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Second-Hand Dealers and Pawnbrokers Bylaw No. 8098, 2008

Consolidated

Second-Hand Dealers and Pawnbrokers
Bylaw No.8098, 2008

Amendment Bylaws

Bylaw No. 8589

Adopted June 9, 2014

Bylaw No. 8615

Adopted November 3, 2014

CITY OF PRINCE GEORGE
BYLAW NO. 8098

A Bylaw of the City of Prince George to provide for the regulation of second-hand dealers and pawnbrokers.

WHEREAS, Council may, pursuant to s. 8(6) of the *Community Charter*, regulate in relation to business;

AND WHEREAS, Council considers it necessary to regulate the businesses of second-hand dealers within the City of Prince George;

AND WHEREAS, Council may, pursuant to s. 59 of the *Community Charter*, require and prohibit in relation to persons engaged in the business activity of purchasing, taking in barter or receiving used or second hand goods;

AND WHEREAS, Council may, pursuant to s. 154 of the *Community Charter*, delegate its powers, duties and functions to an officer or employee of the City;

AND WHEREAS, Council has given notice of its intention to adopt this Bylaw by publishing such notice in the Prince George Citizen on August 15th and 16th, 2008, and has provided an opportunity for persons who consider they are affected by this Bylaw to make representations to Council at a hearing pursuant to s. 59 of the *Community Charter* on August 25th, 2008;

NOW THEREFORE the Council of the City of Prince George, in open meeting assembled, **ENACTS AS FOLLOWS:**

Section 1 - Introduction

1.1 Title

This bylaw may be cited as the “City of Prince George Second-Hand Dealers and Pawnbrokers Bylaw No. 8098, 2008”

1.2 Definitions

In this bylaw:

“Auctioneer” means a person who carries on the business of accepting bids and declaring goods sold at public sale in which goods are sold to the highest bidder;

BL8589 “Authorized Person” means the City manager or the head of the Legal and Regulatory Services Department, or a person authorized in writing by the City Manager or the head of the Legal and Regulatory Services Department to carry out any act or function under this Bylaw;

“Chief of Police” means the Officer in Charge of the Prince George City Detachment of the Royal Canadian Mounted Police, or a person designated in writing by the Officer in Charge of the Prince George City Detachment of the Royal Canadian Mounted Police to carry out any act or function under this *Bylaw*;

“City” means the City of Prince George;

“licence” means a licence to carry on a business under the City of Prince George Business Regulation and Licensing Bylaw No. 7851, 2007;

BL8589 "metal dealer or recycler" means a “metal dealer or recycler” as defined by the *Metal Dealers and Recyclers Act*;

“minor” means a person under the age of majority established by the *Age of Majority Act* and does not include any person who, when requested to do so by any person holding a licence, produces picture identification that on reasonable examination indicates that the person is not under the age of majority;

“motor vehicle” means a vehicle, not run on rails, that is designed to be self propelled or propelled by electronic power from overhead trolley wires, but does not include a motor assisted cycle as defined by the *Motor Vehicle Act*;

“pawn” means the deposit of property as a pledge or collateral security for a debt;

“pawnbroker” means a person who carries on the business of taking property in pawn, or who operates a pawnbroker’s premises;

“pawner” means a person who pawns property to a pawnbroker

“picture identification” means:

- a) identification including a driver’s license and passport issued by the Government of Canada or of a Province of Canada or a ministry, department, or agency of any such government;
- b) a driver’s license issued by the government of a state of the United States or a ministry, department or agency of any such government; or
- c) a passport issued by a government of a foreign state recognized by Canada; that has not expired and includes a photograph of the bearer, and the date of issuance of which is not more than five years before the date of its production, under this Bylaw, for the purpose of identification;
- d) British Columbia Identification (BCID);

“police force” means the Prince George City Detachment of the Royal Canadian Mounted Police;

“premises” means any shop, store, or other place of business;

“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;

“register” means the second-hand dealers’ register referred to in section 2.1;

BL8589 “second-hand dealer” means a person who carries on the business of buying, selling, taking in trade, procuring, offering for sale or accepting in pawn second-hand property, or who operates a second-hand dealer’s premises, and for clarity, “second-hand dealer” includes a pawnbroker, but does not include an auctioneer or metal dealer or recycler;

“second-hand property” means used or pre-owned goods, chattels, wares and merchandise bought, sold, procured or taken in pawn, and without limiting the foregoing, includes:

