

City of Chilliwack

Bylaw No. 4426

A Bylaw to regulate Second Hand Goods Dealers

WHEREAS Council considers it necessary to regulate the business of buying and selling second hand goods and Scrap Metal in the City of Chilliwack;

NOW THEREFORE the Council of the City of Chilliwack, in open meeting assembled, enacts as follows:

CITATION

1. This Bylaw may be cited as **“Second Hand Goods Regulation Bylaw 2017, No. 4426”**.

REPEALED

2. **“Used and Second Hand Goods Regulation Bylaw 2004, No. 3078”** and amendments thereto are hereby repealed.
3. **“Second Hand Goods Dealers’ Licence Bylaw 2005, No. 3100”** and amendments thereto are hereby repealed.

INTERPRETATION

4. In this Bylaw:

“Antiques” means goods, chattels, wares, merchandise, articles or things, excluding alcohol, that are at least 50 years old.

"Bylaw Enforcement Officer" means a person appointed by Council to the position of Bylaw Enforcement Officer for the City.

“City” means the City of Chilliwack.

“Council” means the Council of the City.

“Pawn” means to deposit property as a pledge or collateral security for a debt.

“Picture Identification” means one piece of valid identification integrated with a photograph of the bearer as listed below:

- (a) A driver’s licence issued by a Canadian province or territory;
- (b) A British Columbia Services Card or other card issued by the Province of British Columbia;
- (c) A passport issued by a recognized government;
- (d) Certificate of Canadian citizenship issued by the Government of Canada;

- (e) A Canadian permanent resident card; or,
- (f) Any other form of provincial or federal identification that is Canadian in origin.

“RCMP” means the Officer in Charge at the Chilliwack RCMP Detachment and their designate.

“Second Hand Goods Dealer” means any person licensed pursuant to the City’s Business Licence Bylaw to carry on the business of selling, purchasing, taking in Pawn or otherwise dealing in second hand goods including wares, merchandise, furniture, household goods, auto parts, bicycles or any other used good, article or thing.

“Secondary Licence” means a licence issued to a business determined to be a Secondary Licence Dealer pursuant to this Bylaw.

“Secondary Licence Dealer” means a Second Hand Goods Dealer who pursuant to this Bylaw is advised of involvement in a Transaction concerning stolen goods.

“Scrap Metal” includes:

- (a) old, waste or discarded metal or metallic material;
- (b) any product, good, article or assembly which is made from or contains metal and is broken, worn out or unusable;

but does not include:

- (c) used cans or containers for food, beverages, paint, domestic or household products normally recycled to avoid waste.

“Scrap Metal Exchange” means a Transaction involving Scrap Metal which consists of:

- (a) an offer of Scrap Metal by a seller to a Second Hand Goods Dealer who deals in Scrap Metal;
- (b) acceptance of the Scrap Metal by the Second Hand Goods Dealer; and,
- (c) transfer of money or other valuable consideration from the Second Hand Goods Dealer to the seller by way of compensation for the Scrap Metal.

“Transaction” means any process by which second hand goods come into the possession of a Second Hand Goods Dealer, including via a purchase, trade or exchange.

“Transaction Report” means a report of a Transaction submitted to the RCMP in the form specified in Schedule A of this Bylaw.

REQUIREMENT TO RETAIN ITEM

5. A Second Hand Goods Dealer shall retain any goods, articles or things purchased or otherwise acquired by way of a Transaction, and shall not alter, sell, exchange or otherwise dispose of the good, article or thing, until 30 days after a Transaction Report has been delivered to the RCMP as required by this Bylaw, unless otherwise authorized in writing by the RCMP.

6. A Second Hand Goods Dealer shall:
 - (a) clearly and individually identify each item received in a Transaction by tag or label including the date of the Transaction and a unique item number, and
 - (b) maintain the tag or label on the property until disposed of.
7. Notwithstanding Section 5, a Second Hand Goods Dealer shall retain any Scrap Metal acquired by way of a Scrap Metal Exchange and shall not alter, sell, exchange or otherwise dispose of the Scrap Metal or complete and finalize the Scrap Metal Exchange by transferring money or other valuable consideration as compensation for it until 7 days after a Transaction Report has been delivered to the RCMP as required by this Bylaw, unless otherwise authorized in writing by the RCMP.
8. Notwithstanding Sections 5 and 7, the RCMP may, at any time, require any Second Hand Goods Dealer to hold any goods, articles or things in their possession for a longer period than provided for in Sections 5 and 7 from the date of purchase or receipt, in which case none of such goods, articles or things, nor any part thereof, shall be disposed of or removed by anyone from the place of business of the Second Hand Goods Dealer without the prior consent in writing of the RCMP.

