

## BYLAW NO. 3944, 2008

A Bylaw to regulate the buying and selling of scrap metal in the City of Coquitlam.

- (a) WHEREAS Council wishes to improve the general welfare of the community through the regulation of scrap metal dealers in the City;
- (b) WHEREAS Council is authorized by the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*", including sections 8(5) & 59 thereof, to regulate the business activity of purchasing, taking in barter or receiving used or second hand goods;
- (c) WHEREAS Council has given notice of its intention to adopt this Bylaw and has provided an opportunity for persons who consider they are or will be affected by this Bylaw, to make representations to Council at a hearing pursuant to section 59 of the *Community Charter*.

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

### PART 1

#### Introduction

#### 1. Name of Bylaw

- 1.1 This Bylaw may be cited for all purposes as the "City of Coquitlam Scrap Metal Dealers Bylaw No. 3944, 2008."

#### 2. Definitions

- 2.1 In this bylaw,

#### **AUTHORIZED IDENTIFICATION**

means any one 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 by the *Chief of Police* to carry out any act or function under this Bylaw.

**CITY**

means the City of Coquitlam.

**COUNCIL**

means the Council of the City of Coquitlam;

**GOODS INFORMATION REGISTER**

means a register kept by a Scrap Metal Dealer of all Scrap Metal Purchased or received, and must include the following information:

- (a) the price paid for the Scrap Metal including:
  - i. the method of payment;
  - ii. the weight and type of metal purchased; and
  - iii. if applicable, the GST registration number of the Seller.
- (b) the precise date and time of purchase or receipt of the Scrap Metal;
- (c) any identifiable or distinguishing mark(s) on the Scrap Metal; and
- (d) the name, initials or staff number of the employee of the Scrap Metal Dealer who Purchased or received the Scrap Metal.

**LICENSE INSPECTOR**

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

**PURCHASE**

means to buy, barter, deal in, take in exchange, take in part payment, acquire on consignment, receive and take in pawn or pledge.

**SCRAP METAL**

means:

- (a) previously used ferrous metal made principally of iron, steel, or tin;
- (b) previously used non-ferrous metal including all metal or alloy that is generally free of iron and includes, copper, brass, bronze, aluminum, zinc, magnesium, lead, and nickel.

**SCRAP METAL DEALER**

means any person licensed pursuant to the City's Business License Bylaw, in force from time to time, to carry on the business of selling, purchasing, or otherwise dealing in Scrap Metal.

**SELLER**

means an individual, firm or corporation who sells or otherwise disposes of Scrap Metal to a Scrap Metal Dealer.

**SELLER INFORMATION REGISTER**

means register kept by a Scrap Metal Dealer that records the following information concerning the Seller of any Scrap Metal:

- (a) the full name of the Seller;
- (b) the residential or street address of the Seller;
- (c) the type and numbers of two pieces of Authorized Identification used by the Scrap Metal Dealer to verify the Seller's name, age, and residential or street address;

- (d) the Seller's stated source of the Scrap Metal; and
  - (e) in the case where the Seller is not the owner of the Scrap Metal, the full name, street address, telephone number and, if applicable, the Goods and Services Tax Registration number of the owner of the Scrap Metal.
- 2.2 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*.

## **Part 2**

### **Scrap Metal Dealer's Registers**

#### **3. Establishment and Maintenance of Goods Information Register**

- 3.1 Every Scrap Metal Dealer must establish and maintain a complete Goods Information Register of all Scrap Metal Purchased or otherwise received by the Scrap Metal Dealer.
- 3.2 At the time of, or immediately after, the Purchase or receipt of any Scrap Metal, every Scrap Metal Dealer must record the information required in the Goods Information Register, either manually or electronically, in chronological order, in the English language, by date of purchase or receipt.
- 3.3 The Scrap Metal Dealer must number every entry into the Goods Information Register in sequence, and every page of the Goods Information Register must be numbered in sequence.
- 3.4 If the Goods Information Register is maintained electronically, at the close of business every day, every Scrap Metal Dealer must print out a hard copy of every record made in the Goods Information Register during the course of that day.
- 3.5 If the Goods Information Register is maintained electronically, and the Scrap Metal Dealer is temporarily unable to record entries in the Goods Information Register electronically, the Scrap Metal Dealer must maintain the Goods Information Register in legible handwriting in ink, using the form attached to this bylaw as "Schedule A", until electronically recording is available so that no gap in the Goods Information Register will exist.

#### **4. Daily Report of Goods Information Register**

- 4.1 Every Scrap Metal 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 the Goods Information Register for every Scrap Metal purchase or receipt by that Scrap Metal 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.
- 4.2 The report must be signed by the Scrap Metal Dealer and must include the name of the Scrap Metal Dealer and all the information required to be contained in the Goods Information Register.
- 4.3 No report will be required on Sundays or public holidays, but the report on Mondays 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 report was made and submitted to the Chief of Police by the Scrap Metal Dealer.
- 4.4 Instead of delivering the report in person, a Scrap Metal 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.