- a) jewellery, other than costume jewellery;
- b) electronic home entertainment products, equipment and accessories including televisions, stereos, MP3 players, computers, phones, cameras and audio and visual equipment;
- c) small household appliances including blenders, toasters, coffee makers, vacuums;
- d) construction tools, machinery and parts;
- e) metal salvage including pipes, wires, chains, beams, railings, tubes;
- f) Compact Disks, Digital Video Disks and other optical disk storage;
- g) musical instruments;
- h) bicycles; and
- i) collectibles;

but does not include:

- a) clothing, shoes, boots and personal accessories;
- b) furniture;
- c) household items such as dishes, pots, pans, cooking utensils and cutlery;
- d) books, papers, magazines, vinyl records, long playing records and audio cassettes;
- e) recyclable cardboard, plastics, glass, paper, bottles, food cans and similar household goods;

- f) large household appliances including washers, dryers, fridges, stoves, and dishwashers;
- g) motor vehicles or motor vehicle parts;
- h) motorized personal watercraft such as jet skis, waverunners and sea-doods, or parts from the same;
- i) household electronic equipment and accessories procured for the purposes of recycling without an exchange or promise of consideration;
- j) video game disks/cartridges.

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1.3 General Provisions

1.3.1 Unless otherwise defined herein, all phrases in this Bylaw shall have the meaning given to them in the *Local Government Act* and *Community Charter*.

1.4 Transitional Provision

1.4.1 This Bylaw shall not come into force or effect until March 1, 2009.

Section 2 – Regulation of Second Hand Dealers

2.1 Each second-hand dealer must establish and maintain a record, to be called the “Second-hand Dealers Register”, of all second-hand property purchased or taken in pawn by the second-hand dealer.

2.2 Each second-hand dealer must, immediately after the purchase or taking in pawn of any second-hand property, 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 name and address of the person from whom the second-hand property is purchased, or of the pawner from whom the second-hand property is taken in pawn;
- b) confirmation of the identity of the seller or pawner by way of picture identification, which must match the information provided under 2.2 (a);
- c) a complete and accurate description of the second-hand property including the make, model, and serial number and any identifiable or distinguishing marks on the second-hand property;
- d) a notation as to whether the second-hand property was purchased or taken in pawn;
- e) the price paid for the property or the amount paid for the property in pawn; and

- f) the precise date and hour of purchasing the second-hand property or taking the second-hand property in pawn.

2.3 Each second-hand dealer must:

- a) record all information required under section 2.2 in the register electronically;
- b) transmit to the Chief of Police electronically, to a database provided by the City of Prince George via the Internet using a site licence and password provided by the Chief of Police, a report consisting of that information set out in sections 2.2 (c) to (f) with respect to each entry in the electronic register of property purchased or taken in pawn by the second-hand dealer business, immediately after the purchase or the pawn occurs;
- c) before the close of each business day, print out a hard copy of all electronic register information recorded during the course of the day, and maintain all such hard copies as a manual version of the register; and
- d) whenever the second-hand dealer is unable, for any reason, to record entries electronically, revert to maintenance of a handwritten register in the form attached as Schedule "A" to this Bylaw until electronic recording is again available so that no gap in the second-hand dealer's record keeping or reporting will exist.
- e) if the second-hand dealer is unable, for any reason, to record or transmit the report required under section 2.3 (b) electronically, once electronic recording and transmitting is again available, immediately transmit to the Chief of Police electronic records for all purchases or pawns made by the second-hand dealer business and not previously recorded or transmitted.

2.4 A second-hand dealer must not amend, obliterate or erase any entry in the register, either wholly, partially, electronically or manually.

2.5 Each second hand dealer must:

- a) keep at its business premises the register, or any portion of the register, that contains any entry that is less than 24 months old;
- b) keep within the Province of British Columbia, the register for seven years after the date of the last entry; and
- c) If the second-hand dealer sells, leases, licences or otherwise disposes of its business to any person or business, transfer possession of the whole register to such person or business.

2.6 A second-hand dealer must not carry on the business of buying or selling second-hand property or the taking in pawn of any second-hand property except

at the premises designated in the licence issued the City of Prince George Business Regulation and Licensing Bylaw No. 7851.

- 2.7** A second-hand dealer must not purchase or take in pawn any second-hand property from any person between 8 p.m. of one calendar day and 8 a.m. of the next calendar day.
- 2.8** A second-hand dealer must not purchase or take in pawn any second-hand property whose serial number or other identifiable marking has been wholly or partially tampered with or removed or shows evidence of theft.
- 2.9** A second-hand dealer must not purchase or take in pawn any second-hand property from a minor.
- 2.10** Each second-hand dealer must place and maintain the second-hand dealer's name and business address plainly and visibly in English lettering on the front of the second-hand dealer's premises and on both sides of any vehicle or vessel used in carrying on the dealer's business.
- 2.11** Each second-hand dealer, with respect to each item of second-hand property that is purchased or taken in pawn, must:
- a) not alter, sell, exchange, or otherwise dispose of the second-hand property;
and
 - b) not suffer or permit any other person to alter, sell, exchange, or otherwise dispose of the second-hand property
- for a period of 30 calendar days from the date the item is purchased or taken in pawn.
- 2.12** Notwithstanding section 2.11, a second-hand dealer may return an item of second-hand property to its original seller or pawner at any time.

