



DISTRICT OF CAMPBELL RIVER
PROVINCE OF BRITISH COLUMBIA

BYLAW NO. 2954

A BYLAW OF THE DISTRICT OF CAMPBELL RIVER TO REGULATE BUSINESSES OF SECONDHAND DEALERS AND PAWNBROKERS.

WHEREAS under the provisions of Section 653 of the Local Government Act, the Council may, by bylaw, regulate businesses, business activities and persons engaged in business;

AND WHEREAS under the provisions of Section 680 of the Local Government Act, the Council may, by Bylaw, regulate all licensed persons purchasing, taking in barter or receiving used or secondhand goods;

NOW THEREFORE the Council of District of Campbell River, in open meeting assembled, hereby enact as follows:

1. Title

This Bylaw may be cited as the “**Secondhand Dealers And Pawnbrokers Bylaw No. 2954, 2002**”.

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 Constable”	means the Officer-In-Charge of the Campbell River Detachment, Royal Canadian Mounted Police and includes any member of the R.C.M.P. appointed or designated by the Chief Constable to act on his behalf.
“Dealer”	includes a secondhand dealer, a junk dealer and a pawnbroker.
“District”	means the District of Campbell River.
“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.
“License Inspector”	means a person appointed from time to time to administer District of Campbell River bylaws.
“Pawnbroker”	includes every person who carries on the business of taking goods or chattels in pawn.

“Picture Identification”	means one or more of the following that includes a photograph of the bearer: <ul style="list-style-type: none">(a) valid driver’s license 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
“Pledge”	an article pawned with a Pawnbroker.
“Police Force”	means the District of Campbell River RCMP.
“Premises”	means any shop, store, or other place where a secondhand dealer or pawnbroker carries on the business of secondhand dealing or pawnbroking;
“Property”	means goods, chattels, wares, merchandise, articles, or things;
“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 A of this Bylaw.
“Register of Articles or Goods Sold”	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 C of this Bylaw.
“Register of Auctioneer’s <i>Unmarked</i> Articles or Goods Received”	Means the Register referred to in Schedule D of this Bylaw.
“Secondhand Dealer”	means: <ul style="list-style-type: none">(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 licensed or required to obtain a license 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.
“Unmarked	means any item not required to have a serial number when

Articles/Goods purchased new or sold.

3. **Bylaw Compliance, Inspections**

The Chief Constable, an officer of the RCMP, the License 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.
- 4.3 The Register of Articles or Goods Received and the Register of Articles or Goods Sold shall be kept in a manner satisfactory to the Chief Constable and the License Inspector, written in ink, be legible, or typewritten. The Register of Articles or Goods Received shall contain the following:
 - (a) A full and complete description, serial number, make, or model of all articles, goods, or things purchased or received, including any identifiable or distinguishing marks on the property.
 - (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 license, 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 License 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 from Auction 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 Constable and the License 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 Constable, an officer of the RCMP, License Inspector or Bylaw Enforcement Officers.
- 4.10 Any secondhand dealer, pawnbroker, junk dealer or auctioneer shall keep on the premises where the business or trade is licensed 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 Constable, before the hour of 9:30 a.m. a complete copy, delivered by facsimile or other electronic means, if legible, and acceptable to the Chief Constable, 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.

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 licensed to conduct his business or at the place of business of a licensed 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 licensed to conduct business.
- (c) Purchase or receive any articles, goods or things from any *person* between the hours of 12:00 midnight and 6:00 a.m. 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 Constable 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 Constable, an officer of the RCMP, License Inspector or Bylaw Enforcement Officers 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 Constable, an officer of the RCMP, License Inspector or Bylaw Enforcement Officers 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 Constable.

- (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 "A".
- (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 Constable.
- (l) Refuse entry to the business premises to the Chief Constable, an officer of the RCMP, License Inspector or Bylaw Enforcement Officers for inspection of the articles, goods or things or for other purposes.

6. General Provisions

If any secondhand dealer, pawnbroker, junk dealer or auctioneer is convicted of an offence pursuant to Section 660 of the *Local Government Act*, Council may, for reasonable cause, suspend or cancel the business license.

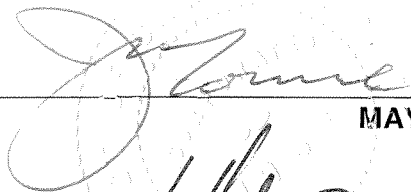
7. Remainder of Bylaw to Remain Intact

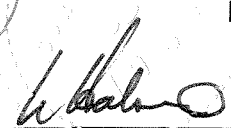
In the event that any portion of this Bylaw is declared ultra vires by a Court of competent jurisdiction, then such portion shall be deemed to be severed from the Bylaw to the intent that the remainder of the Bylaw shall continue in full force and effect.

8. Penalties

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 or in violation of any of the provisions of this Bylaw, or who omits to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence and shall be liable to prosecution under, and the penalties imposed pursuant to the Offence Act (BC). Each day that a violation, contravention, or omission is permitted to exist shall constitute a separate offence.

Read a first time on the	27th	day of	August	2002.
Read a second time on the	27th	day of	August	2002.
Read a third time on the	27th	day of	August	2002.
Adopted on the	10th	day of	September	2002.



 MAYOR


 CLERK

SCHEDULE "A"

SECONDHAND DEALERS AND PAWNBROKERS BYLAW REGISTER OF ARTICLES OR GOODS RECEIVED

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

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

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

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

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

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