#### **5. Establishment, Maintenance and Use of Dealer's Seller Information Register**

- 5.1 Every Scrap Metal Dealer must establish a Seller Information Register of all persons from whom the Scrap Metal Dealer purchases or receives Scrap Metal.
- 5.2 At the time of, or immediately after, the purchase or receipt of any Scrap Metal, every Scrap Metal Dealer must record the information required in the Seller Information Register, either manually or electronically, in chronological order, in the English language, by date of purchase.
- 5.3 Every entry into the Seller Information Register must be numbered in sequence, and every page of the Seller Information Register must be numbered in sequence.
- 5.4 If the Seller Information Register is maintained electronically, at the close of business every day, every Scrap Metal Dealer must print out a hard copy of every record made in the Seller Information Register during the course of that day.
- 5.5 If the Seller Information Register is maintained electronically, and the Scrap Metal Dealer is temporarily unable to record entries in the Seller Information Register electronically, the Scrap Metal Dealer must maintain the Seller Information Register in legible handwriting in ink, using the form attached to this bylaw as "Schedule B", until electronically recording is available so that no gap in the Seller Information Register will exist.

## **6. Preservation and Transfer of Registers**

### **6.1 Every Scrap Metal Dealer must:**

- (a) not amend, obliterate or erase any entry in the Goods Information Register or the Seller Information Register, or remove any page from these registers, either wholly or partially or electronically or manually;
- (b) not permit, allow or suffer any other person to amend, obliterate or erase any entry in the Goods Information Register or the Seller Information Register, or remove any page from these registers either wholly or partially or electronically or manually;
- (c) immediately report to the Chief of Police or a License Inspector any amendment, obliteration, or erasure of an entry in the Goods Information Register or the Seller Information Register, or the removal of these registers or any part thereof from the premises of the Scrap Metal Dealer;
- (d) take steps to ensure that information recorded in the Goods Information Register or the Seller Information Register is reasonably secure from access, collection, use, disclosure, or disposal.

### **6.2 Every Scrap Metal Dealer must:**

- (a) subject to removal of the Goods Information Register pursuant to section 7.1 or to directions by a court of competent jurisdiction, keep on the business premises of the Scrap Metal Dealer the Registers, or any portion of the Registers, that contains any record made or required to be made within the previous 24 months;
- (b) keep, within the Province of British Columbia, each record entered on the registers for a period of seven (7) years following the date the record was made; and
- (c) if the business of the Scrap Metal Dealer is sold, leased, assigned, transferred or disposed of to any person, transfer possession of the entire Registers to the person who bought, leased, took assignment or transfer of the business or to whom the business was otherwise disposed.

## **7. Inspection of Registers**

- 7.1 On request by the Chief of Police or a License Inspector, every Scrap Metal Dealer must:
- (a) produce the Goods Information Register and/or Seller Information Register for inspection;
  - (b) permit the Chief of Police or any License Inspector to remove the Goods Information Register or Seller Information Register for inspection, or for use as evidence in court or other proceedings;
  - (c) immediately upon return of a Goods Information Register or Seller Information Register that has been removed from the Scrap Metal Dealers' place of business under this section or otherwise, enter in proper sequence each and every purchase or receipt of Scrap Metal by the Scrap Metal Dealer that occurred during the absence of the Goods Information Register or Seller Information Register; and
  - (d) permit the Chief of Police or any License Inspector to inspect the premises of the Scrap Metal Dealer, and/or any Scrap Metal located therein.
- 7.2 A person who receives a register pursuant to section 6.2(c) must comply with this bylaw in relation to securing and maintaining the register, and for producing or providing the Register to the Chief of Police or License Inspector.

## **Part 3**

### **Licensing and Operation of Scrap Metal Dealer's Business**

#### **8. License**

- 8.1 No person will carry on, maintain, own or operate a business as a Scrap Metal Dealer unless and until that person has a valid business license to operate such a business in the City.

#### **9. Display of Name**

- 9.1 Every Scrap Metal Dealer must, in accordance with the City's current bylaw regulating signs in the City, place and maintain his or her business name and address on:
- (a) the front of the premises at which he or she carries on business; and
  - (b) both sides of any vehicle or vessel used in connection with such business.

**10. Employees**

- 10.1. No Scrap Metal Dealer will employ any person in the business unless such person is eighteen (18) years of age or older.
- 10.2 Upon demand by the Chief of Police or any License Inspector, a Scrap Metal Dealer must supply the full name, date of birth, current address and description of every individual employed by the Scrap Metal Dealer.
- 10.3 Upon demand by the Chief of Police or any License Inspector, a Scrap Metal Dealer must present evidence that any person employed by the Scrap Metal Dealer is eighteen (18) years of age or older.

**11. Hours, Minors, and Markings**

- 11.1 No Scrap Metal Dealer will:
  - (a) Purchase, receive, sell, store or keep Scrap Metal except at the premises designated in the Scrap Metal Dealer's business license;
  - (b) conduct any transactions involving the Purchase or receipt of Scrap Metal between 8:00 p.m. of any calendar day and 9:00 a.m. of the next calendar day;
  - (c) Purchase or take in Scrap Metal of which any serial number or other identifying marks appear to have been wholly or partially obliterated, tampered with, or removed;
  - (d) Purchase or receive any Scrap Metal from any Seller:
    - a. who is under the age of eighteen (18) years;
    - b. does not present two pieces of Authorized Identification;
    - c. who the Scrap Metal Dealer knows is selling the Scrap Metal on behalf of a person who is under the age of eighteen(18); or
    - d. who appears to be intoxicated by alcohol or drugs.



