

## REGIONAL DISTRICT OF CENTRAL OKANAGAN

### BYLAW NO. 1200

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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:

"Business Day" means any calendar day, including any holidays, during which a secondhand dealer or pawnbroker is open for business to one or more members of the public.

'Inspector' means the Director of Inspection Services and any person or persons involved in the enforcement and administration of this bylaw and includes any Peace Officer.

'Retail Packaging' includes boxes, plastic wrapping or display casing in which individual goods are commonly displayed for sale by retailers and in respect of articles of clothing means the sales or inventory tag attached to the articles by the retailer with the bar code, store keeping unit or the retailer's similar identifying characteristics.

'Retailer' means any person who carries on the business of selling goods or commodities to the public.

'Sales Receipt' means the receipt or proof of purchase issued by the retailer to the purchaser at the time of the purchase of retail goods which includes the price, date of sale, name and location of the retailer and description of the goods."

2. Delete the definition of 'Picture Identification' in its entirety and replace it with a new definition as follows:

"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) Valid provincial identity card;
- c) Valid passport issued by a legitimate government;
- d) Certificate of Indian status issued by the Government of Canada;

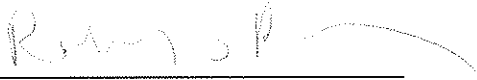
- e) Valid certificate of Canadian Citizenship issued by the Government of Canada; or
  - f) Valid condition release card issued by Correctional Services Canada.”
3. Delete Section 30.1. in its entirety and replace it with the following;
- “30.1 Each secondhand dealer and pawnbroker must establish and maintain a record, to be called the “Secondhand Dealers and Pawnbrokers Register”, of all property, other than recyclable beverage containers, purchased by the dealer or taken in pawn by the pawnbroker.”
4. Delete the Subsection 30.2 c) in its entirety and replace it with the following:
- “30.2 c) a complete description of the property including the make, model and serial number.”
5. Add a new Subsection 30.2 i) as follows:
- “30.2 i) Where the pawnbroker or secondhand dealer has taken in pawn or purchased a new item or an item in it’s retail packaging, an indication that the item was new or in it’s retail packaging.”
6. Delete Section 30.3 in it’s entirety and replace it with a new Section 30.3 as follows:
- “30.3 Each secondhand dealer or pawnbroker must:
- a) Maintain the register electronically in a form approved by the Chief of Police;
  - b) Record all information in the register electronically;
  - c) 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;
  - d) When requested by an inspector, print out a hard copy of all electronic and manual information recorded during the course of the day;
  - e) At the end of a business day where, no property has been purchased by the dealer or taken on pawn by the pawnbroker during that business day, transmit to the Chief of Police by the same means as provided for in Subsection 30.3 c), a report that no transactions were made that business day;
  - f) 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 “B”, until electronic recording is again available so that no gap in the secondhand dealer or pawnbroker record keeping or reporting will exist.
  - g) If the dealer or pawnbroker is unable, for any reason, to record or transmit the entries electronically, once electronic recording and transmitting are 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.”

7. Delete Section 30.9 in it's entirety and replace it with a new Section 30.9 as follows:  
“30.9 A pawnbroker must not carry on the business of buying or selling or the taking in pawn of any property except at the premises designated in the pawnbroker's license.”
8. In Section 30.12 delete the number “18” and replace it with the number “19”.
9. Add a new Section 30.14A as follows:  
“30.14A Each secondhand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawn broker takes in pawn, must clearly and individually tag by date of purchase or pawn of the item of property and must maintain the tag on the property until disposed of.”
10. Add new Sections 30.21, 30.22, 30.23 and 30.24 as follows:
  - 30.21 Each secondhand dealer or pawnbroker must not purchase or take in pawn, hold or sell, any item of property in or with retail packaging unless the seller or pawner provides the dealer or pawnbroker with a sales receipt and the dealer or pawnbroker must retain the sales receipt for a period of one year beyond the date that the property is disposed of.
  - 30.22 A secondhand dealer or pawnbroker must not employ a person who has within the preceding five year period been convicted of an offence listed on Schedule “C” attached hereto and forming part of this bylaw unless the inspector has granted an exemption in accordance with Subsection 30.23.
  - 30.23 A person who is ineligible for employment by a secondhand dealer or pawnbroker pursuant to Subsection 30.22 may apply to the license inspector for an exemption permitting the person to be employed by the secondhand dealer or pawnbroker and the inspector in deciding whether to grant the exemption may consider:
    - a) Information from the person regarding the circumstances leading to the conviction or convictions; Information from a law enforcement agency regarding the circumstances leading to the conviction or convictions;
    - b) Information with respect to the person's performance of parole or probation conditions, including information from a parole or probation officer; and
    - c) Whether the person has been convicted of more than one offense listed in Schedule “C” to this bylaw within the preceding five years.
  - 30.24 A person commits an offence by recording or supplying false or misleading information:
    - a) in the Register; or
    - b) in any transmission to the specified database under subsection 30.3 c).

11. This Bylaw may be cited for all purposes as the "Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1200, 2007".

READ A FIRST TIME THIS	26th	DAY OF	February	2007.
READ A SECOND TIME THIS	26th	DAY OF	February	2007.
READ A THIRD TIME THIS	30th	DAY OF	April	2007.
RECONSIDERED AND ADOPTED THIS	30th	DAY OF	April	2007.



CHAIR



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1200 cited as the "Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1200, 2007, as read a third time and adopted by the Regional Board on the 30<sup>th</sup> day of April, 2007.

Dated at Kelowna, B.C. this  
1<sup>st</sup> day of May, 2007.



DIRECTOR OF CORPORATE SERVICES

Schedule B

Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw No. 1200, 2007

# SECOND HAND & PAWNBROKER DEALERS' REPORT

To: OIC RCMP Det.,  
380 Doyle Ave.,  
Kelowna, B.C.

Date: ..... 20 ..... 10:00 a.m

I hereby certify that the following is a correct copy of the entries in my book of all articles received during the twenty-four hours immediately preceding the hour of date of this

Certificate, in compliance with the Bylaw regulating the same, and that the said entries are true.  
Report of: .....  
Signature: .....

Business Name: .....

IDENTITY NO.	TYPE OF ARTICLE	DATE OF BIRTH		SIGNATURE	DATE
		BUYER	SELLER		
1	TYPE OF ARTICLE	DATE OF BIRTH	SIGNATURE	DATE	DATE
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Schedule C

Regional District of Central Okanagan Business Licensing and Regulations Amendment Bylaw  
No. 1200, 2007

Offences under the following parts of the Criminal Code of Canada, R.S.C. 1985, c. 46:

- Part IX
- Part X
- Part XI
- Part XII.2
- Any offence under Part XIII in relation to any section in Parts IX, X or XI of the Criminal Code of Canada or sections 5, 6, or 7 of the Controlled Drugs and Substances Act, S.C. 1996, c. 19.

Offences under the following Sections of the Controlled Drugs and Substances Act, S.C. 1996, c. 19:

- Section 5
- Section 6
- Section 7