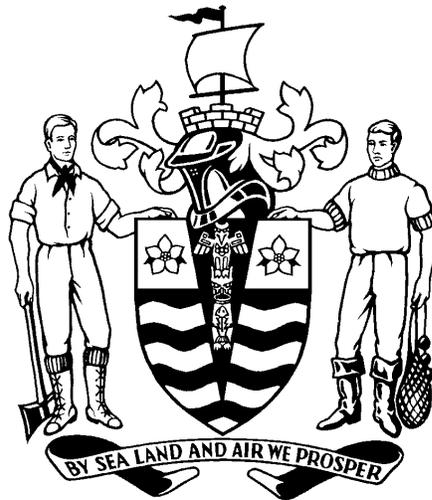


CITY OF VANCOUVER BRITISH COLUMBIA



SECONDHAND DEALERS AND PAWNBROKERS BY-LAW NO. 2807

This By-law is printed under and
by authority of the Council of
the City of Vancouver

(Consolidated for convenience only
to April 29, 2014)

BY-LAW NO. 2807

A By-law to
Regulate Secondhand Dealers, Pawnbrokers
and Junk Dealers

(Consolidated for convenience only,
amended to include By-law No. 10922,
effective April 29, 2014)

THE COUNCIL OF THE CITY OF VANCOUVER, in open meeting assembled, enacts
as follows:-

SECTION 1
INTERPRETATION

1.1 This By-law may be cited as the “Secondhand Dealers and Pawnbrokers By-law”.

1.2 In this By-law:

“business day” means any calendar day, including any holiday, during which a secondhand dealer or pawnbroker is open for business to one or more members of the public;

“Chief Constable” means the person appointed from time to time as Chief Constable of the police force, and any deputy of the Chief Constable;

“Inspector” means the person appointed from time to time as Chief License Inspector of the City of Vancouver, and any deputy of the Inspector;

“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;

“license” means a license to carry on a business, trade, profession, or other occupation issued under the *License By-law*;

“pawn” means the deposit of property as a pledge or collateral security for a debt;

“pawnbroker” means a person who carries on the business of taking property in pawn, or who operates a pawnbroker’s premises;

“pawner” means a person, firm, or corporation who pawns property to a pawnbroker but does not include a seller;

“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) BC Services Card or other photo identity card issued by the Province of British Columbia,
- (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,
- (f) conditional release card issued by Correctional Services Canada, or
- (g) valid Canadian permanent resident card;

“police force” means the City of Vancouver Police Force;

“premises” means any shop, store, or other place where a secondhand dealer or pawnbroker carries on the business of secondhand dealing or pawnbroking;

“property” means goods, chattels, wares, merchandise, articles, or things;

“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 sections 2.1 and 3.1, and where this By-law 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 2.1 or 3.1, to establish and maintain;

“secondhand 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, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery; or
- (b) used clothing, furniture, costume jewellery, footwear, and houseware 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);

“seller” means a person, firm, or corporation who sells or otherwise disposes of property to a secondhand dealer but does not include a pawner.

1.3 If a Court finds any provision or part of a provision of this By-law illegal, unenforceable, or void, the remaining provisions or parts of provisions will continue to have full force and effect.

1.4 References in this By-law to individual sections and their numbers are to sections and numbers in this By-law.

SECTION 2 SECONDHAND DEALERS

2.1 Each secondhand dealer 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.

2.2 Each secondhand dealer, immediately after the purchase of any property, must set out in the register in the English language a record of the purchase, in chronological order by date of 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;
- (b) confirmation of the identity of the seller 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;
- (d) the type of purchase as described in the definition of “purchase” in section 1.2;
- (e) the price paid for the property;
- (f) the precise date and hour of purchasing the property;
- (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.

2.3 Each secondhand dealer who delivers reports to the Chief Constable under section 2.10 must:

- (a) maintain the register in the form attached to this By-law as Schedule A; and

(b) record all information in the register in legible handwriting in ink.

2.4 Each secondhand dealer who transmits reports to the Chief Constable under section 2.11 must:

- (a) maintain the register electronically in the form attached to this By-law as Schedule B;
- (b) record all information in the register electronically;
- (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; and
- (d) whenever the secondhand dealer is unable, for any reason, to record entries electronically, revert to maintenance of a handwritten register under section 2.3 until electronic recording is again available so that no gap in the secondhand dealer's record keeping or reporting will exist.

2.5 A secondhand dealer must not amend, obliterate, deface, or erase any entry in the register or remove any page from the register, either wholly or partially or electronically or manually.

