

## REGIONAL DISTRICT OF CENTRAL OKANAGAN

### BYLAW NO. 1137

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Being a bylaw to amend the Regional District of Central Okanagan Business Licensing and Regulation Bylaw No. 689, 1996.

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WHEREAS the Regional District of Central Okanagan has enacted the Regional District of Central Okanagan Business License and Regulations Bylaw No. 689, 1996 and amendments thereto;

AND WHEREAS the Regional District of Central Okanagan considers that it is necessary to amend that Bylaw;

NOW THEREFORE THE REGIONAL DISTRICT OF CENTRAL OKANAGAN IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. Add the following definitions to Part One of the Bylaw:

“Chief of Police’ means the Officer in Charge as appointed from time to time, of the Local Detachment of the Royal Canadian Mounted Police and includes his or her designates.

‘Junk’ means used or old property including scrap rubber, rubber tires, metal, bottles, glass, broken glass, paper, sacks, wire, ropes, rags, machinery, waste or scrap metal, or other property commonly found in a junk shop.

‘Junk dealer’ means a secondhand dealer who carries on the business of dealing in junk, who operates a junk dealer’s premises or who purchases or sells junk.

‘Pawner’ means a person, firm, or corporation who pawns property to a pawnbroker but does not include a seller as defined in this bylaw.

‘Picture identification’ means one or more of the following that includes a photograph of the bearer:

- (a) valid driver’s license issued by a Canadian province or territory;
- (b) provincial identity card;
- (c) passport issued by a legitimate government;
- (d) certificate of Indian status issued by the Government of Canada;
- (e) certificate of Canadian Citizenship issued by the Government of Canada; or
- (f) conditional release card issued by Correctional Services Canada.

‘Police Force’ means the Local Detachment of the Royal Canadian Mounted Police.

‘Premises’ means any shop, store, or other place where a secondhand dealer or pawnbroker carries on the business of secondhand dealing or pawnbrokering.

'Property' means goods, chattels, wares, merchandise, articles, or things, including motor vehicles and trailers as defined by the Motor Vehicle Act, R.S.B.C. 1966, c.318.

'Purchase' means to buy, barter, deal in, take in exchange, take in part payment, acquire, acquire on consignment, or receive, but does not include pawning.

'Register' means the Secondhand Dealers and Pawnbrokers Register referred to in each of section 30. and where this Bylaw stipulates that a secondhand dealer or pawnbroker has an obligation in connection with a register, the reference is to that register which the secondhand dealer or pawnbroker is obliged, under section 30., to establish and maintain;

'Seller' means a person, firm or corporation who sells or otherwise disposes of property to a secondhand dealer but does not include a pawner as defined in this bylaw."

2. In Part One of the Bylaw:

- a) Delete the existing definition for 'Second-Hand Dealer' and replace it with a new definition:

"'Secondhand Dealer' or 'Dealer' means a person who carries on the business of retailing or wholesaling used or secondhand property, or who operates a secondhand dealer's premises, except for a person who carries on the business of retailing or wholesaling used property limited to:

- (a) used clothing, furniture, costume jewellery, knickknacks, foot ware, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery; or
- (b) used clothing, furniture, costume jewellery, foot ware, and house ware items such as dishes, pots, pans, cooking utensils, and cutlery, obtained only from or through a "registered charity" defined under the Income Tax Act (Canada) or by donation; or
- (c) used books, papers, magazines, vinyl records, or long playing records (LP's)";

- b) Amend the definition of 'Business' by adding the words:  
"including those of a landlord" after the word "services" in the definition.

3. In Part Two of the Bylaw delete subsections 30.1 to 30.15 in their entirety and replace them with new sections 30.1 to 30.20:

"30.1 Each secondhand dealer and pawnbroker must establish and maintain a record, to be called the "Secondhand Dealers and Pawnbrokers Register", of all property, other than recyclable beverage containers, purchased by the pawnbroker.

30.2 Each secondhand dealer and pawnbroker, immediately after the purchase or taking in pawn of any property, must set out in the register in the English language a record of the purchase or pawn in chronological order by date or purchase. The record must include:

- a) the name, residence or street address, and birth date of the seller from whom the secondhand dealer, or any employee of the dealer, purchased the property, or of the pawnner from whom the pawnbroker, or any employee of the pawnbroker, took the property in pawn;
- b) confirmation of the identity of the seller or pawnner by way of picture identification including a complete description of the picture identification and name of the authority who issued it;
- c) a complete description of the property including the make, model, and serial number if applicable;
- d) the type of purchase as described in the definition of "purchase", or the type of acquisition, being a pawn;
- e) the price paid for the property or the amount paid for the property in pawn;
- f) the precise date and hour of purchasing the property or taking the property in pawn;
- g) identifiable or distinguishing marks on the property; and
- h) in the case only of a secondhand dealer who is a junk dealer purchasing metal salvage, the make, description, and provincial license number of any motor vehicle used by the seller to deliver the property to the secondhand dealer's premises.

30.3 Each secondhand dealer or pawnbroker must: maintain the register electronically in a form approved by the Chief of Police;

- a) record all information in the register electronically;
- b) transmit to the Chief of Police electronically, to a specified database via the Internet and using a site license and password provided by the Chief of Police, a report of the entry in the electronic register of property purchased by the dealer or taken in pawn by the pawnbroker, immediately after the purchase or the pawn occurs;
- c) before the close of each business day, print out a hard copy of all electronic information recorded during the course of the day, and maintain all such hard copies as a manual version of the register;
- d) whenever the secondhand dealer or pawnbroker is unable, for any reason, to record entries electronically, revert to maintenance of a handwritten register, in the form attached to this Bylaw as Schedule A, until electronic recording is again available so that no gap in the secondhand dealer's or pawnbroker's record keeping or reporting will exist;
- e) if the dealer or pawnbroker is unable, for any reason, to record or transmit the entries electronically, once electronic recording and transmitting is again available, immediately transmit to the Chief of Police electronic entries for all purchases or pawns made by the dealer or pawnbroker and not previously recorded or transmitted.

