
CITY OF KELOWNA

MEMORANDUM

Date: June 16, 2006

File No.: 4000-00

To: City Manager

From: Licence and Bylaw Enforcement Supervisor

Subject: Amendments to Second Hand Dealers and Pawnshop Bylaw No. 9227 with
Applicable Amendments to Ticket Information Utilization Bylaw No. 6550-89
Schedule 27

RECOMMENDATION:

THAT City Council approve the request and recommendation of the Licence and Bylaw Enforcement Supervisor to amend the noted sections of the Second Hand Dealers and Pawnshop Bylaw No. 9227 as outlined in this report.

AND THAT City Council approve the request and recommendation of the Licence and Bylaw Enforcement Supervisor to rescind the current Schedule 27 of Ticket Information Utilization Bylaw No. 6550-89 and replace it with the new Schedule 27 as attached;

AND FURTHER THAT staff be instructed to prepare the necessary amending bylaw.

BACKGROUND:

The present City of Kelowna Second Hand Dealers and Pawnshop Bylaw No. 9227 has been in effect since June 7, 2004, and has been enforced by members of the RCMP along with the assistance of City Bylaw Enforcement Officers.

Our inspections and investigations to date have been very successful in locating and returning stolen property from local, out of city and out of province property crimes related to business and residential properties.

In consultation with the RCMP and in order to improve and enhance our inspection services, it has become evident that amendments to the Second Hand Dealers and Pawnshop Bylaw and the Ticket Information Utilization Bylaw are necessary for enforcement purposes and to expedite our court processes accordingly.

We are recommending the following amendments to the Second Hand Dealers and Pawnshop Bylaw No. 9227 as follows:

Section 1.2 - Add the Definition:

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

- Repeal current Definition of “Picture Identification” and replace with the following:

“Picture Identification” means one or more of the following that include a photograph of the bearer:

- a) valid driver’s licence 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;
- f) valid Conditional Release Card issued by Correctional Services Canada.

- Add the Definition:

“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 bar code, store keeping unit or the retailer’s similar identifying characteristics.

- Add the Definition:

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

- Sales Receipt:

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

Section 2.2(c) - Amend to Read:

A complete description of the property including the make, model and accurate serial number.

Section 2.2(f) - Amend to Read:

The precise date and hour of purchasing the property or taking the property in pawn or purchase.

Section 2.2(i) - Add New Section:

Where the pawnbroker or second hand dealer has taken in pawn or purchase new or package an indication that the property was new or packaged.

Section 2.3(d) - Repeal current Section 2.3(d) and replace with the following:

When requested by an inspector, print out a hard copy of all electronic and manual information recorded during the course of the day.

Section 2.3(e) - Add new Section:

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 Sub-Section 2.3(c), a report that no transactions were made that business day.

Re-number existing Sections 2.3(e) to (f) accordingly.

Section 2.12 - Amend to Read:

A second hand dealer or pawnbroker must not purchase or take in pawn any property from a person under the age of 19 years.

Section 2.15 - Add New Section:

Each second hand dealer or pawnbroker, with respect to each item of property the dealer purchases or the pawnbroker takes in pawn, must clearly and individually tag by date of purchase or pawn the item of property and must maintain the tag on the property until disposed of.

Re-number Sections 2.15 to 2.21 accordingly by then adding new Section 2.15.

Section 2.16 - Amend Section 2.16 to read:

During the applicable period of time set out in Sub-Section 2.17, each second hand 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 and out of sight from other property in the second hand dealers or pawnbrokers premises, the item of the property.

Section 2.17 - Amend to Read:

Each second hand dealer or pawnbroker must comply with the requirements of Sub-Section 2.16 with respect to each item of property the dealer or pawnbroker purchases or takes in pawn, for the longer of:

Section 2.18 - Amend to Read:

If a junk dealer, before expiry of the applicable time period under Sub-Section 2.17, 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 dealers obligation to comply with the applicable time period on such conditions as the Chief of Police considers advisable.

Section 2.20 - Amend to Correct Typo:

A second hand dealer who retails or wholesales any new property in the same premises where the retailing or wholesaling of used or second hand property occurs must obtain a business licence under Business Licence and Regulation Bylaw No. 7878, as amended or replaced from time to time, for both types of businesses.