INSPECTION

9. The RCMP or any Bylaw Enforcement Officer may enter and inspect, at all reasonable times, any place, premises, good, article or thing associated with the carrying on of the business of dealing in Second Hand Goods or Scrap Metal.
10. A Second Hand Goods Dealer shall, at all reasonable times, permit the RCMP or Bylaw Enforcement Officer to inspect any place, premises, good, article or thing associated with the carrying on of their business.
11. Upon demand by the RCMP, a Second Hand Goods Dealer shall supply the full name, date of birth, current address and description of every individual employed by the Second Hand Goods Dealer.
12. For any new goods, articles or things purchased by a Second Hand Goods Dealer, the Dealer shall, upon demand by the RCMP or Bylaw Enforcement Officer, produce a receipt in respect of the purchase.
13. A Second Hand Goods Dealer who knows or believes that any property offered for purchase or Pawn may have been stolen or otherwise illegally acquired must immediately notify the RCMP.

TRANSACTION RECORDS AND REPORTS

14. A Second Hand Goods Dealer shall establish and maintain a Transaction Record in the English language of every good, article or thing which has come into the Dealer's possession by way of a Transaction, and the information shall be recorded at the time of the Transaction involving the good, article or thing.

15. The Transaction Record shall contain:

- (1) a correct account and description of the good, article or thing purchased or otherwise received, including the serial number, model number or any other descriptive mark or name on the good, article or thing;
- (2) the exact date and time of the Transaction;
- (3) the amount of money exchanged in the Transaction; and,
- (4) each of:
 - (a) the full name, street address, telephone number;
 - (b) brief physical description;
 - (c) date of birth;
 - (d) confirmation of identity by way of Picture Identification; and
 - (e) signatureof the person from whom the good, article or thing was purchased or otherwise received.

16. A Second Hand Goods Dealer shall:

- (1) for each Transaction, electronically create a Transaction Report using the software program required by the RCMP as illustrated in Schedule “A”;
- (2) immediately after the Transaction, transmit the Transaction Report to the RCMP electronically;
- (3) print and preserve, before the close of each business day, a hard copy of all electronic Transaction Reports created during the course of each business day;
- (4) employ alternative methods, including handwritten records, facsimile transmissions or other means, to maintain a continuous record of Transactions and to ensure that all Transactions are reported to the RCMP if, at any time or for any reason, the Second Hand Goods Dealer is unable to record Transactions electronically or transmit Transaction Reports electronically; and,
- (5) A Second Hand Goods Dealer must retain all Transactions Records and Transaction Reports for a period of not less than seven years from the date of the Transaction, and such Transaction Records and Transaction Reports must be retained regardless of any change in the ownership of the Second Hand Goods Dealer’s business.

REGULATIONS

17. Second Hand Goods Dealer shall not:

- (1) delete, erase, obliterate or remove, or allow or permit to be deleted, erased, obliterated or removed, any Transaction Record or Transaction Report required pursuant to this Bylaw;

- (2) engage in a Transaction involving any good, article or thing if the serial number or other similar mark identifying the good, article or thing has been altered, erased, obliterated or removed;
- (3) engage in a Transaction involving any good, article or thing with any person under the age of 18 years;
- (4) engage in a Transaction with any person who appears to be under the influence of drugs or alcohol;
- (5) engage in a Transaction with any person who does not present the required Picture Identification, or otherwise refuses to comply with any requirements of this Bylaw;
- (6) engage in a Transaction with any person that the Second Hand Goods Dealer knows or has grounds to believe may have stolen or otherwise illegally acquired the property; or,
- (7) list any item on an internet web site or otherwise advertise an item without including the name of the Second Hand Good Dealer’s business as found on the business licence issued by the City of Chilliwack.

EXEMPTIONS

18. This Bylaw shall not apply to:

- (1) a person who is licenced by the Province of British Columbia to deal in used motor vehicles;
- (2) a person who deals only in used books, magazines, papers, vinyl records or long play records;
- (3) a person who deals only in Antiques;
- (4) a person who deals only in used furniture, dishes, pots, pans or cooking utensils;
- (5) a person who deals only in used clothing, footwear or costume jewelry;
- (6) a person who only purchases, sells or collects recyclable materials for the sole purpose of recycling. Recyclable materials shall include bottles, cans, plastics, glass, cardboard, paper or other recyclable materials but shall not include Scrap Metal that is not part of a can or food container;
- (7) a thrift store or charity store which receives second hand goods by donation;
- (8) Transactions involving second hand goods purchased at a public auction where the seller’s name and address is recorded in the records of the auction house; or
- (9) Subject to Section 12, Transactions involving new merchandise received from a licenced manufacturer, wholesaler or distributor and invoiced to the Second Hand Goods Dealer.

