

**BY-LAW #2317/02
OF THE
CITY OF CAMROSE
PROVINCE OF ALBERTA**

**A BY-LAW OF THE CITY OF CAMROSE TO CONTROL AND REGULATE PAWNBROKERS,
SECONDHAND DEALERS AND COIN DEALERS.**

WHEREAS Section 8 of the Municipal Government Act authorizes a Council to control and regulate all businesses:

NOW THEREFORE the Council of the City of Camrose in the Province of Alberta duly assembled enacts as follows:

1. This By-Law may be cited as a "Pawnbroker, Secondhand Dealer and Coin Dealer" By-Law.

2. DEFINITIONS

In this By-Law, unless the context otherwise requires:

- a) Coin Dealer - is a person who carries on the business of buying, exchanging or selling coins as collector's items by transactions conducted directly with any person.
- b) Licensee - is a person conducting acts or transactions defined under the definition of Pawnbroker, Secondhand Dealer or Coin Dealer.
- c) Licence Inspector - is the person appointed by the Council as Licence Inspector or anyone authorized to act on his behalf, and includes a member of the Camrose Police Service.
- d) Pawnbroker - is a person who carries on a business of loaning money on the security of the pledge or pawn of property or a person who holds himself out as ready to loan money on such security, but does not include any Bank, Trust Company, Credit Union or other similar institution.
- e) Person - includes a natural person, corporation, partnership, proprietorship and company.
- f) Secondhand Dealer - is a person who carries on a business by purchasing, selling, or exchanging or in any way dealing in goods, wares, merchandise, effects, articles or things of any kind or nature which have been worn or otherwise used or which have been previously purchased by a person to be worn or otherwise used and are commonly referred to as secondhand goods or antiques; but does not include:
 - (i) a person who deals in secondhand books, cards or;
 - (ii) an auctioneer when disposing of merchandise by public auction;
 - (iii) a business designed specifically to deal in donated items;
 - (iv) a business dealing in used motor vehicle sales.

All other secondhand goods shall be regulated by this bylaw unless a written exemption has been issued by the Chief of Police or his designate. It shall be the responsibility of the person claiming an exemption for a particular item or class of items under this bylaw to produce written proof of that exemption. The licensee issued an exemption may be required, as a condition of such exemption, to report all information and keep records required by this bylaw in a written format and such records shall, during business hours, be made available to a Licence Inspector.

3. Every pawnbroker, secondhand dealer and coin dealer shall be licensed in accordance with the City of Camrose Licence By-Law and is subject to provision thereof.

4. Each licensee shall keep a record in an electronic means satisfactory to a Licence Inspector, and shall record therein at the time any property is acquired:

- (a) an accurate, detailed description of all property acquired along with all marking, make, model, colour, serial number or other identification on such property, and;
- (b) the price paid for the property or in the case of a non-monetary transaction, the details of the transaction, and;
- (c) the date and time of day such property is acquired, and;
- (d) the folio or serial number of the transaction, and;
- (e) the surname and given names, date of birth, address, telephone number along with a detailed description of the person or persons from whom the property was acquired. The person or person tendering the property shall produce two forms of identification from the following list to verify their identify:

- (i) operator's licence
- (ii) birth certificate
- (iii) credit card
- (iv) vehicle registration card and licence number
- (v) any other form of identification normally acceptable to a chartered bank for the purpose of cashing a cheque, and;

- 4. (f) the signature of the person or persons from whom the property was acquired. The licensee shall verify this signature to the signature appearing on the person's identification.
- (g) the record shall also include the rate of profit charged by the licensee.

For the purpose of this section the "electronic means" shall be a computer, with the capability to electronically transmit transactions via the Internet.

- 5. (a) A licensee shall not manipulate, erase, or obliterate, deface or alter the record made pursuant to Section 4 and shall not direct, permit or suffer any other person to manipulate, erase, or obliterate, deface or alter the record.
- (b) Every person who manipulates, erases, obliterates, defaces or alters the record made pursuant to Section 4 is guilty of an offence and subject to the penalty provided herein.
- (c) Any person recording false, misleading or inaccurate information in such a record is guilty of an offence and subject to the penalty provided herein.
- (d) The licensee shall accurately enter serial numbers and model numbers in the correct areas on the electronic form in the same manner as the said numbers appear on the item being pledged.

- 6. The records required to be kept by the By-Law and every item in the licensee's place of business shall, during business hours, be open to inspection by a peace officer, the Licence Inspector or any other person authorized by the City Manager for that purpose.