2.6 Each secondhand dealer, during business hours on business days, must produce the register for inspection by the Chief Constable, any police force member, any person designated by the Chief Constable, the Inspector, or any person authorized to inspect on the Inspector's behalf.

2.7 The Chief Constable, police force member, or person designated by the Chief Constable may remove a secondhand dealer's register from the dealer's premises at any time for inspection at the police force or RCMP headquarters or for use as evidence in Court.

2.8 Immediately upon return of the register taken under section 2.7 to the secondhand dealer, the dealer must record in the register, in chronological order, under section 2.3 or 2.4, every purchase by the dealer of property that occurred during the absence of the register.

2.9 Each secondhand dealer must:

- (a) subject to section 2.7, 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 sells, leases, or otherwise disposes of the dealer's business to any person, transfer possession of the whole register to such person.

2.10 Each secondhand dealer who maintains a handwritten register must deliver by hand to the Chief Constable at the Vancouver Police Department at 3585 Graveley Street, Vancouver, BC between 8:30 a.m. and 10:30 a.m. on each business day of the dealer, a report consisting of an exact and legible photocopy of that portion of the register containing each entry of property purchased by the dealer that occurred during the period of time between 8:00 a.m. on the immediately preceding business day of the dealer and 8:00 a.m. on the business day the report is due, and signed by the dealer.

2.11 Each secondhand dealer who maintains an electronic register must:

- (a) transmit to the Chief Constable electronically, to a database provided by the City of Vancouver via the Internet and using a site licence and password provided by the Chief Constable, a report consisting of each entry in the electronic register of property purchased by the dealer, immediately after the purchase occurs; or
- (b) if the dealer is unable, for any reason, to record or transmit entries electronically, comply with section 2.10 until electronic recording and transmitting is again available, and must then immediately transmit to the Chief Constable electronically entries for all purchases made by the dealer and not previously recorded or transmitted.

2.12 A secondhand dealer must not carry on the business of buying or selling secondhand property except at the premises designated in the dealer's license.

2.13 A secondhand dealer must not purchase any property from any person between 6 p.m. of one calendar day and 6 a.m. of the next calendar day.

2.14 A secondhand dealer must not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.

2.15 A secondhand dealer must not purchase any property from any person under the age of 18 years.

2.16 Each secondhand dealer, on demand by the Chief Constable or any police force member during business hours on business days, must permit the Chief Constable, any police force member, or any person designated by the Chief Constable or by a police force member to inspect:

- (a) any property in the secondhand dealer's premises;
- (b) the secondhand dealer's premises.

2.17 Each secondhand dealer must paint and maintain the secondhand dealer's name and address plainly and visibly in English lettering on the front of the secondhand dealer's premises and on both sides of any vehicle or vessel used in carrying on the dealer's business.

2.18 During the applicable period of time set out in section 2.19, each secondhand dealer, with respect to each item of property the dealer purchases, must:

- (a) clearly and individually tag by date of purchase, and clearly and physically separate from other property in the secondhand dealer's premises, the item of property;
- (b) not repair, alter, dispose of, part with possession of, or remove from the secondhand dealer'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 premises the item of property.

2.19 Each secondhand dealer must comply with the requirements of section 2.18, with respect to each item of property the dealer purchases, for the longer of:

- (a) 35 business days after the date a secondhand dealer who maintains an electronic register purchases the item of property;
- (b) 49 business days after the date a secondhand dealer who maintains a handwritten register purchases the item of property;
- (c) the number of business days of which the Chief Constable or any police force member advises the secondhand dealer, which must not exceed 90 days after the date the secondhand dealer purchases the item of property.

2.20 If a junk dealer, before expiry of the applicable time period under section 2.19, wishes to sell or dispose of any property, the junk dealer may deliver a written request to the Chief Constable who may waive in writing the dealer's obligation to comply with the applicable time period on such conditions as the Chief Constable considers advisable.

2.21 A secondhand dealer who also holds a license as 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.

2.22 A secondhand dealer who retails or wholesales any new property in the same premises where the retailing or wholesaling of used or secondhand property occurs must obtain a Retail Dealer business license under the License By-law.

SECTION 3 PAWNBROKERS

3.1 Each pawnbroker must establish and maintain a record, to be called the "Secondhand Dealers and Pawnbrokers Register", of all property the pawnbroker has taken in pawn.