SECONDARY LICENCE APPLICATION REQUIREMENTS AND APPROVAL PROCESS

- 19.** Every Second Hand Goods Dealer who is informed that they are also a Secondary Licence Dealer is subject to the following requirements:
- (1) A person who is informed that they are a Secondary Licence Dealer shall not continue to act as a Second Hand Goods Dealer unless they hold a valid Secondary Licence issued in accordance with this Bylaw.
 - (2) All applications for a Secondary Licence shall be made to the City on the application form provided by the City.
 - (3) The fee for the Secondary Licence shall be \$1,000.00.
 - (4) The Director of Planning and Engineering or designate may, on the recommendation of the RCMP, approve, suspend, cancel or refuse any Secondary Licence issued or applied for under this Bylaw.
 - (5) Upon recommendation of the RCMP that an application for a Secondary Licence be approved, and upon payment of the fee, the City may issue a Secondary Licence.
 - (6) An appeal of the refusal, suspension or cancellation of a Secondary Licence may be made to Council and the decision of Council shall be final.
 - (7) A Secondary Licence shall be valid for a period of one year from the date of issuance thereof, but may be extended for such further periods, not exceeding one year, as the RCMP may recommend.
 - (8) The RCMP may recommend the issuance of a temporary Secondary Licence for a determined period of less than one year.
 - (9) A Secondary Licence Dealer shall at all times display the Secondary Dealer Licence on their premises.

OFFENCE

- 20.** Any person who refuses to allow the RCMP or a Bylaw Enforcement Officer to inspect such place, premises or thing associated with the carrying on of a business regulated by this Bylaw shall be guilty of an infraction of this Bylaw.
- 21.** Any person who violates any provision of this Bylaw, or who allows or permits any act or thing to be done in violation of any provision of this Bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this Bylaw, is guilty of an offence against this Bylaw and each day that a violation continues to exist is deemed to be a separate offence against the Bylaw.

PENALTY

- 22.** Any person who commits an offence contrary to the provisions of this Bylaw is liable on summary conviction to a penalty of not less than \$1,000.00 and not more than \$10,000.00 in addition to the costs of the prosecution.

23. Notwithstanding Section 22, any Secondary Licence Dealer guilty of an infraction of this Bylaw shall be liable upon summary conviction to a fine of not less than \$5,000.00 and not more than \$10,000.00 or to imprisonment, or to both a fine and imprisonment, not exceeding the maximum duration allowed by the *Offence Act*, as amended.
24. In addition to the authority in Section 19, the Director of Planning and Engineering or designate may, for reasonable cause, cancel, suspend or refuse to issue a business licence to businesses regulated by this Bylaw.

SEVERABILITY

25. If any portion of this Bylaw is held invalid by a court of competent jurisdiction, then that invalid portion shall be severed and the remainder of this Bylaw shall be deemed to have been adopted without the severed portion.

Received first and second reading on the 19th day of September, 2017.
Received third reading on the 19th day of September, 2017.

NOTICE given in accordance with Section 59(2) of the *Community Charter* on the 22nd and 29th day of September, 2017.

Received adoption on the 3rd day of October, 2017.

“Sharon Gaetz”

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Mayor

“Delcy Wells”

.....
Clerk

Schedule “A”; Part 1 of 2

Customer ID Items Terms and Notes

Last Name First Name ID Type ID Number ID Issuer

Middle Name Maiden/Family Name

Birth Date / / Customer ID Hair Height cm or ' "

(MM / DD / YYYY) Customer Profile

Street Address City Eyes Weight kg or lbs ID Card Swipe

Prov/State Postal Code Gender Customer Comments Fingerprint

Phone (Home) Phone (Other) Build Update Picture

Employer Name Upload Picture

Lookup Person Clear Customer Renew Contract Contract Extension

Submit Reset All Information Main Menu Claim Property

Customer ID Items Terms and Notes

Item Class	Item Description	Amount
No photo available		

Item Class Sub-Class Size/Wt. Condition

UPC Vehicle Reg. State Vehicle Title Number Total: \$0.00 Update Picture

Manufacturer Model/Title Serial Number Upload Picture

Item Description

Colour Engravings Stock # Qty Total \$ Unit Selling Price \$

Submit Reset All Information Main Menu Claim Property

Add Re-Pawn Update Remove Clear

Schedule “A”; Part 2 of 2

Customer ID Items Terms and Notes

General Comments

Interest Rate	<input type="text" value="0"/> %	Term	<input type="text" value="0"/> Days	Eff. Date	<input type="text" value="4/27/2017 10:00:31"/>
Interest Charge \$	<input type="text"/>	Employee ID	<input type="text"/>	Due Date	<input type="text" value="4/27/2017 10:00:31"/>
Pawn Ticket No.	<input type="text"/>				
<input type="checkbox"/> Second Hand Transaction				<input type="checkbox"/> Consignment Transaction	

 Repopulate fields

 Submit

 Reset All Information

 Main Menu

 Claim Property