

# DISTRICT OF SEHELDT

## BYLAW NO. 382, 2001

### A Bylaw to regulate Second-Hand Dealers and Pawnbrokers

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**WHEREAS** Part 20 of the *Local Government Act* provides that a municipality may, by bylaw, licence and regulate the carrying on of business in the municipality, to the extent not inconsistent with the intent of the *Local Government Act* or any other Act 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** without restricting the generality of the foregoing Council may, by bylaw, require all licensed persons purchasing, taking in barter, or receiving used or second hand goods to notify the Chief Constable having jurisdiction in the municipality after purchasing, taking or receiving those goods and not to alter the form, or to sell, exchange or otherwise dispose of, those goods for a limited time after the hour of purchasing, taking or receiving;

**AND WHEREAS** the Council considers it necessary to regulate the businesses of second hand dealers and pawnbrokers within the District of Sechelt;

**NOW THEREFORE** the Council of the District of Sechelt in open meeting assembled enacts as follows:

1. **TITLE:**

This bylaw may be cited for all purposes as “ Second-Hand Dealers Bylaw No. 382”, 2001.

2. **DEFINITIONS**

In this bylaw:

“**Business Licence Bylaw**” means District of Sechelt Business Licence Bylaw No. 180, 1992 as amended from time to time.

“**Chief Constable**”, means the Non-Commissioned Officer (N.C.O.) in charge of the District of Sechelt detachment of the Royal Canadian Mounted Police (RCMP) or their designate.

“**District**” means the District of Sechelt.

“**Junk**” includes any of the following used or old articles or things: rubber tires, metal, bottles, glass, paper, sacks, wire, ropes, rags, machinery or any other articles or similar things commonly found in a junk shop.

“**Junk Dealer**” means a person who carries on the business or purchasing or selling junk, or who carries on the business of a junk store or junk shop.

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**“License Inspector”**, means the persons from time to time duly appointed as Bylaw Enforcement Officer or License Inspector for the District of Sechelt and also any person lawfully acting in that capacity.

**“Pawn”** means to deposit goods or chattels as security for the payment of money or other consideration;

**“Pawnbroker”** means a person who carries on the business of taking goods or chattels in pawn, or otherwise taking goods as a security pledge for a small loan with a view to sale should the loan not be repaid.

**“Purchase”**, includes buying, taking in barter, dealing in, receiving in exchange, receiving in part payment or receiving on consignment.

**“Register”**, means a book used as the record of all goods purchased or received except articles of clothing, books and items of garbage for recycling such as returnable beverage containers, newspapers and similar items. The record of goods must be in accordance with the provisions set out in Section 6(1) of this bylaw.

**“Second Hand Articles”** means second hand, used and pre-owned goods and chattels bought, sold, procured, or offered for sale. Without limiting the generality of the following, “second hand articles” include the following second hand, used and pre-owned goods and chattels bought, sold, procured, offered for sale or taken in pawn:

- (1) Jewellery (carat weight);
- (2) electronic home entertainment products, including but not limited to audio and video equipment and accessories;
- (3) audio or video cassettes, in any format, compact, video or computer disks and phonograph records;
- (4) construction tools
- (5) outboard motors, chainsaws and power equipment.
- (6) metals such as aluminum, copper, and other valuable salvage;
- (7) musical instruments;
- (8) bicycles, including bicycle parts and accessories;
- (9) computers, printer and fax machines and their accessories;
- (10) cameras, including video and still cameras, camcorders, related equipment and accessories;
- (11) sports equipment with identifiable markings;

but does **NOT** include used clothing, used books or magazines, thrift stores, art or antiques where provenance can be shown, large household appliances, duly licensed auctioneers, flea markets, garage sales, or recycling depots.

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“**Second Hand Dealer**” means a person carrying on the business of buying, selling, taking in trade, procuring or offering for sale Second Hand Articles. Without limiting the generality of the foregoing, Second Hand Dealer includes:

- (1) any person or business who carries on the business of buying or selling junk;
- (2) any person or business who carries on the business of taking goods and chattels in pawn;
- (3) persons or businesses who keep a shop for the purpose of carrying on the business of Second Hand Dealer.
- (4) persons or businesses not enumerated above who buy, store, or take in trade, either as principal or agent, any Second Hand Articles.

“**Thrift Store**” means any store or business operated by a Society registered pursuant to the *Society Act* of British Columbia.

3. **BUSINESS LICENCE:**

- (1) All persons carrying on the business of pawnbroker or second-hand dealer shall obtain a business licence and comply with all provisions of the Business Licence Bylaw.
- (2) An application by a pawnbroker or second hand dealer for a business licence shall disclose the names and addresses of all persons who will be actively engaged in the management and control of the business. A Licensee shall further disclose during the term of any licence any changes to the personnel so named in the application.
- (3) All licences issued to Licensees shall designate the premises in respect of which the licence is issued, and shall authorize the Licensee to carry on business only in the premises so designated.
- (4) The Licence Inspector shall notify the Chief Constable and provide copies of all applications for licensing for the businesses of pawnbroker or second-hand dealer.

4. **INSPECTION OF PREMISES:**

- (1) The Licence Inspector or any member of the RCMP, is hereby authorized to enter, at any time during business hours, premises that are licensed or proposed to be licenced pursuant to this bylaw for the purpose of determining compliance with the provisions of this bylaw, the Business Licence Bylaw or any other bylaw applicable to the premises.

