

## BYLAW NO. 3484

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**CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT TO** regulate Pawnbrokers and Secondhand Dealers.

**WHEREAS** pursuant to Section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

**WHEREAS** pursuant to Section 7(e) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

**WHEREAS** pursuant to Section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

**WHEREAS** pursuant to Section 8 of the *Municipal Government Act*, a council may in a bylaw:

- (a) regulate or prohibit;
- (b) deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- (c) provide for a system of licenses, permits or approvals including any or all of the matters listed therein.

**NOW THEREFORE THE MUNICIPAL CORPORATION OF MEDICINE HAT IN COUNCIL ENACTS AS FOLLOWS:**

1. This Bylaw may be cited as the "Pawnbroker and Secondhand Dealer Bylaw".
2. In this Bylaw, unless the context otherwise requires:
  - (a) "Bylaw Enforcement Officer" means any individual employed by the City as a police officer, bylaw enforcement officer or special constable empowered to enforce this Bylaw.
  - (b) "Chief of Police" means the Chief of Police of the Medicine Hat Police Service, and includes any person designated by the Chief of Police to perform his duties or exercise his powers pursuant to this Bylaw.
  - (c) "Electronic Means" means a computer with the capability to electronically transmit the information recorded pursuant to Sections 4 and 7 via the internet.
  - (d) "Estate Sale" means a sale of goods belonging to the estate of a deceased person conducted by a person legally authorized to dispose of the goods.

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- (e) "Inspector" means the person or persons appointed from time to time as License Inspectors of the City of Medicine Hat.
  - (f) "Licensee" means a Pawnbroker or Secondhand Dealer.
  - (g) "Pawnbroker" means any person who lawfully exercises the trade of receiving or taking goods as security for the repayment of money lent thereon.
  - (h) "Record Book" means a record book in a form or forms prescribed by the Inspector.
  - (i) "Secondhand Dealer" means any person who carries on a business which includes purchasing, selling, exchanging or in any way dealing in goods of any kind or nature, which have been used or purchased by a person to be used, all commonly known as secondhand goods, but does not include:
    - (i) a person who deals exclusively in secondhand books or cards;
    - (ii) an auctioneer when disposing of goods by public auction; or
    - (iii) used motor vehicle dealers.
3. Every Pawnbroker and Secondhand Dealer shall comply with the requirements in, and is subject to, the City's Licensing Bylaw No. 2339, or any replacement bylaw.
4. Whenever a Pawnbroker receives goods that are to be held as security for the repayment of money he shall immediately record or cause to be recorded the following information by Electronic Means satisfactory to the Inspector:
- (a) the date and time the goods were received;
  - (b) the full name, date of birth, residential address and telephone number of the person from whom the goods were received;
  - (c) details from at least two pieces of identification provided by the person from whom the goods were received, at least one of which must have a photograph of the person;
  - (d) a complete description of each good including where available, the make, color, model and serial number of the good, the manufacturer's name and any distinguishing marks;
  - (e) the amount of money advanced in respect of each good; and
  - (f) the full name of the person working in the pawnshop that conducted the transaction.

5. Prior to receiving the information required by Section 4, a Pawnbroker shall obtain from the person from whom the goods were received, written consent in a form satisfactory to the Chief of Police allowing the use of the information in a manner consistent with the purposes of this Bylaw.
6. No Pawnbroker shall employ a person under the age of sixteen (16) years to take a pawned good from a customer as security for the repayment of money lent thereon.
7. Whenever goods are acquired by a Secondhand Dealer for re-sale, he shall immediately record or cause to be recorded the following information by Electronic Means satisfactory to the Inspector:
  - (a) the date and time the goods were acquired;
  - (b) the full name, date of birth, residential address and telephone number of the person from whom the goods were acquired;
  - (c) details from at least two pieces of identification provided by the person from whom the goods were acquired, at least one of which must have a photograph of the person;
  - (d) a complete description of each good including where available, the make, color, model and serial number of the good, the manufacturer's name and any distinguishing marks;
  - (e) the amount of money paid by the Secondhand Dealer in respect of each good; and
  - (f) the full name of the person working in the secondhand store that conducted the transaction.
8. Prior to receiving the information required by Section 7, a Secondhand Dealer shall obtain from the person from whom the goods were acquired, written consent in a form satisfactory to the Chief of Police allowing the use of the information in a manner consistent with the purposes of this Bylaw.
9. (1) Every Licensee shall deliver or cause to be delivered to the Chief of Police, by Electronic Means acceptable to the Inspector, the information recorded pursuant to Sections 4 and 7.
  - (2) The delivery of the information referred to in Subsection 1 shall take place within twenty four (24) hours after the information is recorded.
  - (3) The Inspector may require a Licensee to use the services of a third party service provider for purposes of the Licensee's obligations in Subsection 1.
  - (4) A Licensee shall pay all fees required by a third party service provider for services provided in connection with that Licensee's obligations under Subsection 1."

