

# THE CORPORATION OF THE CITY OF GRAND FORKS

## BYLAW NO. 2044

### A Bylaw to regulate secondhand dealers and pawnbrokers.

---

In accordance with the Community Charter Section 59 (1)(b), Council may, by bylaw, regulate the business activity of purchasing, taking in barter, or receiving used or secondhand goods;

The Council for the Corporation of the City of Grand Forks, in open meeting assembled, **ENACTS** as follows:

#### 1. **Citation**

1.1 This bylaw may be cited as the “**Secondhand Dealers and Pawnbrokers Bylaw No. 2044.**”

#### 2. **Definitions**

2.1 In this bylaw, unless the context requires otherwise:

2.1.1 “**Bylaw Enforcement Officer**” means a person appointed as Bylaw Enforcement Officer of the City; or a *Police Officer* or the *Chief of Police*.

2.1.2 “**Chief of Police**” means the Officer in Charge of the Grand Forks Royal Canadian Mounted Police Detachment or designate.

2.1.3 “**dealer**” includes a *secondhand dealer* and a *pawnbroker*.

2.1.4 “**junk**” means used or old property including scrap rubber, rubber tires, metal, bottles, glass, broken glass, paper, sacks, wire, ropes, rags, machinery, waste or scrap metal, or other property commonly found in a junk shop.

2.1.5 “**junk dealer**” means a *secondhand dealer* who carries on the business of dealing in *junk*, who operates a junk dealer’s premises or who purchases or sells *junk*.

2.1.6 “**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.

- 2.1.7 “**pawn**” means the deposit of property as a pledge or collateral security for a debt.
- 2.1.8 “**pawnbroker**” means a person who carries on the business of taking property in pawn, or who operates a pawnbroker’s premises.
- 2.1.9 “**pawner**” means a person, firm, or corporation who pawns property to a *pawnbroker*, but not a *seller*.
- 2.1.10 “**picture identification**” means one or more of the following that includes a photograph of the bearer:
- (a) valid driver’s license issued by a Canadian province or territory, or any state within the United States of America;
  - (b) valid provincial identity card;
  - (c) valid passport issued by a legitimate government;
  - (d) Certificate of Indian Status issued by the Government of Canada;
  - (e) valid Certificate of Canadian Citizenship issued by the Government of Canada;
  - (f) valid Conditional Release Card issued by Correctional Services Canada.
- 2.1.11 “**Police Officer**” means a member of the Royal Canadian Mounted Police.
- 2.1.12 “**premises**” means any shop, store, or other place where a *secondhand dealer* or *pawnbroker* carries on the business of secondhand dealing or pawnbrokering.
- 2.1.13 “**property**” means goods, chattels, wares, merchandise, articles, or things, including motor vehicles and trailers as defined by the *Motor Vehicle Act*.
- 2.1.14 “**purchase**” means to buy, barter, deal in, take in exchange, take in part payment, acquire, acquire on consignment, or receive, but does not include pawning.
- 2.1.15 “**register**” means the Secondhand Dealers Goods Information Register referred to in this Bylaw and where this Bylaw stipulates that a *secondhand dealer* or *pawnbroker* has an obligation in connection with a register, the reference is to that register which the *secondhand dealer* or *pawnbroker* is obliged, under this bylaw, to establish and maintain;
- 2.1.16 “**retailer**” means any person who carries on the business of selling goods or commodities directly to the public.

2.1.17 “**retail packaging**” includes boxes, plastic wrapping or display casing in which individual goods are commonly displayed for sale by retailers and in respect of articles of clothing means the sales or inventory tag attached to the articles by the retailer with the bar cod, store keeping unit or the retailer’s similar identifying characteristics.

2.1.18 “**sales receipt**” means the receipt or proof of purchase issued by the retailer to the purchaser at the time of purchase of retail goods which includes the price, date of sale, name and location of the retailer and description of the goods.

2.1.19 “**secondhand dealer**” means a person who carries on the business of retailing or wholesaling used or secondhand property, or who operates a secondhand dealer’s premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- (a) used clothing, furniture, costume jewelry, knickknacks, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery; or
- (b) used clothing, furniture, costume jewelry, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery, obtained only from or through a “registered charity” defined under the Income Tax Act (Canada) or by donation; or
- (c) used books, papers, magazines, vinyl records, or long-playing records (LP’s);

2.1.20 “**seller**” means a person, firm, or corporation who sells or otherwise disposes of property to a secondhand dealer but does not include a *pawner*.