- 7. Every licensee shall immediately deliver to the Chief of Police or his designate, in an electronic means acceptable to the Licence Inspector in consultation with the Chief of Police or his designate, which sets forth all personal property that has come into his possession by way of pawn, pledge, purchase or exchange. The delivery of this information shall take place immediately upon the completion of the transaction, by the licensee, with the customer. The exception to this shall be, when for reason of maintenance or when there is an interruption in the electronic data service for reasons beyond the control of the licensee, a manual paper record of the transaction will be completed. Once the electronic system is back on line such manual paper transaction shall be entered electronically forthwith.

- 8. A licensee shall not accept property from:

- (a) a person who is or appears to be under the influence of alcohol or any drug, or;
- (b) a person who is or appears to be under the age of eighteen years or;
- (c) a person who fails to properly identify himself or otherwise refuses to comply with the requirements hereof;
- (d) a person who, the licensee knows or has reasonable grounds to believe, stole or otherwise illegally acquired the property.

- 9. A licensee shall not accept property which has had the manufacture's number or serial number removed, defaced, tampered with or altered in any way unless the licensee has first obtained the prior written approval of the Camrose Police Service.

- 10. A licensee shall:

- (a) not alter, repair, dispose of or in anyway part with possession of secondhand goods acquired in the course of this business until one month from the date of acquisition has elapsed and during this one month period the licensee shall keep the newly acquired property on the licensed premises so that they may be examined at any time during business hours by the City Police who may be accompanied by some private citizen who is there in order to assist in locating and/or identifying goods reported stolen or suspected of being stolen;
- (b) only acquire secondhand goods on a legal business day during business hours;
- (c) label all property with the following:
 - folio number
 - amount owing
 - date acquired.

11. Every pawnbroker shall at all times keep posted in a conspicuous position on his premises so as to be easily seen and read by persons pledging goods, on a card or sign having printed or painted thereon the following information:

- (a) the rate of profit allowed by the Statutes of Canada to be taken by pawnbrokers;
- (b) the amount which the pawnbrokers is entitled to charge for the notes which he is required to furnish under the provisions of this By-Law to a person pledging goods.

12. At any time of taking any pawn or pledge every pawnbroker shall deliver to the person pledging articles or goods, a written or printed note containing:

- (a) the number of the entry;
- (b) the day and month of the year in which the pledge was taken;
- (c) the amount of money advanced or owing thereon;
- (d) name and address of the pawnbroker

and the pawnbroker shall not receive or retain any goods or articles as pledges or pawns unless the person pledging same accepts the note.

13. The pawnbroker shall be entitled to charge for the note in this Section required to be delivered by him to the person pledging goods or articles, the following fees:

- (a) when the sum advanced is five (\$5.00) dollars or less NIL FEE
- (b) when the sum is more than five (\$5.00) dollars 5% FEE

Every pawnbroker shall securely attach to the goods or articles pledged; a duplicate of the note given to the person pledging the same in the event of such goods being redeemed, shall write or endorse on said duplicate note a true statement of the profit taken by him and shall keep such duplicate note in his custody for one year following the date such goods were redeemed.

14. No pawnbroker shall solely, because of non-production of said note, refuse to redeliver pledged goods or articles to the person entitled thereto upon payment of the amount lawfully owing thereon if a member of the Camrose Police certifies that the loss of said note has been proved to his satisfaction.

15. No pledged goods shall be forfeited or sold until the expiration of one month from the date such goods were pledged, exclusive of the day of pledging; providing however, that this Section shall not be deemed to authorize a sale of forfeiture if (1) the parties have agreed upon a longer period of holding said goods, or if (2) such sale or forfeiture would be in any other way contrary to the general law.

16. The Council may, at the time, revoke or suspend any licence issued to any licensee for failure to comply with any provision of this By-Law. The Council may permanently deny granting a licence to any pawnbroker, secondhand dealer or coin dealer following the third revocation or suspension of that pawnbroker's, secondhand dealer's or coin dealer's licence.

17. Every person who contravenes any provision of this By-Law is guilty of an offence and liable on summary conviction to a penalty of not less than \$200.00, exclusive of costs, and not exceeding \$2500.00, exclusive of costs and for imprisonment for a term not exceeding six (6) months for nonpayment of the fine and costs hereby imposed, unless the fine and costs including the costs of committal are sooner paid.

18. By-Law # 1911/94 is hereby rescinded.

19. This By-Law shall come into force and take effect on the date it is finally passed.

READ A FIRST and SECOND TIME IN COUNCIL this 22nd day of April, A.D. 2002.

MAYOR.

CITY CLERK.

READ A THIRD TIME and FINALLY PASSED this 13th day of May, A.D. 2002.

MAYOR.

CITY CLERK