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THE CORPORATION OF THE CITY OF PENTICTON

PAWNS AND SECONDHAND BYLAW

NO. 97-68

Consolidated for convenience only.

Amended by Bylaw 98-07

Amended by Bylaw No. 2018-42 on June 19, 2018

Pawnbrokers Bylaw
THE CORPORATION OF THE CITY OF PENTICTON

BYLAW NO. 97-68

A BYLAW OF THE CORPORATION OF THE CITY
OF PENTICTON FOR THE REGULATION OF
SECONDHAND STORES, PAWNBROKERS AND AUCTION HOUSES
AND ALL PERSONS OWNING, KEEPING OR
MAINTAINING SUCH STORES OR SHOPS, AND
FOR MAKING REGULATIONS IN RESPECT OF THE
DISPOSITION OF USED AND SECONDHAND GOODS

THE COUNCIL OF THE CORPORATION OF THE CITY OF PENTICTON in open meeting assembled ENACTS as follows:

1. In the construction of this Bylaw:

- (a) In describing or referring to any person or party, matter or thing, any word importing the masculine gender or singular number shall be understood to include and shall be applicable to several persons or parties as well as to one person or party, and to females as well as males, and to bodies corporate as well as individuals, and to several matters or things as well as one matter or thing, unless it be otherwise provided and there be something in the subject or context repugnant to such construction;
- (b) "Secondhand dealer" every person carrying on the trade or business of purchasing or selling any secondhand goods, ware or merchandise, or who keeps a shop or other place of business for the purpose of carrying on such trade or business; or
- (c) Every person who, while licensed or required to obtain a license for any business, occupation or calling other than business referred to in this bylaw, purchases 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;
- (d) "Licence Inspector" means the Licence Inspector of the Corporation of the City of Penticton;
- (e) "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 article or thing commonly found in a junk shop;
- (f) "Junk Dealer" means a secondhand dealer who carries on business as a dealer in junk or keeps a junk dealer's shop or store or buys or sells old

junk, scrap rubber, tires, waste or scrap metal, used bottles, old paper, sacks, wire, machinery or similar articles or thing;

- (g) "License" means a license to carry on a business, trade, profession or other occupation issued the License Bylaw;
 - (h) "Pawnbroker" includes every person who carries on the business of taking goods and chattels in pawn;
 - (i) "Picture Identification" means any one or more of the following provided it is integrated with a photograph of the bearer:
 - (i) Valid Driver's License issued by a Canadian Province or territory;
 - (ii) Provincial Identity Card;
 - (iii) Passport issued by the government of origin;
 - (iv) Certificate of Indian Status issued by the Government of Canada;
 - (v) Certificate of Canadian Citizenship issued by the Government of Canada;
 - (vi) Conditional release Card issued by the Correctional Services Canada;
 - (vii) Or any other type of photo identification approved by the RCMP local detachment;
 - (j) "Purchase" includes buy, barter, deal in, take in exchange, take in part payment, take in pawn or receive on consignment; "purchasing" and "purchase" shall be construed accordingly;
 - (k) "Reporting System" means the secondhand dealer's, pawnbroker's and/or auction house's record referred to in Section 3 of this bylaw; **(Bylaw No. 2018-42)**
 - (l) "Estate(s)" means a person's property, deceased or alive;
 - (m) "Auction" means a public sale of property to the highest bidder;
 - (n) "Shop" includes anyplace where the business of a Secondhand dealer is carried on.
2. Every secondhand dealer, pawnbroker shop and auction house within the City of Penticton shall, at all reasonable times, permit the Licence Inspector, Members of the Royal Canadian Mounted Police (RCMP), Bylaw Officer or other persons duly authorized on that behalf by the RCMP, to inspect any place or premises where such business is carried on.
3. Every secondhand dealer, pawnbroker, auction house, and junk dealer shall:
- (a) keep on the premises in which his business is carried on the reporting system approved by the Penticton Royal Canadian Mounted Police

(RCMP). **(Bylaw No. 2018-42)**

- (b) keep a record of all of the following:
- (1) (i) goods, articles, or things received, except household and office furniture; and or
- (ii) estate sale purchases; warehousemen lien seizures, and landlord tenant repossessions, of which only all electronic equipment, power and air tools, precious metals (jewelry), motorized vehicle(s) and bicycle(s) received by such dealers are required to be recorded.
- (iii) government surplus; bank or finance company repossession article(s) seizure; bailiff repossessions; and beer bottles purchased will be exempt from the requirement of being recorded.

