

BYLAW NO. 3848, 2007

Consolidated with amendments in Bylaw 3886, 2007

NOTE: This is a consolidation for convenience purposes only and does not have the force of law.

A Bylaw to Regulate Secondhand Dealers and Pawnbrokers in the City of Coquitlam

- (a) WHEREAS Council wishes to improve the general welfare of the community through the regulation of secondhand dealers and pawnbrokers in the City;
- (b) WHEREAS Council is authorized by Section 8(5) & 59 of the *Community Charter* to regulate the carrying on of business by secondhand dealers and pawnbrokers in the City;
- (c) WHEREAS Council has given notice of its intention to adopt this Bylaw to all persons licenced to operate a pawnbroker business and all known businesses that engage in the business of purchasing, taking in barter, or receiving used or second hand goods in the City; and
- (d) WHEREAS Council 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*.

NOW THEREFORE Council of the City of Coquitlam, in open meeting assembled, ENACTS AS FOLLOWS:

Part 1

Introduction

Name of Bylaw

1. This Bylaw may be cited as "City of Coquitlam Secondhand Dealers and Pawnbrokers Bylaw No. 3848, 2007."

Definitions

2. In this Bylaw,

AUTHORIZED IDENTIFICATION

means any one or more of the following:

- (a) a valid driver's licence integrated with a photograph of the bearer issued by the government of a Province of Canada;
- (b) a valid driver's licence integrated with a photograph of the bearer issued by the government of a state of the United States;
- (c) an identification card issued by the government of a Province of Canada to the bearer within five (5) years of the date it is produced by the bearer as evidence of identification;
- (d) a valid passport issued by the Government of Canada;
- (e) a valid passport integrated with a photograph of the bearer issued by a government of a foreign state recognized by Canada; or
- (f) any other form of valid provincial or federal identification integrated with a photograph of the bearer including a Certificate of Indian Status, or a Certificate of Canadian citizenship.

CHIEF OF POLICE

means the senior resident member of the R.C.M.P. responsible for policing of the City for the time being or a person designated in writing by the *Chief of Police* to carry out any act or function under this Bylaw.

CITY

means the City of Coquitlam.

COLLECTIBLES

means a manufactured item designed to be collected as part of a series or set which is of a rare or of a unique or unusual nature, and which possesses a reasonable monetary value in excess of \$100.00.

DEALER

means *secondhand dealers* and *pawnbrokers*, but does not include a *non-profit society*.

DEALER'S ITEM REGISTER

means the *dealer's register* referred to in section 4 of this Bylaw.

DEALER'S SELLER REGISTER

means the dealer's register referred to in section 5 of this Bylaw.

LICENCE

means a valid and subsisting *licence* to carry on a business, trade, profession and or other occupation, issued under the City's Business Licence Bylaw.

LICENCE INSPECTOR

means a person from time to time appointed by the City as a Property Use Inspector, Bylaw Inspector, Bylaw Enforcement Officer or Licence Inspector.

NON-PROFIT SOCIETY

means a registered charitable society or organization which is:

- (a) incorporated and in good standing under the *Society Act*, R.S.B.C. 1996, c. 433; and
- (b) registered as such under the *Income Tax Act* of Canada and qualified to issue tax receipts to its donors.

OFFICER

includes:

- (a) every member of the Royal Canadian Mounted Police responsible for the policing of the City; and
- (b) every *licence inspector*.

PAWN

means the deposit of property as a pledge or collateral security for a debt.

PAWNBROKER

includes every person who carries on the trade or business of taking goods and chattels in *pawn*, or who keeps a store, shop or other premise for the purpose of carrying on such trade or business.

PERSON

includes natural persons of either sex, associations, corporations and partnerships whether acting by themselves or by a servant, agent or employee.

PLACE OF BUSINESS

means and includes only those premises listed on a *licence*.