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

- (a) the name, residence or street address, and birth date of the pawner from whom the pawnbroker, or any employee of the pawnbroker, took the property in pawn;
- (b) confirmation of the identity of the pawner 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;
- (d) the type of acquisition, being a pawn;
- (e) the amount paid for the property in pawn;
- (f) the precise date and hour of taking the property in pawn;
- (g) identifiable or distinguishing marks on the property; and
- (h) in the case only of a pawnbroker who is a junk dealer purchasing metal salvage, the make, description, and provincial license number of any motor vehicle used by the pawner to deliver the property to the pawnbroker's premises.

3.3 Each pawnbroker who delivers reports to the Chief Constable under section 3.10 must:

- (a) maintain the register in the form attached to this By-law as Schedule A; and
- (b) record all information in the register in legible handwriting in ink.

3.4 Each pawnbroker who transmits reports to the Chief Constable under section 3.11 must:

- (a) maintain the register electronically in the form attached to this By-law as Schedule B;
- (b) record all information in the register electronically;
- (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; and

- (d) whenever the pawnbroker is unable, for any reason, to record electronically, revert to maintenance of a handwritten register under section 3.3 until electronic recording is again available so that no gap in the pawnbroker's record keeping or reporting will exist.

3.5 A pawnbroker must not:

- (a) amend, obliterate, deface, or erase any entry in the register or remove any page from the register, either wholly or partially or electronically or manually; or
- (b) suffer or permit any other person to amend, obliterate, deface, erase, or remove any page from the register, either wholly or partially or electronically or manually.

3.6 Each pawnbroker, during business hours on business days, must produce the register for inspection by the Chief Constable, any police force member, any person designated by the Chief Constable, the Inspector, or any person authorized to inspect on the Inspector's behalf.

3.7 The Chief Constable, police force member, or person designated by the Chief Constable may remove a pawnbroker's register from the pawnbroker's premises at any time for inspection at the police force or RCMP headquarters or for use as evidence in Court.

3.8 Immediately upon return of the register taken under section 3.7 to the pawnbroker, the pawnbroker must record in the register, in chronological order, under section 3.3 or 3.4, every taking by the pawnbroker of property in pawn that occurred during the absence of the register.

3.9 Each pawnbroker must:

- (a) subject to section 3.7, 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 pawnbroker sells, leases, or otherwise disposes of the pawnbroker's business to any person, transfer possession of the whole register to such person.

3.10 Each pawnbroker who maintains a handwritten register must deliver by hand to the Chief Constable at the Vancouver Police Department at 3585 Graveley Street, Vancouver, BC between 8:30 a.m. and 10:30 a.m. on each business day of the pawnbroker, a report consisting of an exact and legible photocopy of that portion of the pawnbroker's register containing each entry of property taken in pawn by the pawnbroker that occurred during the period of time between 8:00 a.m. on the immediately preceding business day of the pawnbroker and 8:00 a.m. on the business day the report is due, and signed by the pawnbroker.

- 3.11 Each pawnbroker who maintains an electronic register must:
- (a) transmit to the Chief Constable electronically, to a database provided by the City of Vancouver via the Internet and using a site licence and password provided by the Chief Constable, a report consisting of each entry in the electronic register of property taken in pawn by the pawnbroker, immediately after the pawn occurs; or
 - (b) if the pawnbroker is unable, for any reason, to record or transmit entries electronically, comply with section 3.10 until electronic recording and transmitting is again available, and must then immediately transmit to the Chief Constable electronically entries for all property taken in pawn by the pawnbroker and not previously recorded or transmitted.
- 3.12 A pawnbroker must not carry on the business of taking property in pawn except at the premises designated in the pawnbroker's license.
- 3.13 A pawnbroker must not take in pawn any property from any person between 6 p.m. of one calendar day and 6 a.m. of the next calendar day.
- 3.14 A pawnbroker must not take in pawn any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- 3.15 A pawnbroker must not take in pawn any property from any person under the age of 18 years.
- 3.16 A pawnbroker must not employ, at the pawnbroker's premises, any person who is not at least 19 years old.
- 3.17 Each pawnbroker, on demand by the Chief Constable or any police force member during business hours on business days, must permit the Chief Constable, any police force member, or any person designated by the Chief Constable or by a police force member to inspect:
- (a) any property in the pawnbroker's premises;
 - (b) the pawnbroker's premises;
 - (c) the redemption portions of pawn tickets, signed by the pawner.
- 3.18 Each pawnbroker must paint and maintain the pawnbroker's name and address plainly and visibly in English lettering on the front of the pawnbroker's premises and on both sides of any vehicle or vessel used in carrying on the pawnbroker's business.

