

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 5070

**TO REGULATE THE BUSINESSES OF
PAWNBROKERS AND SECOND HAND DEALERS**

The Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. In this Bylaw, unless the context otherwise requires:
 - (a) "Address" means a street address and not a post office box number;
 - (b) "Dealer" means a second hand dealer or a pawnbroker;
 - (c) "Pawnbroker" includes every person who carries on the business of taking goods or chattels in pawn whether or not the provisions of the Pawnbrokers Act apply to him;
 - (d) "Purchase" includes buy, barter, deal in, take in exchange, take in part payment, or receive on consignment, and "purchasing" and "purchased" shall be construed accordingly;
 - (e) "Register" means the register referred to in Section 2;
 - (f) "Second hand dealer" includes every person carrying on the trade or business of purchasing or selling any second hand goods or who keeps a store, shop or other place of business for the purpose of carrying on such trade or business, but does not include a retail merchant or trader who in good faith accepts as a trade-in any chattel as part only of the consideration for the sale by him of another chattel where the balance of the sale consideration is paid or payable in money, the lawful currency of Canada, and who subsequently sells the trade-in;
 - (g) "Second hand goods" means goods and chattels which have been previously used and includes jewels, coins, postage stamps, paintings and other chattels whether of a similar kind or not, but does not include junk, scrap, books, magazines, motor vehicles, motor vehicle parts, furniture or clothing.
2. Every dealer shall keep a register of all second hand goods purchased or otherwise received by him in the course of his business.
3. The register shall be in the English language and shall be written in ink in a plain and legible hand or typewritten.
4. Each entry in the register shall be made at the time of or immediately after such receipt.
5. The register shall include the following particulars in respect of each transaction:
 - (a) A correct account and description of and any serial number, descriptive mark and make on all goods received by the dealer;

- (b) The price paid, if any, for each of such articles or the amount of the loan advanced against each article, as the case may be;
 - (c) The precise date and hour of purchasing or receiving such article;
 - (d) The full name, residential or business address and description of the person who sold or delivered the article;
 - (e) Unless the person who delivers the article and his residential or business address are well known to the dealer (in which case the Register shall so state) the number of the social insurance card, the passport or the automobile driver's licence of such person and the name of the country or the jurisdiction in which the same was issued;
 - (f) If the person who delivers the article arrived at the dealer's premises in a motor vehicle, the make, description and licence number of such motor vehicle;
 - (g) The signature of the person delivering the article;
 - (h) The date of sale by the dealer.
6. The register shall at all reasonable times during business hours be produced on demand for inspection by the Chief Constable of the Saanich Police Department, or any other officer or member of the Police Force of the Municipality or the Royal Canadian Mounted Police, and may be removed at any time by any such officer for inspection at Police Headquarters for a reasonable length of time or for use as evidence in Court.
7. No dealer shall cause or permit any entry in the register to be erased, obliterated or defaced, nor shall he permit the pages of such book or any part thereof to be cut out or removed without the written consent of the Chief Constable.
8. Any copy of the register produced pursuant to this bylaw is admissible in evidence in any civil or criminal proceedings against the pawnbroker.
9. The Register shall next to each article received have a consecutive number, and such number shall, except in the case of coins or postage stamps, be placed on a tag and attached to the article until it leaves the dealer's premises.
- 9.1 For a period of 30 days after any property comes into a dealer's possession in the course of conducting the dealer's business, the dealer must comply with all of the following requirements:
- (a) the dealer must not remove the property from the dealer's place of business or otherwise dispose of or part with the property;
 - (b) the dealer must retain and keep segregated each piece of property; and
 - (c) the dealer must not alter or repair the property.

10. No dealer shall purchase or receive any article at the premises where the dealer carries on his business between the hours of 9:00 o'clock in the afternoon and 6:00 o'clock in the forenoon.
11. No dealer shall purchase or receive any article from any person actually or apparently under the age of 18 years.
12. No dealer shall receive any article from any person if the serial mark on such article is defaced or erased unless such person leaves with the dealer for delivery to the Police a written explanation of such defacement or erasure.
13. No dealer shall accept or receive any articles for safekeeping or for any purpose other than a purchase or a pledge in the course of his business.
14. No dealer shall accept any article from any person who fails to supply him with a permanent residential or business address or with the identification mentioned in Section 5 (e).
15. Every dealer shall forthwith on demand being made by the Chief Constable or any member of any Police Force present for view to the Chief Constable or such member any and every article coming into his possession through his business.
16. No dealer shall accept any article which is obviously new and unused other than a coin or a postage stamp unless the person who delivers such article to him at the same time delivers to him an invoice or other documentary proof of the acquisition by such person of the article, in which event the dealer shall retain the invoice and deliver it to the Chief Constable.
17. Every dealer shall have his name and address displayed prominently in English lettering on the front of the premises where he conducts his business, but subject to the provisions of the "Sign Bylaw, 1982".
18. No pawnbroker shall carry on his business on the same premises upon which the business of an auctioneer is carried on.
19. No pawnbroker shall carry on the business of auctioneer on the same or on any other premises, and for the purposes of this Section a dealer which is a corporation or a partnership shall be deemed to be one and the same corporation or partnership as another corporation or partnership in which one of the directors or shareholders or partners is also a director, a shareholder or a partner, as the case may be.
20. Any dealer or other person who contravenes or fails to comply with any provision of this Bylaw is guilty of an offence and is liable, on conviction, to a fine of not more than \$2,000.00 or to imprisonment for not more than six months or to both.
21. This Bylaw may be cited for all purposes as the "**PAWNBROKERS AND SECOND HAND DEALERS BYLAW, 1983, NO. 5070**".

Includes Bylaw Amendment No. 8256, 8936 and 8941.