## **12. Retention and Inspection of Scrap Metal**

12.1 No Scrap Metal Dealer will:

- (a) alter, repair, dispose of, part with possession or, or remove any Scrap Metal Purchased or received by the Scrap Metal Dealer; or
- (b) permit any Scrap Metal to be removed from its place of business or otherwise disposed of

until after the expiration of thirty (30) calendar days from the date of purchase or receipt by the Scrap Metal Dealer.

12.2 Section 12.1 does not apply where:

- (a) the Scrap Metal Dealer is returning the Scrap Metal to the Seller;
- (b) the Scrap Metal Dealer is transferring the Scrap Metal from the place of business where it was originally Purchased or received by the Scrap Metal Dealer, to a place of business that is related to the Scrap Metal Dealer's place of business, and the related place of business is prohibited by regulations in force in the jurisdiction from:
  - i. altering, repairing, disposing of, parting with possession of or removing the Scrap Metal Purchased or received by the Seller, or
  - ii. permitting any Scrap Metal to be removed from its place of business, or otherwise disposed of

until after the expiration of thirty (30) calendar days from the date of Purchase or receipt by the related business from the Scrap Metal Dealer that originally purchased or received the Scrap Metal.

12.3 Upon demand by the Chief of Police or any License Inspector, a Scrap Metal Dealer must produce for viewing every piece of Scrap Metal that has come into possession of the Scrap Metal Dealer in the last thirty (30) calendar days.

### **13. Management of Scrap Metal**

- 13.1 During and until the expiration of the thirty (30) day period described in section 12.1, every Scrap Metal Dealer will clearly and individually tag each piece of Scrap Metal purchased or received by date and transaction identifier, and clearly and physically separate it from other articles, goods or things in the Scrap Metal Dealer's place of business.
- 13.2 Notwithstanding the provisions of section 12.1 or 12.2, the Chief of Police or any License Inspector may require any Scrap Metal Dealer to hold any Scrap Metal for a longer period than that provided for in section 12.1 or 12.2, in which case the Scrap Metal must not be disposed of or removed from the place of business by the Scrap Metal Dealer without the prior consent in writing of the Chief of Police or the License Inspector who required the dealer to hold the Scrap Metal for a longer period than that provided for in section 12.1 or 12.2.
- 13.3 Notwithstanding the provisions of sections 12.1 or 12.2, if a Scrap Metal Dealer wishes to sell or dispose of any Scrap Metal before the expiration of the applicable time period under section 12.1 or 12.2, the Scrap Metal Dealer may deliver a written request to the Chief of Police or a License Inspector and he or she may waive, in writing, the Scrap Metal Dealer's obligation to comply with section 12.1 or 12.2, on such terms and conditions as the Chief of Police or that License Inspector considers appropriate.

### **14. Exemptions**

- 14.1 This bylaw shall not apply to a person who only purchases, sells or collects recyclable materials for the sole purpose of recycling. Recyclable materials include bottles, cans, plastics, glass, cardboard, paper or other recyclable materials, and used motor vehicles that have been, or will be crushed, for the purpose of recycling them, but does not include Scrap Metal that is not part of a can or food container.

## **Part 4**

### **Right of Entry**

#### **15. Right of Entry**

- 15.1 Every Scrap Metal Dealer must, at all reasonable times, permit the Chief of Police or any License Inspector to enter into and inspect any place of business to ascertain whether the regulations and provisions of this Bylaw are being complied with.

**Part 5**

**Offences and Penalties**

**16. Offence**

- 16.1 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 is liable to a fine not exceeding \$10,000 per violation, and each day that a violation continues to exist is deemed to be a separate offence against the bylaw.

**Part 6**

**Other Provisions**

**18. Severability**

- 18.1 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.

**19. Commencement**

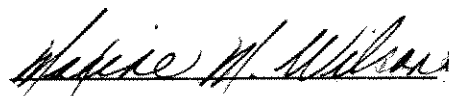
- 19.1 This Bylaw will come into force on the date of final adoption thereof.

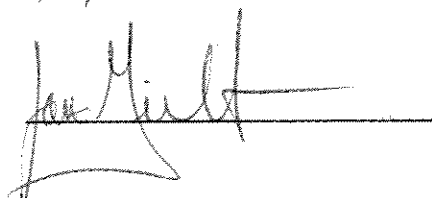
READ A FIRST TIME this 21<sup>st</sup> day of July, 2008.

READ A SECOND TIME this 21<sup>st</sup> day of July, 2008.

READ A THIRD TIME this 21<sup>st</sup> day of July, 2008.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 8<sup>th</sup> day of September, 2008.

 Marie M. Wilson MAYOR

 Joe Hill CLERK