PURCHASE

means to buy, barter, deal in, take in exchange, take in part payment, acquire on consignment, receive and take in as a *pawn* or pledge, or receive on consignment. "Purchasing", "purchases" and "purchased" must be construed accordingly.

SECONDHAND ARTICLES

Means any secondhand, used or pre-owned goods and chattels *purchased*, received, offered for sale or sold. Without limiting the generality of the foregoing, *secondhand articles* shall include the following secondhand, used or pre-owned goods and chattels *purchased*, received, offered for sale or sold:

- (a) jewellery, but does not include costume jewellery;
- (b) electronic home entertainment products, equipment and accessories including, but not limited to, televisions, stereos, computers, printers, fax machines, phones, cameras and audio and visual equipment;
- (c) home repair tools;
- (d) construction tools;
- (e) household appliances including blenders, toasters, coffee makers, and vacuums;
- (f) metals, such as aluminum, copper, and other valuable metal salvage;
- (g) leather jackets and fur coats;
- (h) musical instruments;
- (i) bicycles, including bicycle parts and accessories;
- (j) automotives or automotive parts, or both, or trailers, for the purpose of reselling parts or components;
- (k) *collectibles*; and
- (l) sporting equipment

but does not include:

- (a) books, papers, magazines, vinyl records, or long playing records, except *collectibles*;
- (b) clothing and shoes, except leather jackets and fur coats;
- (c) furniture, except *collectibles*;
- (d) household items such as dishes, pots, pans, cooking utensils and cutlery, except *collectibles*;
- (e) recyclable cardboard, plastics, glass, paper, bottles, cans or similar household goods;
- (f) recyclable electronic home entertainment products, equipment and accessories including televisions, stereos, computers, phones, audio and visual equipment, household appliances including blenders, toasters, coffee makers, and vacuums, office equipment including photocopiers, and batteries, where these are procured without an exchange of promise of consideration;
- (g) any *secondhand article* that a *dealer purchases* or receives, the value of which is then applied to towards the acquisition of a similar or related item(s) from the same *dealer*, by the person from whom the *dealer* originally *purchased* or received the *secondhand article*;
- (h) any item that is *purchased* or received by a *dealer* from a *non-profit society*; or
- (i) any item *purchased*, received, acquired, offered for sale or sold on consignment by a *dealer*, which is assigned an original re-sale price of less than \$100.00 by the dealer.

SECONDHAND DEALER

means:

- (a) every person carrying on the trade or business of purchasing or selling any *secondhand articles*, or who keeps a store, shop or other premise for the purpose of carrying on such trade or business; and
 - (b) every person who, while licenced or required to obtain a *licence* for any business, trade, profession or other occupation other than businesses referred to in this Bylaw, *purchases* or receives either as principal or agent, any *secondhand articles*.
3. Unless otherwise defined herein, words and phrases in this Bylaw must have the meaning given to them in the *Local Government Act*, R.S.B.C. 1996, c. 323 and the *Community Charter*, S.B.C. 2003, c. 26.

Part 2

Dealer's Registers

Establishment and maintenance of *Dealer's Item Register and Dealer's Seller Register*

- 4. Every *dealer* must establish and maintain a record, to be called the "dealer's item register" of all *secondhand articles* that are *purchased* or otherwise received by the *dealer*.
- 5. Every *dealer* must establish and maintain a record, to be called the "dealer's seller register" of all persons who sell or *pawn secondhand articles*.
- 6. Every entry made in the *dealer's item register* and the *dealers' seller register* must be
 - (a) typed or written in ink, in plain legible hand writing, in the English language;
 - (b) made in chronological order at the time of, or immediately after, the *purchase* or receipt of the *secondhand article*.
 - (c) numbered in sequence, and every page of the *dealer's item register* and *dealer's seller register* must be numbered in sequence.
- 7. Every record in the *dealer's item register* must include the following particulars:

- (a) a full and complete description of, and any descriptive mark or name on, any *secondhand article purchased* or received, including the make, model number, serial number, the gram weight of jewellery or any engravings;
 - (b) the price paid for the *secondhand article*;
 - (c) the precise date and hour of the *purchase* or receipt of the *secondhand article*;
 - (d) the name, initials or staff number of the staff person who *purchased* or received the *secondhand article*;
8. Every record in the *dealer's seller register* must include the following particulars:
- (a) the name of the seller;
 - (b) the residential or street address of the seller;
 - (c) the type and numbers of the pieces of *authorized identification* used by the *dealer* to verify the seller's name and residential or street address;
 - (d) the telephone number of the seller.
9. If the *dealer's item register* and/or *dealer's seller register* is maintained electronically, at the close of business every day, every *dealer* will print out a hard copy of every record made in these two registers during the course of that day.
10. If the *dealer's item register* and/or the *dealer's seller register* is maintained electronically, and the *dealer* is unable, for any reason, to record entries in these registers electronically, the *dealer* will revert to maintenance of a handwritten registers in the forms attached as Schedule "A" and "B" to this Bylaw until electronic recording is available so that no gap in the *dealer's item register* or *dealer's seller register* will exist.

Inspection of a *Dealer's Item Register* or *Dealer's Seller Register*

11. Every *dealer* must, at all reasonable times during business hours, produce the *dealer's item register* and/or *dealer's seller register* for inspection by the *Chief of Police* or any *officer*.

12. The *dealer's item register* and/or the *dealer's seller register* may be removed at any time by the *Chief of Police* or any *officer* for inspection by the *Chief of Police* or any *officer*, or for use as evidence in court or other proceedings.
13. Immediately upon the return of a *dealer's item register* and/or *dealer's seller register* to the *dealer*, the *dealer* must enter therein in proper sequence each and every transaction involving the *purchase* or receipt by the *dealer* of *secondhand articles* made during the absence of the *dealer's item register* and/or *dealer's seller register*

Alteration of a Dealer's Item Register or Dealer's Seller Register

14. No *dealer* will permit any entry made in a *dealer's item register* and/or *dealer's seller register* to be erased, obliterated or defaced, either wholly or partially, or permit any page or other portion of the register to be cut out or removed.

Preservation and Transfer of a Dealer's Item Register and Dealer's Seller Register

15. Subject to section 12, every *dealer* must keep on its premises the *dealer's item register* and *dealer's seller register*, or any portion of these registers, that contains an entry that is less than 24 months old.
16. Every *dealer* must preserve a copy of the *dealer's item register* and *dealer's seller register* within the Province of British Columbia for seven years after the date of the last entry in the registry.
17. Every *dealer* that sells, leases or otherwise disposes of its secondhand dealership or pawnbroker business to any person, must transfer possession of the *dealer's item register* and *dealer's seller register* to such person.

Daily Reports of Dealer's Item Register

18. Every *dealer* must make out and deliver in person to the *Chief of Police*, daily before 9:30 a.m., a correct and legible copy of every record from the *dealer's item register* for every *secondhand article purchased* or received by the *dealer* during the twenty-four (24) hours immediately preceding the hour of 9:00 a.m. of the day on which the report is made.
19. The report must be signed by the *dealer* and must include the name of the *dealer* and all of the particulars set forth in section 7.

20. No report will be required on Sundays or public holidays, but the report on Monday and any day following a public holiday must cover the whole period subsequent to 9:00 a.m. on the day on which the last preceding report was made.
21. Instead of delivering the report in person, a dealer may transmit the report by facsimile or other electronic means to a number, or email or internet address, as provided by the *Chief of Police*.

Part 3

Licensing and Operation of Dealer's Business

Licence

22. No *person* will carry on, maintain, own or operate a business as a *dealer*, unless and until the *person* has a *licence*.

