”	means the Register referred to in Schedule B of this Bylaw.
“Register of <i>Unmarked</i> Articles or Goods Received from Auction”	means the Register referred to in Schedule D of this Bylaw.
“Register of Auctioneer’s <i>Unmarked</i> Articles or Goods Received”	means the Register referred to in Schedule E of this Bylaw.

“Secondhand Dealer” means:

- (a) every person carrying on the trade or business of purchasing or selling any secondhand goods, wares or merchandise, or who keeps a store, shop or other place of business for the purpose of carrying on such trade or business, or
- (b) every person who, while licenced or required to obtain a licence for any business, occupation or calling other than businesses referred to in this bylaw, purchases or stores, either as principal or agent, any secondhand goods, wares or merchandise,

but does not include a person who only buys or sells secondhand books, papers or magazines.

3. Bylaw Compliance, Inspections

The Chief of Police, an officer of the RCMP, the Licence Inspector, or Bylaw Enforcement Officers are authorized to enter at all reasonable times on any property that is subject to the direction of this Bylaw to ascertain whether the requirements are being met or the regulations are observed.

4. Register

- 4.1 Every secondhand dealer and pawnbroker shall keep a register of goods, articles, or things other than junk without value, purchased or otherwise received by him or her.
- 4.2 Each entry in the Register of Articles and Goods Received shall be made at the time of or immediately after the purchase or receipt of goods, articles or things. (Bylaw 5277)
- 4.3 The Register of Articles or Goods Received shall be written in ink, be legible, or typewritten. The Register of Articles or Goods Received shall contain the following: (Bylaw 5277)
 - (a) A full and complete description, serial number, make, or model of all articles, goods, or things purchased or received.
 - (b) The price paid or the amount of the loan advanced for each article, goods, or thing.
 - (c) The precise date and hour of purchasing or receiving such articles, goods or things.
 - (d) The full name of who received or purchased the articles, goods or things.

- (e) A consecutive Pawn number next to each article, goods or thing pawned or purchased except in the case of coins or postage stamps.
 - (f) The full name, residential or business address and full description of the person from whom such articles, goods, or things were purchased or received, along with the number and expiration date from one of the following picture identification: a passport, a driver's licence, or British Columbia Identification (BC ID).
 - (g) The full signature of the person from whom the articles, goods or things are purchased or received.
 - (h) The make, model and Provincial Licence Plate of the motor vehicle used by the person from whom such articles, goods, or things were purchased or received, for the purpose of delivering the articles, goods or things.
 - (i) The full description of any jewelry received, including any markings, type of stone, number of carats, ring size, and material such as gold, platinum, silver.
- 4.4 Every secondhand dealer or pawnbroker shall keep a register of all unmarked goods, articles or things, other than junk, purchased or otherwise received from an auction by such dealer or pawnbroker.
- 4.5 Each entry in the Register of "Unmarked" Articles or Goods Received shall be made at the time of or immediately after the purchase or receipt of all goods, articles or things.
- 4.6 The Register of "Unmarked" Articles or Goods Received from Auction shall be kept in a manner satisfactory to the Chief of Police and the Licence Inspector, shall be written in ink, be legible, or typewritten and shall contain the following:
- (a) A full and complete description, make, or model of all articles, goods or things purchased or received.
 - (b) The precise date and hour of purchasing or receiving such articles, goods or things.
 - (c) The full business name and address of the Auction the articles, goods or things were purchased from.
 - (d) The full signature of the Auctioneer or owner of the auction from which the articles, goods or things were purchased or received.

- 4.7 (a) Every Auctioneer shall keep a register of all unmarked goods, articles or things, other than junk, purchased or otherwise received.
- (b) Each entry in the Register of Auctioneer's "Unmarked" Articles or Goods Received shall be made at the time of or immediately after the purchase or receipt of all articles, goods or things.
- (c) The Register of Auctioneer's "Unmarked" Articles or Goods Received, shall be written in ink, be legible, or typewritten and shall contain a full and complete description, make or model of all articles, goods, or things purchased or received.
- 4.8 All articles, goods or things purchased or received by the secondhand dealer or pawnbroker shall have attached to the article, goods, or things, a tag, on which is recorded the pawn number which is assigned to the article, goods, or thing on the register and the secondhand dealer or pawnbroker must insure that the tag remains attached until sold or otherwise disposed of.
- 4.9 The Register of Articles or Goods Received shall at all reasonable times during business hours, be produced on demand for inspection by the Chief of Police, or any member of the Royal Canadian Mounted Police, the Licence Inspector or any person authorized by the Licence Inspector.
- 4.10 Any secondhand dealer, pawnbroker, junk dealer or auctioneer shall keep on the premises where the business or trade is licenced to carry on, any register that contains an entry that is less than 12 months old.
- 4.11 Every secondhand dealer or pawnbroker shall deliver daily to the Chief of Police, before the hour of 9:30 o'clock in the forenoon a complete copy, which may be in photographic form, of the register of all articles, goods or things received by the secondhand dealer or pawnbroker during the 24 hours preceding the hour of 9:30 am of the day on which the report is made.
- 4.12 The register may be delivered by facsimile or other electronic means, if legible, and acceptable to the Chief of Police.