Section 2.21 - Add New Section:

Each second hand 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 pawnor 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.

Section 2.24 - Add New Section:

A second hand dealer or pawnbroker must not employ a person who has within the preceding five (5) year period been convicted of an offence listed on Schedule "B" to the Bylaw unless the licence inspector appointed pursuant to the City of Kelowna Business Licence and Regulation Bylaw No. 7878 has granted an exemption in accordance with Section 2.25.

Section 2.25 - Add New Section:

A person who is ineligible for employment by a second hand dealer or pawnbroker pursuant to Section 2.24 may apply to the licence inspector for an exemption permitting the person to be employed by the second hand dealer or pawnbroker and the licence inspector in deciding whether to grant the exemption may consider:

- a) information from the person regarding the circumstances leading to the conviction or convictions;
- b) information from a law enforcement agency regarding the circumstances leading to the conviction or convictions;
- c) information with respect to the person's performance of parole or probation conditions, including information from a parole or probation officer;
- d) whether the person has been convicted of more than one (1) offence listed in Schedule "B" within the preceding five (5) years.

The licence inspector shall confirm the decision whether or not to grant the exemption in writing to the person requesting the exemption.

"Schedule "B"
Bylaw 7878

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 XIII in relation to any section in parts IX, X, or XI of the Criminal Code or Section 5, 6, or 7 of the Controlled Drugs and Substances Act.

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

- Section 5
- Section 6
- Section 7

Secondly, we are recommending that council rescind the current Schedule 27 of the Ticket Information Utilization Bylaw No. 6550-89 and replace it with a new Schedule 27 as outlined.

Schedule 27

- Fail to record purchase or pawn in chronological order by date	Sec. 2.2	\$100.00
- Fail to record accurate identification of seller	Sec. 2.2(a)	\$100.00
- Fail to confirm valid picture identification of seller	Sec. 2.2(b)	\$100.00
- Fail to complete description of property	Sec. 2.2(c)	\$100.00
- Fail to indicate price paid for property	Sec. 2.2(e)	\$100.00
- Fail to record date and hour of purchase / pawn	Sec. 2.2(f)	\$100.00
- Fail to identify distinguishing marks	Sec. 2.2(g)	\$100.00
- Fail to identify as new or packaged	Sec. 2.2(i)	\$100.00
- Fail to maintain register electronically	Sec. 2.3(a)	\$100.00
- Fail to record information electronically	Sec. 2.3(b)	\$100.00
- Fail to submit or transmit information electronically	Sec. 2.3(c)	\$100.00
- Fail to maintain manual register	Sec. 2.3(d)	\$100.00
- Fail to submit no transactions	Sec. 2.3(e)	\$100.00
- Amend or alter register entry	Sec. 2.4	\$150.00
- Fail to permit inspection of registry	Sec. 2.5	\$100.00
- Keep inventory at unauthorized location	Sec. 2.9	\$100.00
- Accept property after 8:00 p.m. and before 8:00 a.m.	Sec. 2.10	\$100.00

- Obtain property with serial number or markings tampered with or removed	Sec. 2.11	\$150.00
- Take in property from person under age	Sec. 2.12	\$100.00
- Fail to allow inspection of property	Sec. 2.13(a)	\$150.00
- Fail to allow inspection of premises	Sec. 2.13(b)	\$150.00
- Fail to identify premises or vehicle for business	Sec. 2.14	\$100.00
- Fail to identify / tag	Sec. 2.15	\$100.00
- Fail to physically separate	Sec. 2.16(a)	\$100.00
- Alter or remove or dispose of property	Sec. 2.16(b)	\$100.00
- Permit person to alter, remove or dispose of property	Sec. 2.16(c)	\$100.00
- Improper disposal of goods	Sec. 2.17	\$100.00
- Fail to physically separate or identify property	Sec. 2.19	\$100.00
- Fail to obtain proper licence	Sec. 2.20	\$100.00
- Fail to have or attach receipt	Sec. 2.21	\$100.00
- Fail to advise employee information to Chief of Police	Sec. 2.22	\$100.00
- Fail to notify names or change or employees	Sec. 2.23	\$100.00
- Employ ineligible person	Sec. 2.24	\$200.00

Respectfully submitted,

J.A. Dixon
Licence and Bylaw Enforcement Supervisor

JAD/pt