Place of Business

23. No *person* licenced as a *dealer* will carry on such business except at the place of business designated in the *licence*. For greater certainty, no *dealer* will *purchase* or receive *secondhand articles* from any *person* other than at the place of business designated in the *licence*, and no *dealer* will store any *secondhand articles* other than at the place of business designated in the *licence*.
24. If a *person* licenced as a *dealer* moves the business from the place designated in the *licence*, such *person* must immediately provide notice in writing to a *licence inspector* of the place to which the business has moved.
25. If a *person* licenced as a *dealer* ceases to operate the business at the place designated in the *licence*, such *person* must immediately provide notice in writing to a *licence inspector* that they have ceased to operate business.

Name of Business

26. Every *dealer* must, in accordance with the City's current Sign Bylaw, and all subsequent amendments, have his, her or its business name and address painted plainly in English lettering on the front of the premises where the business is carried on and, if a vehicle or vessel is used in the carrying on of the business, then such name and address must be plainly painted in English lettering on both sides of such vehicle or vessel.

Hours of Business

27. No *dealer* will *purchase* or receive in the way of business any goods, article or thing whatsoever from any *person* between the hours of 8:00 p.m. on a calendar day and 9:00 a.m. the next calendar day.

Receipt of Goods

28. No *dealer* will *purchase* or receive in the way of business any *secondhand article* from:
- (a) any *person* under the age of eighteen (18) years;
 - (b) any *person* who does not present *authorized identification*;
 - (c) any *person* who the *dealer* knows is selling *secondhand articles* for a *person* under the age of eighteen (18) who is not in possession of *authorized identification*; or
 - (d) any *person* who is or appears to be under the influence of liquor or drugs.
29. No *dealer* will *purchase* or receive in the way of business any *secondhand articles* where its serial number or other identifiable marking has been wholly or partially tampered with, defaced, removed, altered or made unreadable.

Inspection of Goods

30. Upon demand by the *Chief of Police* or any *officer*, a *dealer* must produce for viewing, any and every *secondhand article* particularly demanded, that has come into possession of the *dealer* in the way of business.

Retention of Goods

31. No *dealer* will:
- (a) alter, repair, dispose of, part with possession of, or remove, any *secondhand articles purchased* or received in the way of business; or
 - (b) permit any *secondhand articles* to be removed from the *place of business*, or otherwise disposed of

until after the expiration of thirty (30) clear calendar days from the date of *purchase* or receipt by the *dealer*.

32. Section 31 does not apply:
- (a) where the *dealer* is returning the *secondhand article* to the person identified in the *dealer's register* as the person from whom the *secondhand article* was originally *purchased* or received or bought by the *dealer*; or
 - (c) where the *second hand article* is being transferred by a *dealer* from the place of business where it was originally *purchased* or received or bought, to a place of business that is related to the *dealer's* place of business, and the related place of business is prohibited by the regulations in force in the jurisdiction in which it conducts business from:
 - i. altering, repairing, disposing of, parting with possession of, or removing, the *secondhand articles purchased* or received in the way of business, or
 - ii. permitting any *secondhand articles* to be removed from the place of its business, or otherwise disposed of

until after the expiration of thirty (30) clear calendar days from the date of *purchase* or receipt by the related *dealer* from the *dealer* that originally *purchased* or received, bought or sold the *secondhand article*.
33. Until the expiration of the thirty (30) day period described in section 31, all *secondhand articles* must be tagged with a tag setting out the date on which the *secondhand article* was *purchased* or received by the *dealer*, and must be segregated by the *dealer* and kept apart from all other goods, articles or things in the place of business.
34. Notwithstanding the provisions of section 31, the *Chief of Police* or any *officer*, may require any *dealer* to hold any *secondhand article* for a longer period than that provided for in section 31 from the date of *purchase* or receipt, in which case the *secondhand article* must not be disposed of or removed from the place of business by the *dealer* without the prior consent in writing of the *Chief of Police* or the *officer* who required the dealer to hold the *secondhand article* for a longer period than that provided for in section 31.
35. Notwithstanding the provisions of sections 31, if a *dealer* wishes to sell or dispose of any property before the expiration of the applicable time period under section 31, the *dealer* may deliver a written request to the *Chief of Police* or any *officer* who may waive in writing

the *dealer's* obligation to comply with the applicable time period on such conditions as the *Chief of Police* or that *officer* considers advisable.