5. Regulations

- 5.1 No secondhand dealer or pawnbroker shall:
- (a) Receive any articles, goods or things from any *person* other than at the place of business in which the secondhand dealer or pawnbroker is licenced to conduct his business or at the place of business of a licenced auctioneer.
- (b) Store any articles, goods or things purchased or received from persons other than at the place of business in which the secondhand dealer or pawnbroker is licenced to conduct business.
- (c) Purchase or receive any articles, goods or things from any *person* between the hours of 12 o'clock am and 6 o'clock am the next day.

- (d) Receive any articles from any person under the age of 18 years.
- (e) Receive any articles, goods, or things where its serial number or other identifiable marking has been defaced, erased, removed or tampered with, unless received from an auction and the receipt of such articles, goods or things is recorded on the "Register of Unmarked Goods or Things Received from Auction."
- (f) Receive any articles, goods, or things from any person who fails to supply him with the identification required in Section 4 of this bylaw.
- (g) Receive any new or unused articles, goods or things, other than coins or postage stamps, unless the person who delivers the articles, goods or things, at the same time as delivery, provides an invoice or other documentation as proof of acquisition by such person, in which case the dealer shall retain the invoice or document and shall deliver it to the Chief of Police simultaneously with the register that the articles, goods or things are recorded on.
- (h) Alter, repair, dispose of or in any manner part with any articles, goods or things except large household furnishings or appliances purchased or received by him or allow any such articles, goods or things to be removed from the premises or otherwise disposed of until after the expiration of 30 clear days from the date of purchase or receipt, exclusive of Sundays and holidays, and until the expiration of the said 30 clear days, such articles, goods or things shall be segregated and kept apart from all other articles, goods or things on the premises and shall be subject to inspection at any reasonable time during business hours, by the Chief of Police, member of the Royal Canadian Mounted Police, Licence Inspector or person authorized by the Licence Inspector for the purpose of identifying such articles, goods or things reported or suspected of having been stolen.
- (i) Notwithstanding Section 5.1(h), the Chief of Police, a member of the RCMP or the Licence Inspector may, from time to time, require articles, goods or things to be kept in the secondhand dealer's or pawnbroker's possession for a longer duration of time, from the date of purchase or receipt, in which case the articles, goods or things shall not be removed from the premises or disposed of without written consent of the Chief of Police.
- (j) Receive any articles, goods or things which have been received by the secondhand dealer or pawnbroker, from another secondhand dealer or pawnbroker, which have been in the possession of the secondhand dealer or pawnbroker delivering the articles, goods or things for 30 clear days, without recording the receipt of such articles, goods or things in the Pawnbrokers Register referred to as Schedule "B".
- (k) Cause or permit any entry in the register to be erased, obliterated or defaced or permit the leaves of any register or any part of any register to be cut out or removed without the written consent of the Chief of Police.
- (l) Refuse entry to the business premises to the Chief of Police, any member of the RCMP, the Licence Inspector or any person authorized by the

Licence Inspector for inspection of the articles, goods or things or for other purposes.

6. Application of *Pawnbrokers Act*

- 6.1 Notwithstanding Section 4 of this bylaw, any person licenced to carry on the business of a Pawnbroker shall keep all books and documents required to be kept pursuant to the *Pawnbrokers Act*.
- 6.2. Every pawnbroker shall be required to post at the counter or service line where articles are received, the interest charged on articles, goods or things left in pawn.
- 6.3. No pawnbroker shall:
- (a) Be issued a licence for carrying on the business of a Pawnbroker within the City who holds a licence as an auctioneer or who is a partner or member of any firm holding a licence to carry on the business of an auctioneer.
 - (b) Unless he has obtained a licence as a secondhand dealer, purchase or buy any secondhand articles, goods or things whatsoever from any person.
 - (c) Carry on his business on the same premises upon which the business of auctioneer is carried on.
 - (d) Employ any person under the age of 18 years who is in a position of receiving, selling or pawning any articles, goods or things.
- 6.4. No junk dealer shall:
- (a) Be required to record in a register any articles, goods or things purchased or received with an apparent value under \$50.
 - (b) Sell, remove or dispose of any article, goods or thing with an apparent value over \$50 prior to notifying in writing, the Chief of Police, within 72 hours excluding Sundays and holidays of the intent to sell, remove or dispose of any article, goods or thing.
 - (c) Sell, remove or dispose of any article, goods or thing with an apparent value of over \$50 prior to the expiration of time expressed in Section 5.1(h) of this bylaw, without obtaining written consent from the Chief of Police.
- 6.5 No auction shall purchase or receive any articles, goods or things from any person between the hours of 12:00 AM and 6:00 AM on any day.