30.4 A secondhand dealer or pawnbroker must not amend, obliterate or erase any entry in the register, either wholly or partially or electronically or manually.

30.5 Each secondhand dealer or pawnbroker, during business hours on business days, must make the register available for inspection by the Chief of Police, any police force member, any person designated by the Chief of Police, the Director, or any person authorized to inspect on the Director's behalf.

- 30.6 The Chief of Police, a police force member, or person designated by the Chief of Police may remove a secondhand dealer's or pawnbroker's register from the dealer's or pawnbroker's premises at any time for inspection at the Office of the Police Force or for use as evidence in Court.
- 30.7 Immediately upon return of the register taken under sub section 30.6 to the secondhand dealer or pawnbroker, the dealer or pawnbroker must record in the register, in chronological order, as set out in sub section 30.3, every purchase by the dealer or every taking by the pawnbroker of property that occurred during the absence of the register.
- 30.8 Each secondhand dealer or pawnbroker must:
- a) subject to sub section 30.6, keep on its premises the register, or any portion of the register, that contains any entry that is less than 24 months old;
  - b) keep within the Province of British Columbia, the register for seven years after the date of the last entry; and
  - c) if the secondhand dealer or pawnbroker sells, leases, or otherwise disposes of the dealer's or pawnbroker's business to any person, transfer possession of the whole register to such person.
- 30.9 A secondhand dealer or pawnbroker shall when buying or taking in pawn any property either out or away from the licensed premises comply with all aspects of this bylaw.
- 30.10 A secondhand dealer or pawnbroker must not purchase or take in pawn any property from any person between 8 p.m. of one calendar day and 8 a.m. of the next calendar day.
- 30.11 A secondhand dealer or pawnbroker must not purchase or take in pawn any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- 30.12 A secondhand dealer or pawnbroker must not purchase or take in pawn any property from any person under the age of 18 years.
- 30.13 Each secondhand dealer or pawnbroker, on demand by the Chief of Police or any police force member during business days, must permit the Chief of Police, any police force member, or any person designated by the Chief of Police or by a police force member to inspect:
- a) any property in the secondhand dealer's or pawnbroker's premises;
  - b) the secondhand dealer's or pawnbroker's premises.
- 30.14 Each secondhand dealer or pawnbroker must paint and maintain the secondhand dealer's or pawnbroker's name and address plainly and visibly in English lettering on the front of the secondhand dealer's or pawnbroker's premises and on both sides of any vehicle or vessel used in carrying on the dealer's or pawnbroker's business.

- 30.15 During the applicable period of time set out in sub section 30.16, each secondhand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawnbroker takes in pawn, must:
- a) clearly and individually tag by date of purchase or pawn, and clearly and physically separate from other property in the secondhand dealer's or pawnbroker's premises, the item of property;
  - b) not repair, alter, dispose of, part with possession of, or remove from the secondhand dealer's or pawnbroker's premises the item of property; and
  - c) not suffer or permit any other person to repair, alter, dispose of, part with possession of, or remove from the secondhand dealer's or pawnbroker's premises the item of property.
- 30.16 Each secondhand dealer or pawnbroker must comply with the requirements of sub section 30.15, with respect to each item of property the dealer or pawnbroker purchases or takes in pawn, for the longer of:
- a) 30 calendar days after the date a secondhand dealer or pawnbroker who maintains an electronic register purchases or takes in pawn the item of the property;
  - b) the number of days of which the Chief Constable or any police force member advises the secondhand dealer or pawnbroker, which must not exceed 90 days after the date the secondhand dealer or pawnbroker purchases or takes in pawn the property.
- 30.17 If a junk dealer, before expiry of the applicable time period under subsection 30.16, wishes to sell or dispose of any property, the junk dealer may deliver a written request to the Chief of Police who may waive in writing the dealer's obligation to comply with the applicable time period on such conditions as the Chief of Police considers advisable.
- 30.18 A secondhand dealer who is also a pawnbroker must clearly and physically separate all property purchased as a secondhand dealer from property taken in pawn and must clearly and individually tag each item of property to indicate date of purchase and whether the dealer purchased such item or took it in pawn.
- 30.19 Every person or individual carrying on the business of a pawnbroker or secondhand dealer shall supply the Director and the Chief of Police with the full name, date of birth, current address, and description of every individual proposed to be employed prior to their employment, and every individual engaged in the management, or control of the said business.
- 30.20 Every holder of a business license for a pawnbroker or secondhand dealer shall notify the Director and Chief of Police of any changes in the persons engaged or employed in the said business during the business license period by supplying the information listed in sub section 30.20 of this bylaw with respect to those persons."

4. This Bylaw may be cited for all purposes as the Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No.1137, 2005.

READ A FIRST TIME THIS 7th DAY OF November 2005.

READ A SECOND TIME THIS                    7th    DAY OF            November            2005.  
READ A THIRD TIME THIS                    7th    DAY OF            November            2005.  
RECONSIDERED AND ADOPTED THIS    28th   DAY OF            November            2005.



CHAIR



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1137 cited as the "Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1137, 2005 as read a third time by the Regional Board on the 7th day of November, 2005.

Dated at Kelowna, B.C.  
this 8th day of November, 2005.



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1137 cited as the "Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1137, 2005 as adopted by the Regional Board on the 28th day of November, 2005.

Dated at Kelowna, B.C.  
this 30th day of November, 2005.



DIRECTOR OF CORPORATE SERVICES