Such records shall be recorded on the current reporting system in the English language, and shall be made at the time of such purchase. **(Bylaw No. 2018-42)**

- (2) Such records shall include the following particulars;
- (i) a full and complete description, including the make, model and serial number, or any foods, articles or things purchased or received;
- (ii) the price paid for such goods, articles, or things;
- (iii) the precise date and hour of purchasing or receiving such goods, articles, or things;
- (iv) the name, residence, or street address and description of the person from whom they purchased or received such foods, articles, or things;
- (v) confirmation of the identity, including name and residential address, of the person from whom the goods, articles or things were purchased or received by way of a picture identification including a complete description of the picture identification and the name of the authority who issued it.
- (c) The reporting system referred to in sub-paragraph (a) hereof shall at all times be open for inspection by the Licence Inspector, Members of the RCMP, Bylaw Officer or other persons duly authorized in that behalf by the RCMP, and may be removed from the premises at any time by such person or persons for inspection. **(Bylaw No. 2018-42)**
- (d) All entries made in the reporting system required to be kept hereunder shall be made in plain English language, and no second hand dealer or pawnbroker shall permit any entry so made to be erased, obliterated or defaced. **(Bylaw No. 2018-42)**

- (e) Every secondhand dealer, pawnbroker, and auction house shall electronically report the particulars required by section 3 for every article or thing purchased or received by the dealer during the 24 (twenty-four) hours immediately preceding the hour of 11:00 a.m. of the day on which the report is made, except that:
 - (i) no such report shall be required on Sundays or public holidays, but the statement on Monday and any day following a public holiday shall cover the whole period subsequent to 11:00 a.m. on the day on which the last preceding report was made. **(Bylaw No. 2018-42)**
- 4. (a) Upon demand being made by the Licence Inspector, a Member of the RCMP, Bylaw Officer or other persons duly authorized in that behalf by the RCMP, every secondhand dealer, pawnbroker and auction house shall forthwith present for the inspection of such person any and all goods, articles or things coming into his possession in the course of his business.
- (b) No secondhand dealer, pawnbroker or auction house shall alter, repair, dispose of or in any manner part with any goods, articles or things purchased or received by him, nor shall he allow any such goods, articles or things, unless excluded under Section 3(b), to be removed from the premises or otherwise disposed of, until the expiration of thirty (30) days from the date of purchase or date of the pawn agreement; except that this provision may be waived by the RCMP.
- (c) The provisions of sub-paragraph (b) of this section shall not apply where any goods, articles or things have been purchased by a secondhand dealer, pawnbroker, or auction house from another secondhand dealer, pawnbroker, or auction house in the City of Penticton, who has had such goods, articles or things in his possession for a period of thirty (30) days or longer, and who has reported thereon to the RCMP as in this Bylaw required.
- 5. No secondhand dealer, pawnbroker or auction house shall:
 - (a) Purchase or receive in the course of his business any goods, articles or things from any person under the age of eighteen (18) years;
 - (b) Purchase or receive in the course of his business any goods, articles or things from any person between the hours of 9:00 o'clock in the afternoon and 7:00 o'clock in the forenoon of the following day; **(Bylaw 2018-42)**
 - (c) Carry on business as a pawnbroker unless he also holds a valid pawnbroker's licence from the City of Penticton;
 - (d) Purchase or receive any item which has had its serial number removed or altered;

- (e) Purchase or receive goods without obtaining picture identification. **(Bylaw No. 2018-42)**
- 6. (a) 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 or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by way of the provisions of this bylaw, or who does any act which violates any of the provisions of this Bylaw, shall be deemed to be guilty of an infraction thereof, and liable to the penalty hereinafter provided.
- (b) Every secondhand dealer, pawnbroker and auction house shall at all reasonable times permit the RCMP or any other member of the Police force and/or their designate to enter into and inspect any premises used in connection with the business, and anyone who refuses entry shall be deemed guilty of a contravention of this Bylaw.
- (c) Every person who commits an offence against this Bylaw is punishable on conviction by a fine of not less than \$300.00 and not more than \$5,000.00 for each offence or, in the alternative, by imprisonment for a period not exceeding two months. **(Bylaw No. 2018-42)**
- (d) Every person who commits an offence of a continuing nature is liable to a fine not exceeding \$500.00 for each day such offence is continued. **(Bylaw No. 2018-42)**
- 7. That Bylaw No. 2497 and amendments thereto are hereby repealed.
- 8. This Bylaw may be cited for all purposes as The Pawnbrokers, Secondhand Dealers, and Auction Houses Regulations Bylaw, 1997".

READ A FIRST time this 5th day of August, 1997.

READ A SECOND time this 5th day of August, 1997.

READ A THIRD time this 5th day of August, 1997.

READ A SECOND time as amended on this 1st day of December, 1997.

READ A THIRD time as amended on this 15th day of December, 1997.

RECONSIDERED and FINALLY PASSED and ADOPTED this 5th day of January, 1998.

Original signed by

Mayor Campbell

Original signed by

Clerk