

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Business Regulation (Second Hand Dealers and Pawnbrokers) Bylaw, 2000, No. 2432

CONSOLIDATED FOR CONVENIENCE February, 2021

**In case of discrepancy, the original Bylaw
or Amending Bylaws must be consulted.**

Consolidates Amendments authorized by:

- Amendment Bylaw [No. 1], 2020, No. 3010

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2432

A Bylaw to Provide for the Regulation of the Businesses of Second Hand Dealers and Pawnbrokers.

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the "Business Regulation (Second Hand Dealers and Pawnbrokers) Bylaw, 2000, No. 2432".
2. In this Bylaw:
 - (1) **"Address"** means a street address and not a post office box number;
 - (2) **"Dealer"** includes a Second Hand Dealer, a Junk Dealer and a Pawnbroker;
 - (3) **"Junk"** means used rubber tires, metal, plastics, plastic containers, glass, paper, sacks, wire, ropes, rags, machinery, cans, and any other article commonly found in a Junk Dealer's business premises;
 - (4) **"Junk Dealer"** means a person who carries on the business of Purchasing or selling junk;
 - (5) **"Pawnbroker"** means every person who carries on the business of taking goods or chattels in pawn whether or not the provisions of the *Pawnbrokers Act* apply to the business;
 - (6) **"Police"** means the Chief Constable of the Municipality and any officer or member of the Municipality's police force or the R.C.M.P.;
 - (7) **"Purchase"** includes buy, barter, deal in, take in exchange, take in part payment, or receive on consignment;
 - (8) **"Register"** means the register referred to in Section 3;
 - (9) **"Second Hand Dealer"** means every person carrying on the trade or business of Purchasing or selling any Second Hand Goods, but does not include a retail merchant or trader who accepts as a trade-in any chattel as part of the consideration for the sale of another chattel where the balance of the consideration is in money;
 - (10) **"Second Hand Goods"** means used merchandise including, but not limited to furniture, electronics and electrical goods, antiques, clothing, jewels, coins, postage stamps, paintings, sketches and other chattels, but does not include books, magazines or other material printed after 1900.

3. Every Dealer shall keep a Register of all goods, articles, or things of value, that are Purchased or otherwise received by the Dealer.
4. The Register shall be in the English language and shall be written legibly, typewritten or recorded in electronic fashion. *[Bylaw No. 3010, Amendment Bylaw [No. 1]]*
5. The information prescribed in Section 6 shall be entered in the Register by the Dealer in respect of each item received by the Dealer. Each entry in the Register shall be made within 30 minutes after such receipt.
6. The Register shall include the following particulars in parallel columns in respect of each transaction:
 - (1) a correct account and description of the item received including any serial number, descriptive mark and name on the item;
 - (2) the precise date of Purchasing or receiving the item;
 - (3) the full name, residential or business address and where possible, a description of the person who sold or delivered the item;
 - (4) the number from, or a photocopy of, at least one of the following pieces of identification that identify the person who sold or delivered the item:
 - (a) a valid driver's licence issued by a Canadian jurisdiction;
 - (b) an identity card issued by the Government of Canada;
 - (c) a passport issued by the Government of the country of origin of that person;
 - (d) a certificate of Indian Status issued by the Government of Canada;
 - (e) a certificate of Canadian citizenship issued by the Government of Canada;
 - (f) a conditional release card issued by the Correctional Services of Canada;
 - (g) thumb prints; or
 - (h) other similar identification.
 - (5) the signature of the person delivering the item.
7. The Register shall have a consecutive number, next to each item received, and the number shall be placed on a tag and attached to the article until it leaves the Dealer's premises. The tag shall be attached to one item in every group of such items, or attached to the container holding that group of items.

8. The Register shall at all times during business hours be produced on demand for inspection and copying by the Police.
9. No Dealer shall cause or permit any entry in the Register to be erased, obliterated or removed within 1 year after the entry is made, without the written consent of the Police. *[Bylaw No. 3010, Amendment Bylaw [No. 1]]*
10. Every Dealer shall have delivered to the Police on each Friday, before the hour of 10:00 a.m. a complete copy, which may be a carbon copy, photocopy, or an electronic version, of all entries made in the Register during the preceding seven days. *[Bylaw No. 3010, Amendment Bylaw [No. 1]]*
11. If any Dealer fails to deliver the copy required by Section 10 upon request by the Police, the Police may report the matter to the Council, and the Council, on receipt of such report, may suspend the business licence of the Dealer until such time as the Dealer has provided to the Police all copies required under this Bylaw. *[Bylaw No. 3010, Amendment Bylaw [No. 1]]*
12. No Dealer shall accept any article from any person other than at the residence or place of business of that person, a garage sale, flea market, auction, estate sale or the premises where the Dealer carries on business.
13. No Dealer shall purchase or receive any article at the premises where the Dealer carries on his business between the hours of 9:00 p.m. and 6:00 a.m.
14. No Dealer shall purchase or receive any article from any person actually or apparently under the age of 18 years.
15. No Dealer shall receive any article from any person if the serial mark on such article is defaced or erased unless such person leaves with the Dealer for delivery to the Police a written explanation of such defacement or erasure.
16. No Dealer shall accept any article from any person who fails to supply the Dealer with a residential or business address or with the identification mentioned in section 6(4).
17. For 21 days, after any property (excluding items valued at less than \$20.00 and residential furniture) comes into a Dealer's possession in the course of conducting the Dealer's business, the Dealer must:
 - (1) not remove the property from the Dealer's place of business or sell, exchange or otherwise dispose of or part with the property;
 - (2) retain and keep segregated each piece of property;

- (3) not alter or repair the property;
- (4) present the property for inspection at all times during the Dealer's business hours when requested by the Police.

18. Subject to the *Pawnbrokers Act*, if the Police suspects that any goods, articles or things in the possession of a Dealer are stolen, the Police may require that the Dealer retain possession of the goods, articles or things for such reasonable period of time as may be determined by the Police, and during that period of time none of the said goods, articles or things, nor any part thereof, shall be disposed of or removed from the premises of such Dealer without the consent in writing of the Police. *[Bylaw No. 3010, Amendment Bylaw [No. 1]]*

19. (1) Every Person who contravenes any provision of this Bylaw commits an offence which is punishable in accordance with the Community Charter.

(2) Every person who is guilty of an offence under this Bylaw is liable to a fine of not more than \$10,000 or to imprisonment for not more than six months or to both.

(3) A separate offence shall be deemed to be committed upon each day during and in which the contravention occurs or continues.

(4) This Bylaw may be enforced by the issuing of a ticket for contravention in accordance with the Ticket Information Utilization Bylaw, 2005, No. 2619 or the Bylaw Notice Enforcement Bylaw, 2014, No. 2839, as may be amended or replaced from time to time.

(5) The penalties imposed under this Section shall be in addition to and not in substitution for any other penalty or remedy that may be imposed pursuant to this Bylaw or otherwise by law.

[Bylaw No. 3010, Amendment Bylaw [No. 1]]

READ a first time by the Municipal Council on April 9, 2001.

READ a second time by the Municipal Council on April 9, 2001.

READ a third time by the Municipal Council on April 9, 2001.

ADOPTED by the Municipal Council on April 23, 2001.

R. T. RICE
MAYOR

J. P. G. McLUCKIE
CORPORATE ADMINISTRATOR