### **3. Secondhand Dealers and Pawnbrokers - Register**

3.1 Each dealer must establish and maintain a *register*, to be called the “Secondhand Dealer’s Goods Information Register”, of all *property*, other than *junk* and recyclable beverage containers, purchased by the dealer or taken in *pawn* by the *pawnbroker*.

3.2 Each dealer, immediately after the *purchase* or taking in *pawn* of any *property*, must set out in the *register* in the English language a record of the *purchase* or *pawn*, in chronological order by date of purchase. The record must include:

- (a) the full name and residence or street address of the *seller* from whom the *secondhand dealer*, or any employee of the *secondhand dealer*,

purchased the *property*, or of the *pawner* from whom the *pawnbroker*, or any employee of the *pawnbroker*, took the *property* in *pawn*;

- (b) confirmation of the identity of the *seller* or *pawner* by way of *picture identification*, including a complete description of the *picture identification* and the name of the authority who issued it;
- (c) a complete description of the *property* including the make, model and accurate serial number;
- (d) the type of *purchase* as described in the definition of “*purchase*”, or the type of acquisition, being a *pawn*;
- (e) the price paid for the *property*, or the amount paid for the *property* in *pawn*;
- (f) the precise date and hour of purchasing the *property* or taking the *property* in *pawn*;
- (g) identifiable or distinguishing marks on the *property*; and
- (h) where the *pawnbroker* or *secondhand dealer* has taken in *pawn* or purchased a new item or an item in its retail packaging, an indication that the item was new or in its retail packaging.

### 3.3 Each *dealer* must:

- (a) maintain the *register* in a form of Schedule “A” of this bylaw, written in ink in the English language, be legible, or typewritten. approved by the *Chief of Police*;
- (b) record all information in the *register*;
- (c) submit a full copy of the *register* for the last week by 3 pm on every Friday, or the previous day if the Friday falls on a statutory holiday, either to:
  - i. a *Bylaw Enforcement Officer* as a hard copy; or
  - ii. the *Chief of Police* electronically or via facsimile.
- (d) keep on its *premises*, the register, or any portion of the *register*, that contains an entry that is less than 12 months old;
- (e) keep within the Province of British Columbia, the *register* for seven years after the date of the last entry;
- (f) if the *dealer* sells, leases, or otherwise disposes of the *dealer’s* business to any person, transfer possession of the whole *register* to such person.

- (g) when requested by a *Bylaw Enforcement Officer*, during reasonable business hours on business days, make the *register* available for inspection;
- 3.4 The handwritten *register* may be replaced by an electronic form approved by and transmitted to the *Chief of Police* electronically.
- 3.5 Each *dealer* must not amend, obliterate, or erase any entry in the *register*, either wholly or partially or electronically or manually.
- 4. Secondhand Dealers and Pawnbrokers - Property**
- 4.1 Each *dealer* must not:
- (a) carry on the business of buying or selling secondhand *property* or the taking in *pawn* of any *property* except at the *premises* designated in the *dealer's* licence;
  - (b) purchase or take in *pawn* any *property* from any person between 8 p.m. of one calendar day and 8 a.m. of the next calendar day;
  - (c) purchase or take in *pawn* any *property* whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
  - (d) purchase or take in *pawn* any *property* from a person under the age of 19 years;
- 4.2 Each *dealer*, on demand by the *Chief of Police* or any *Police Officer*, during business hours on business days, must permit the *Chief of Police*, any *Police Officer*, or any person designated by the *Chief of Police* or by a *Police Officer* to inspect:
- (a) any *property* in the *dealer's* *premises*;
  - (b) the *dealer's* *premises*.
- 4.3 Each *dealer* must paint and maintain the *dealer's* name and address plainly and visibly in English lettering on the front of the *dealer's* *premises* and on both sides of any vehicle or vessel used in carrying on the *dealer's* business.
- 4.4 Each *dealer*, with respect to each item of *property* that is purchased or taken in *pawn*, must:

- (a) clearly and individually tag each item to indicate date of purchase or *pawn*, and whether the *dealer* purchased the item or took it in *pawn*; and
  - (b) maintain the tag on the *property* until disposed of.
- 4.5 Each *dealer*, with respect to each item of *property* that is purchased or taken in *pawn*, must:
- (a) not alter, sell, exchange, or otherwise dispose of the item of *property*; and
  - (b) not suffer or permit any other person to alter, sell, exchange, or otherwise dispose of the item of *property*
- for a period of 30 calendar days from the date the item is purchased or taken in *pawn*.
- 4.6 Notwithstanding section 4.5, a *dealer* may return an item of *property* to its original *seller* or *pawner* at any time.
- 4.7 If a *dealer*, before expiry of the applicable time period under sub-section 4.5, wishes to sell or dispose of any *property*, the *dealer* may deliver a written request to the *Chief of Police* who may waive in writing the *dealer's* obligation to comply with the applicable time period on such conditions as the *Chief of Police* considers advisable.
- 4.8 A *secondhand dealer* who also holds a license as a *pawnbroker* must clearly and physically separate all *property* purchased as a *secondhand dealer* from *property* taken in *pawn* and must clearly and individually tag each item of *property* per section 4.4.
- 4.9 A *dealer* who retails or wholesales any new *property* in the same *premises* where the retailing or wholesaling of used or secondhand *property* occurs must obtain a business license under the City of Grand Forks Business License Bylaw No. 1384, as amended or replaced from time to time, for both types of businesses.
- 4.10 A *dealer* must not *purchase* or take in *pawn*, hold, or sell, any item of *property* in or with retail packaging unless the *seller* or *pawner* provides the *dealer* with a sales receipt and the *dealer* must retain the sales receipt for a period of one year beyond the date that the *property* is disposed of.

## 5. **General**

- 5.1 Any enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time.

5.2 If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without the invalid portion.

5.3 This Bylaw includes:

(a) Schedule "A": Secondhand Dealers Goods Information Register

## **6. Offence**

6.1 Any person who refuses to allow any Police Officer or Bylaw Enforcement Officer to inspect such place, premises or thing associated with the carrying on of a business regulated by this Bylaw shall be guilty of an infraction of this Bylaw.

6.2. Any person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.

## **7. Penalty**

7.1 Any person who commits an offence contrary to the provisions of this Bylaw is liable to be ticketed under Municipal Ticketing Information Bylaw 1957.

7.2 Each day an offence continues shall be deemed a new offence under this bylaw.

7.2 Pursuant to the authority granted by the Community Charter, the Council may, after a hearing and for reasonable cause, cancel, suspend or refuse to issue a business licence to a business regulated by this Bylaw.

Read a first, second, and third time by the Municipal Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

Finally Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

---

Mayor, Frank Konrad

---

Corporate Officer, Daniel Drexler

**CERTIFICATE**

I hereby certify the foregoing to be a true copy of the Secondhand Dealers and Pawnbrokers Bylaw No. 2044”, as adopted by the Municipal Council of the City of Grand Forks on the \_\_\_\_ day of \_\_\_\_\_, 2018.

---

Corporate Officer of the Corporation of the  
City of Grand Forks



## Schedule "A"

### Second Hand & Pawnbroker Dealers' Report

To: OIC RCMP Detachment, 1608 Central Ave, Grand Forks, BC

I hereby certify that the following is a correct copy of the entries in my book of all articles received during the twenty-four hours immediately preceding the hour of date of this certificate.

Business Name: \_\_\_\_\_ Report of: \_\_\_\_\_ Signature: \_\_\_\_\_

			Description of article (one item per entry)		Person selling or pawning article			
Date	Identity No.	Time Received	Type of Article	Surname (Print)	Given Name	Signature	Date Returned	
		AM PM	Make	Address				
		Amount Paid	Serial Number					
			Colour					
		Pawn <input type="checkbox"/>	Model or other information	Police remarks and other information			or Date Sold	
		Purchase <input type="checkbox"/>		ID Type				
				Vehicle description				
			Description of article (one item per entry)		Person selling or pawning article			
Date	Identity No.	Time Received	Type of Article	Surname (Print)	Given Name	Signature	Date Returned	
		AM PM	Make	Address				
		Amount Paid	Serial Number					
			Colour					
		Pawn <input type="checkbox"/>	Model or other information	Police remarks and other information			or Date Sold	
		Purchase <input type="checkbox"/>		ID Type				
				Vehicle description				

DRAFT