Section 3 - Severability

- 3.1** If any section, subsection, clause, sub-clause or phrase of this bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that section subsection, clause, sub-clause of phrase shall be struck from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

Section 4 - Offence and Penalty

- 4.1** Every person who violates any provision of this Bylaw, or who permits, suffers or allows any act to be done in violation of any provision of this Bylaw, or who neglects to do anything required to be done by any provision of this Bylaw, commits an offence punishable upon summary conviction and is subject to a fine

not less than \$2,000 and not more than \$10,000.00, or a term of imprisonment not exceeding three months, or both.

- 4.2** Each day during which any violation, contravention or breach of this Bylaw continues shall be deemed a separate offence.
- 4.3** This Bylaw may be enforced my means of a ticket in the form prescribed for the purpose of section 264 of the *Community Charter*.
- 4.4** Pursuant to section 264(1)(b) of the *Community Charter*, Bylaw Enforcement Officers, the Chief of Police, members of the police force and the Authorized Person are designated to enforce this Bylaw.
- 4.5** Pursuant to section 264(1)(c) of the *Community Charter*, the words or expression in Column 1 of Schedule “B” to this Bylaw designate the offence committed under the Bylaw section number appearing in Column 2 opposite the respective words or expression.
- 4.6** Pursuant to section 265(1)(a) of the *Community Charter*, the fine amount in Column 3 of Schedule “B” to this Bylaw is the fine amount that corresponds to the words or expression and section number set out in Columns 1 and 2 opposite the fine amount.
- 4.7** Council hereby delegates the authority to refer any disputed tickets to the Provincial Court to Bylaw Enforcement Officers and the Authorized Person.

READ A FIRST TIME THE 7th DAY OF July ,2008

READ A SECOND TIME THE 7th DAY OF July ,2008.

First Two readings passed by a unanimous decision of Members of City Council present and eligible to vote.

FIRST TWO READINGS RESCINDED ON THIS THE 11th DAY OF August , **2008**, BY A **unanimous** DECISION OF MEMBERS OF COUNCIL PRESENT AND ELIGIBLE TO VOTE.

READ A FIRST TIME THIS THE 11th DAY OF August , **2008**.

READ A SECOND TIME THIS THE 11th DAY OF August , **2008**.

First Two readings passed by a **unanimous** decision of Members of City Council present and eligible to vote.

READ A THIRD TIME THE 25th DAY OF AUGUST ,2008.

Third reading passed by a **unanimous** decision of Members of Council present and eligible to vote.

ADOPTED THIS THE **8th** DAY OF **SEPTEMBER**, **2008**, BY A
UNANIMOUS DECISION OF ALL MEMBERS OF CITY COUNCIL
PRESENT AND ELIGIBLE TO VOTE.

COLIN KINSLEY
MAYOR

WENDY NORDIN
CLERK

Schedule "A"
Form of Second-Hand Dealers Register

The name and address of the person from whom the second-hand property is purchased, or of the pawner from whom the second-hand property is taken in pawn:

The type of the picture identification and the name of the authority that issued it, which must match the information provided above:

A complete and accurate description of the second-hand property including the make, model, and serial number and any identifiable or distinguishing marks on the second-hand property:

A notation as to whether the second-hand property was purchased or taken in pawn:

The price paid for the property or the amount paid for the property in pawn:

The precise date and hour of purchasing the second-hand property or taking the second-hand property in pawn:

Schedule "B"
Municipal Ticket Information Fine Schedule

Column 1	Column 2	Column 3
Description of Offence	Section #	Fine
Fail to establish/maintain register	2.1	\$500.00
Fail to record name and address	2.2(a)	\$200.00
Fail to confirm identity	2.2(b)	\$200.00
Fail to record description of good	2.2(c)	\$200.00
Fail to record price	2.2(e)	\$200.00
Fail to record date and time	2.2(f)	\$200.00
Fail to transmit	2.3(b)	\$200.00
Receive property from minor	2.9	\$200.00
Dispose of property within 30 days	2.11(a)	\$200.00
Allow disposal of property within 30 days	2.11(b)	\$200.00