

CITY OF KELOWNA

BYLAW NO. 9637

Amendment No. 1 to Second-Hand Dealers and Pawnbrokers Bylaw No. 9227

WHEREAS the Council considers it necessary to regulate the businesses of second-hand dealers and pawnbrokers within the City of Kelowna;

NOW THEREFORE the Municipal Council of the City of Kelowna in open meeting assembled enacts as follows:

1. That subsection 1.2 of **SECTION 1 – INTERPRETATION** be amended by deleting the existing definition of “Picture Identification” and replacing it with the following:

““Picture Identification” means one or more of the following that includes 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.”

2. That subsection 1.2 of **SECTION 1 – INTERPRETATION** be further amended by adding the following definitions in the appropriate locations:

““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;

“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 cod, store keeping unit or the retailer's similar identifying characteristics.;

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

“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.”

3. That subsection 2.2 of **SECTION 2 - SECONDHAND DEALERS AND PAWNBROKERS** be amended by:

- (a) deleting the existing paragraph (c) and replacing it with the following:

“(c) a complete description of the property including the make, model and accurate serial number.”;

- (b) deleting the existing paragraph (f) and replacing it with the following:

“(f) the precise date and hour of purchasing the property or taking the property in pawn or purchase.” and

- (c) adding the following new paragraph (i):
 - “(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.”
- 4. That subsection 2.3 of **SECTION 2 – SECONDHAND DEALERS AND PAWNBROKERS** be amended by:
 - (a) deleting the existing paragraph (d) and replacing it with the following:
 - “(d) when requested by an inspector, print out a hard copy of all electronic and manual information recorded during the course of the day.”; and
 - (b) adding the following new paragraph (e) and renumbering the subsequent paragraphs appropriately:
 - “(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 2.3(c), a report that no transactions were made that business day.”.
- 5. That the existing subsection 2.12 of **SECTION 2 – SECONDHAND DEALERS AND PAWNBROKERS** be deleted and replaced with the following:

“2.12 A secondhand dealer or pawnbroker must not purchase or take in pawn any property from a person under the age of 19 years.”
- 6. That the following new subsection 2.14A be added to **SECTION 2 – SECONDHAND DEALERS AND PAWNBROKERS**:

“2.14A Each secondhand dealer or pawnbroker, with respect to each item of property 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.”.
- 7. That the existing subsection 2.15 of **SECTION 2 – SECONDHAND DEALERS AND PAWNBROKERS** be amended by deleting the existing paragraph (a) and replacing it with the following:
 - “(a) clearly and individually tag by date of purchase or pawn, and clearly and physically separate and keep out of sight from other property in the secondhand dealer’s or pawnbroker’s premises, the item of property;”.
- 8. That the existing subsection 2.20 of **SECTION 2 – SECONDHAND DEALERS AND PAWNBROKERS** be amended by deleting the reference to “Bylaw No. 7878” and replacing it with reference to “Bylaw No. 7878”.
- 9. That the following new subsection 2.22 be added to **SECTION 2 – SECONDHAND DEALERS AND PAWNBROKERS**:

“2.22 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 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.”

10. That the following new subsection 2.23 be added to **SECTION 2 – SECONDHAND DEALERS AND PAWNBROKERS**:

“2.23 A secondhand dealer or pawnbroker must not employ a person who has within the receding five (5) year period been convicted of an offence listed on Schedule “B” to this Bylaw unless the inspector has granted an exemption in accordance with subsection 2.24.”

11. That the following new subsection 2.24 be added to **SECTION 2 – SECONDHAND DEALERS AND PAWNBROKERS**:

“2.24 A person who is ineligible for employment by a secondhand dealer or pawnbroker pursuant to subsection 2.23 may apply to the licence inspector for an exemption permitted the person to be employed by the secondhand 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; and
- (d) whether the person has been convicted of more than one (1) offence listed in Schedule “B” to this bylaw within the preceding five (5) years.”

- 11A. That the following new subsection 3.2 be added to **SECTION 3 – OFFENCES AND PENALTIES**:

“3.2 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 2.3(c).”

And that the existing subsections 3.2 and 3.3 be renumbered to 3.3 and 3.4 respectively.

12. That a new Schedule “B”, as attached to and forming part of this bylaw as Appendix A, be attached.
13. This bylaw may be cited as “Bylaw No. 9637, being Amendment No. 1 to Second Hand Dealer and Pawnbroker Regulation Bylaw No. 9227”.
14. This bylaw shall come into force on the date of adoption.

Read a first, second and third time by the Municipal Council this 10th day of July, 2006.

Adopted by the Municipal Council this 24th day of July, 2006.

Final adoption rescinded by the Municipal Council this 21st day of August, 2006.

Amended at third reading by the Municipal Council this day of , 2006.

Bylaw No. 9637 - Page 4.

Adopted by the Municipal Council of the City of Kelowna this day of , 2006.

Mayor

City Clerk

Appendix A

SCHEDULE "B"

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