Amended by:  
Bylaw 3786  
June 19, 2007  
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Bylaw 3786  
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10. (1) Notwithstanding any other provision in this Bylaw a Secondhand Dealer is not required to deliver information to the Chief of Police pursuant to Section 9 with respect to goods acquired from an Estate Sale, however the following information must be obtained and kept on the business premises of the Secondhand Dealer in a Record Book or electronic record for at least one year after acquisition of Estate Sale goods, and shall be made available to a Bylaw Enforcement Officer on demand:
- (i) the date and time the goods were acquired;
  - (ii) the full name, date of birth, residential address, and telephone number of the person from whom the goods were acquired;
  - (iii) details from at least two pieces of identification provided by the person from whom the goods were acquired, at least one of which must have a photograph of the person; and
  - (iv) a general description of the goods acquired.
- (2) A Secondhand Dealer shall not acquire goods from an Estate Sale unless the person from whom the goods are to be acquired provides written proof of his authority to dispose of the Estate Sale goods to the Secondhand Dealer.
11. (1) The Chief of Police may grant written exemptions from any of the requirements in Sections 7, 8 and 9 to Secondhand Dealers for specific types of goods, if in the opinion of the Chief of Police, complying with the requirements would not serve to protect the public from acquiring stolen property through purchases from Secondhand Dealers.
- (2) If an exemption is granted pursuant to Subsection 1 from the requirements in Section 9, the Secondhand Dealer shall keep the information referred to in Section 7 that he is still required to record, in a Record Book or electronic record, for at least one year after the goods are acquired.
- (3) The Secondhand Dealer shall provide the information kept pursuant to Subsection 2 upon being required to do so by a Bylaw Enforcement Officer.
12. A person who records or causes to be recorded false, misleading or inaccurate information pursuant to this Bylaw is guilty of an offence.
13. A person who delivers or causes to be delivered false, misleading or inaccurate information to the Chief of Police pursuant to Section 9, is guilty of an offence.
14. A Licensee shall not accept goods from:
- (a) a person who is or appears to be under the influence of alcohol or drugs;
  - (b) a person who is under the age of sixteen (16) years;
  - (c) a person who fails to properly identify himself or otherwise refuses to comply with the requirements in this Bylaw;

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- (d) a person who a Licensee knows or has reasonable grounds to believe stole or otherwise illegally acquired the goods; or
  - (e) a person who fails or refuses to supply written consent as required by Section 5 or 8.
15. A Licensee shall not accept any goods which have had the manufacturer's name or serial number removed, defaced, tampered with or altered in any way unless the Licensee has first obtained prior written approval from a Bylaw Enforcement Officer.
16. (1) No Licensee shall alter, repair, dispose of or in any way part with possession of goods acquired in the course of his business until fourteen (14) days have passed from the date of acquisition.
- (2) Subsection 1 shall not be deemed to authorize a sale or forfeiture if,
- (a) the parties have agreed upon a longer period for the holding of the goods; or if
  - (b) the sale or forfeiture would in any other way be contrary to the law.
17. Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has contravened any provision of this Bylaw he may commence proceedings by issuing a summons by means of a violation ticket in accordance with Part 2 of the *Provincial Offences Procedure Act* R.S.A. 2000 c. P-34.
18. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a penalty of not less than \$500 and not exceeding \$10,000 and to imprisonment for a term not exceeding six (6) months for non-payment of the fine.
19. In this Bylaw the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context so requires.
20. It is the intention of the Council of the City that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw shall remain valid and enforceable.
21. The definition of "Pawnbroker" in Section 2 of Bylaw No. 2339 is amended to read as follows:
- "Pawnbroker" means any person who lawfully exercises the trade of receiving or taking goods as security for the repayment of money lent thereon."

22. The definition of "Secondhand Dealer" in Section 2 of Bylaw No. 2339 is amended to read as follows:

"Secondhand Dealer" means any person who carries on a business which includes purchasing, selling, exchanging or in any way dealing in goods of any kind or nature, which have been used or purchased by a person to be used, all commonly known as secondhand goods, but does not include:

- (a) a person who deals exclusively in secondhand books or cards;
- (b) an auctioneer when disposing of goods by public auction; or
- (c) used motor vehicle dealers."

23. Sections 12.8 and 12.9 of Bylaw No. 2339 are repealed.

24. This Bylaw will come into force on August 1, 2004.

**READ A FIRST TIME** in open Council on April 5, 2004

**READ A SECOND TIME** in open Council on May 3, 2004

**READ A THIRD TIME** in open Council on May 3, 2004

**SIGNED AND PASSED** on May 4, 2004

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 3484 consolidated pursuant to Section 69 of the *Municipal Government Act* RSA 2000 c. M-26 to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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LARRY P. GODIN, MMC  
MUNICIPAL SECRETARY AND CITY CLERK  
CITY OF MEDICINE HAT