5. **PURCHASE OF GOODS:**

- (1) No Licensee shall purchase or receive in pawn goods or chattels unless the person depositing the goods or chattels is:
  - (a) Eighteen years of age or older;
  - (b) Not under the influence of alcohol or drugs;
  - (c) Able to produce valid, photographic identification confirming the identification of the person pawning the goods or chattels
- (2) No Licensee shall take in pawn any goods, articles or thing whatsoever from any person whomsoever between the hours of six o'clock p.m. and six o'clock a .m. of the following day.

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- (3) No Licensee shall purchase or take in pawn any goods, articles or thing where its serial number or other identifiable marking has been tampered with or removed.
- (4) In cases where only one single article is purchased to a total of less than \$25.00 (Twenty-five dollars), that item does not need to be recorded. Notwithstanding the foregoing, audio or video cassettes, in any format, compact, video or computer disks or phonographic records must be recorded.
- (5) In cases of multiple item purchases to a total of less than \$400.00, a total price only will be required to be recorded. In cases where the total price exceeds \$400.00, the price paid for each Second Hand article will be required to be recorded.

6. **RECORD OF GOODS**

- (1) All persons licensed pursuant to the provisions of this bylaw shall deliver, or send by FAX or other electronic means, to the Non-Commissioned Officer in Charge of the RCMP, prior to 9:30 a.m. on Monday of each week, a statement of all goods and chattels purchased or received by the licensee during the previous week, in the form attached to this bylaw as Schedule "A" (Second Hand and Pawnbrokers Dealers Register), which statement shall include the following:
  - (a) a description including any descriptive mark, name, and serial number of the goods and chattels, and in the form attached to this bylaw as Schedule "A" (Second Hand Dealers and Pawnbroker Register);
  - (b) The price paid and whether the item was deposited in pawn or purchased;
  - (c) The date and time of purchasing or receiving the goods and chattels;
  - (d) The name, date of birth, address and contact telephone number of the person depositing the goods and chattels and, if available, a copy of any photographic identification produced pursuant to Section 4.1 of this bylaw;
  - (e) Whenever possible, the make, description and license number of any vehicle used by the person depositing the goods and chattels, with the exception of those persons who arrive via public transport, on foot, or taxi cab;
  - (f) The name of the employee or licensee receiving the goods and chattels; and
  - (g) In the case of jewellery, the description of the type, colour, style of jewellery and apparent type of gem.
- (2) No such statement shall be required on Public Holidays, but shall be submitted the following business day, and all statements shall disclose the whole period subsequent to 9:30 a.m. of the day on which the last preceding statement was made.

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- (3) If a Licensee is not open during business hours on a normal business day, the statement shall be delivered, or sent by FAX or other electronic means, to the Non-Commissioned Officer in Charge of the RCMP prior to 9.30 a.m. on the next business day that the Licensee is open for business.
- (4) No Licensee shall permit any entry made in the record of goods to be erased, obliterated or defaced in any way or removed from the premises, except upon the request of the R.C.M.P.

7. **DISPOSAL OF GOODS:**

- (1) No Licensee shall alter, sell, exchange or otherwise dispose of, goods or chattels deposited with or delivered to the licensee until after the expiration of seven (7) clear days, exclusive of Sundays and Holidays provided that the Licensee may, upon request, return goods or chattels to the person who originally deposited them with the Licensee. The Licensee shall keep such goods and chattels segregated from other goods and chattels located on the premises so as to allow inspection at any time during regular business hours by the R.C.M.P.
- (2) No electronic equipment, shall be altered, repaired or disposed of for a period of seven (7) days.
- (3) No jewellery shall be altered, repaired, or disposed of, for a period of seven (7) days.

8. **SEVERABILITY**

Should any section, subsection, clause, paragraph, sentence or word of this Bylaw be declared unlawful or invalid by a Court of competent jurisdiction, no other part of this Bylaw shall be deemed to be invalid and the balance of the Bylaw shall remain in force as a whole where the context so permits, except for the part declared unlawful or invalid.

9. **OFFENCE AND PENALTY**

Every person who violates a provision of this Bylaw or who suffers or permits a contravention of a provision of this Bylaw or who neglects to do or refrains from doing anything required to be done by any provisions of this Bylaw, shall be deemed to be guilty of an offence and, upon conviction thereof, shall be liable to a fine not exceeding Two Thousand Dollars (\$2,000.00), plus costs, or six months imprisonment or both.

**READ A FIRST TIME THIS 18th DAY OF JULY, 2001**

**READ A SECOND TIME THIS 18th DAY OF JULY, 2001**

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**READ A THIRD TIME THIS 18th DAY OF JULY, 2001**

**RECONSIDERED AND FINALLY ADOPTED THIS 15th DAY OF AUGUST, 2001**

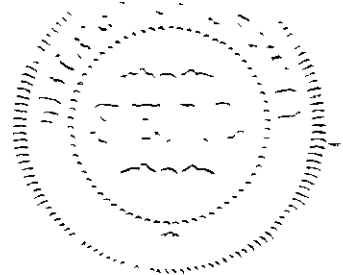
*Bruce ...*

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Mayor

*Anne Jeffrey*

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Municipal Clerk

**I hereby certify this to be a true and accurate  
copy of District of Sechelt "Second Hand Dealers  
Bylaw No. 382", 2001.**



*Anne Jeffrey*  
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Municipal Clerk