3.19 During the applicable period of time set out in section 3.20, each pawnbroker, with respect to each item of property the pawnbroker takes in pawn, must:

- (a) clearly and individually tag by date of taking the property in pawn, and clearly and physically separate from other property in the pawnbroker's premises, the item of property;
- (b) not repair, alter, dispose of, part with possession of, or remove from the 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 pawnbroker's premises the item of property;

except that a pawner who pays the debt and interest owing to the pawnbroker may reclaim property belonging to that pawner before expiry of any period mentioned in section 3.20.

3.20 Each pawnbroker must comply with the requirements of section 3.19, with respect to each item of property the pawnbroker takes in pawn, for the longer of:

- (a) 35 business days after the date a pawnbroker who maintains an electronic register takes the item of property in pawn;
- (b) 49 business days after the date a pawnbroker who maintains a handwritten register takes the item of property in pawn; and
- (c) the number of business days of which the Chief Constable or any police force member advises the pawnbroker, which must not exceed 90 days after the date the pawnbroker takes the item of property in pawn.

SECTION 4 OFFENCES AND PENALTIES

4.1 Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this By-law or who does any act which violates any of the provisions of this By-law, shall be guilty of an offence against this By-law and liable to the penalties hereby imposed.

4.2 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$1,000.00 and not more than \$10,000.00 for each offence.

4.3 Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$1000.00 and not more than \$10,000.00 for each day such offence continues.

**SECTION 5
REPEAL AND ENACTMENT**

5.1 By-laws numbered 1511, 1731, 1892, 2020, 2429, 2450, 2486, 2584 and 2635, are repealed.

5.2 This By-law comes into force and takes effect on and after the date of the final passing thereof.

DONE AND PASSED in open Council this 14th day of June, 1943.

(signed) _____ "J.W. Cornett"
Mayor

(signed) _____ "Fred Howlett"
City Clerk

http://tract.govml.com/start/shop/vpd/pawn/index.cgi - Microsoft Internet Explorer

File Address Links

 **VANCOUVER POLICE DEPARTMENT**

Welcome to TransAct
Property Reporting System

[Questions or Problems - Click here](#)

Select Transaction Type

 Buy	 Pawn
 Consignment / Trade	 Auctioned Item

Access to transact is restricted to authorized parties, all activity is logged.

Internet

http://tract.govml.com/start/shop/vpd/pawn/index.cgi/un?DD_TPL=PWN310&TRAN_TYPE=P - Microsoft Internet Explorer

File Address Links

2001/9/11 - 11:03:21am

 **VANCOUVER POLICE DEPARTMENT**
BRITISH COLUMBIA - CANADA

Transaction type: Pawn Slip Number:

Particulars of Client

Last Name: First Name: Middle Name:

Date of Birth: Year: 19 Month: Day:

Street Address: City:

Province/State: Country:

Postal/Zip Code:

Picture Identification Type: Id Number:

Vehicle License Plate (optional)

Issuing province or country:

Please verify all information is correct before proceeding to stage two.

Done Internet

http://strack.gosml.com/start/shop/vpd/pawn/index.cgi/run - Microsoft Internet Explorer

Enter Item Information

What is the Item:

Please chose a category for the Item?

Who makes this Item? (Manufacture)

What is the Item's Model number or name? (Model)

What is the Serial Number of the Item: (Serial #)

Enter any Engravings, Initials or Markings on the Item? (markings)

How much are you paying for the Item: (amount paid)

What is the Item's Primary Color: (color)

Done Internet

http://strack.gosml.com/start/shop/vpd/pawn/index.cgi/run - Microsoft Internet Explorer

Customer Information

Name	Identification
<ul style="list-style-type: none"> Last:xxx First: xxx Middle: 	<ul style="list-style-type: none"> Type:DRL Issue:BC No: xxx
Date Of Birth	Address
<ul style="list-style-type: none"> Year:1900 Month:01 Day:00 	<ul style="list-style-type: none"> Street:xxx City: Vancouver Province:BC Postal Code:xxx Country: C-CAD

The following 1 item(s) will be submitted.					Slip: xxx
Description	Make	Model	Serial	Amount Paid	
xxx	xxx	xxx	xxx	0.00	

<input type="button" value="Cancel"/>	<input type="button" value="More"/>	<input type="button" value="Submit items to police."/>
Click this button if the information presented is incorrect, or you wish to cancel.	Click this button if there are more items to add.	Click this button when you are finished, the information is correct, and you wish to transmit items to the Police.

Done Internet