7. General Provisions

If any secondhand dealer, pawnbroker, junk dealer or auctioneer is convicted of an offence pursuant to Section 667 of the *Municipal Act*, the Licence Inspector may

suspend the business licence of the secondhand dealer, pawnbroker, junk dealer or auctioneer for a period he so decides.

8. Remainder of Bylaw to Remain Intact

In the event that any portion of this Bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

9. Penalties

A person who contravenes a provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty not less than \$100. and not more than \$2,000. or, if an Information is laid by means of a ticket, in accordance with the procedure set out in the *Offence Act*, a fine as stipulated in Schedule "A" of this bylaw.

10. Repeal

"SECONDHAND DEALERS BYLAW 1983 NO. 2583" is hereby repealed.

PASSED FIRST, SECOND AND THIRD READINGS 1997-MAY-26.
RECONSIDERED AND AMENDED AT THIRD READING 1997-JUN-16.
PASSED THIRD READING AS AMENDED 1997-JUN-16.
RECONSIDERED AND AMENDED AT THIRD READING 1997-JUL-07.
PASSED THIRD READING AS AMENDED 1997-JUL-07.
RECONSIDERED AND AMENDED AT THIRD READING 1997-AUG-25.
PASSED THIRD READING AS AMENDED 1997-AUG-25.
RECONSIDERED AND AMENDED AT THIRD READING 1997-SEP-08.
PASSED THIRD READING AS AMENDED 1997-SEP-08.
ADOPTED 1997-SEP-22.

G. R. KORPAN
MAYOR

J. T. BOWDEN
CITY CLERK

SCHEDULE "A"**FINE SCHEDULE**

Offence	Section No.	Fine
Fail to maintain register	4.1	200.00
Fail to make register entry	4.2	200.00
Register not legible or complete	4.3	200.00
Failure to maintain register of unmarked goods	4.4	200.00
Fail to make register entry of unmarked goods	4.5	200.00
Register of unmarked goods not legible or complete	4.6	200.00
Fail to keep register of unmarked goods (Auction)	4.7	200.00
Fail to make register entry of unmarked goods (auction)	4.7	200.00
Register of unmarked goods not legible or complete (auction)	4.7	200.00
Articles not tagged	4.8	200.00
Failure to produce register	4.9	200.00
Failure to retain register	4.10	200.00
Failure to submit register	4.11	200.00
Receive other than place of business	5.1(a)	200.00
Store other than place of business	5.1(b)	200.00
Receive article during prohibited time	5.1(c)	200.00
Receive article from person under 18 years	5.1(d)	200.00
Receive article with defaced/erased serial number	5.1(e)	200.00
Receive article without identification	5.1(f)	200.00
Fail to obtain documentation	5.1(g)	200.00
Fail to hold 30 days	5.1(h)	200.00
Fail to hold for longer duration or obtain written consent	5.1(i)	200.00
Fail to make register entry	5.1(j)	200.00
Deface or alter register	5.1(k)	200.00
Refuse entry	5.1(l)	200.00
Carry on business for auctioneer purposes	6.3(a)	200.00
Purchase without licence	6.3(b)	200.00
Conduct business from auctioneer premises	6.3(c)	200.00

Employ person under 18 years	6.3(d)	200.00
Fail to maintain register	6.4(a)	200.00
Fail to notify in writing	6.4(b)	200.00
Sell or dispose without written consent	6.4(c)	200.00
Purchase or receive beyond specified time	6.5	200.00

SCHEDULE "B"

SECONDHAND DEALERS AND PAWNBROKERS BYLAW REGISTER OF ARTICLES OR GOODS RECEIVED

THIS REGISTER must be completed accurately and must be delivered to the Chief of Police before 9:30 AM on the following day.

Register of all articles or goods purchased or received on _____.

Name: _____ Address: _____ Ph: _____
 DOB _____ ID# _____ Expiration: _____ MOTOR VEHICLE MAKE/MODEL/LIC _____
 SELLER'S SIGNATURE _____

PAWN #	DESCRIPTION	Serial #/Model	TIME Received	RECEIVED By:	PRICE

Name: _____ Address: _____ Ph: _____
 DOB _____ ID# _____ Expiration: _____ MOTOR VEHICLE MAKE/MODEL/LIC _____
 SELLER'S SIGNATURE _____

PAWN #	DESCRIPTION	Serial #/Model	TIME Received	RECEIVED By:	PRICE

SCHEDULE "C"

(Deleted by Bylaw 5277)