Secondhand Dealers Acting as Pawnbrokers

36. No *person* will, while licenced as a *secondhand dealer*, carry on business as a *pawnbroker* unless such *person* has also taken out a *licence* as a *pawnbroker*, and no *person* will, while licenced as a *pawnbroker*, carry on business as a *secondhand dealer*, unless such *person* has also taken out a *licence* as a *secondhand dealer*.
37. Every *secondhand dealer* that is also licenced to carry on business as a *pawnbroker* must keep all *secondhand articles purchased* or received in the course of doing business as a *secondhand dealer*, physically separate from *secondhand articles* left in *pawn*, and must ensure that all *secondhand articles* are clearly and individually tagged with a tag to indicate whether they were *purchased* or received secondhand or left in *pawn*.

Employees of Pawnbrokers

38. No *pawnbroker* will employ any *person* in the business unless such *person* is eighteen (18) years of age or older.
39. Upon demand by the *Chief of Police* or any *officer*, a *pawnbroker* must supply such *person* with the full name, date of birth, current address and description of every individual employed by the *dealer*.
40. Upon demand by the *Chief of Police* or any *officer*, a *pawnbroker* must present for view to such *person*, evidence that any person employed by the *pawnbroker* is eighteen (18) years of age.

Goods Purchased by Dealers from Dealers

41. Where any *secondhand articles* have been *purchased* or received by a *dealer* from another *dealer*, the *purchasing* or receiving *dealer* must:
 - (a) record all such *secondhand articles* in the *dealer's register*;
 - (b) report all such *secondhand articles* to the *Chief of Police*; and

- (c) subject to the provisions set out in sections 31 and 32, hold all such *secondhand articles* for a period of thirty (30) clear days from the date of their *purchase* by the *dealer* from the *dealer*.

Purchase of New Goods

- 42. Where any new goods, articles or things have been *purchased* by a *dealer*, the *dealer* must, upon demand by the *Police Chief* or any *officer*, produce a receipt for all new goods, articles and things and allow, at all reasonable times during business hours, for the inspection of any new goods, articles or things by the *Chief of Police* or any *officer* .

Part 4

Right of Entry

Right of Entry

- 43. Every *dealer* must, at all reasonable times, permit the *Chief of Police* or any *officer* to enter into and inspect any place of business to ascertain whether the regulations and provisions of this Bylaw are being obeyed and any person who refuses entry is in violation of this Bylaw and will be liable to the penalties hereby imposed.

Part 5

Offences and Penalties

Offences

- 44. 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 of this Bylaw, or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this Bylaw, is guilty of an offence against this Bylaw and is liable to a fine not exceeding \$10,000.

Part 6

Other Provisions

Repeal

- 45. *District of Coquitlam Second Hand Dealers Regulation and Licensing Bylaw No. 75, 1972.* is hereby repealed in its entirety.

Commencement

- 46. This Bylaw will come into force on the date of final adoption hereof.

Severability

- 47. If any section, subsection, clause or phrase of this Bylaw is, for any reason, held to be invalid by a court of competent jurisdiction, it will be deemed to be severed and the remainder of the Bylaw will remain valid and enforceable in accordance with its terms.

READ A FIRST TIME this 16th day of April, 2007.

READ A SECOND TIME this 16th day of April, 2007.

READ A THIRD TIME this 16th day of April, 2007

CONSIDERED AT A HEARING this 3rd day of May, 2007.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 22nd day of May, 2007.

_____ MAYOR

_____ CLERK