



**Business Regulation Bylaw No. 7538
Amendment Bylaw 8155**

The Council of the City of Richmond enacts as follows:

1. Business Regulation Bylaw No. 7538 is amended by repealing Part Nineteen in its entirety and by substituting the following provisions:

**PART NINETEEN: SCRAP METAL DEALER, SECOND HAND DEALER AND
PAWNBROKER REGULATION**

19.1 For the purposes of this Part:

BUSINESS DAY means any calendar day, including any holiday, during which a **second hand** dealer or **pawnbroker** is open for business to one or more members of the public.

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**, and property of similar nature commonly found in a junk shop.

PAWN means the deposit of **property** as a pledge or collateral security for a debt.

PAWNER means an individual, firm or corporation who **pawns property** to a **pawnbroker** but does not include a **seller**.

PICTURE IDENTIFICATION means one or more of the following, not more than five years old, that includes a photograph of the bearer:

(a) valid driver's licence issued by a Canadian province or territory; or any state within the United States of America.

(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) certificate of Canadian citizenship issued by the Government of Canada;
- (f) conditional release card issued by Correctional Services Canada.

PROPERTY

means goods, chattel, wares, merchandise, articles or things.

REGISTER

means the **Second-hand Dealers' and Pawnbrokers' Register** as referred to in Sections 19.2, and where this Part stipulates that a **second-hand dealer** or **pawnbroker** has an obligation in connection with a register, the reference is to that register which the **second-hand dealer** or **pawnbroker** is obliged, under this Part, to establish and maintain;

SCRAP METAL

includes new or used items substantially made of aluminum, brass, bronze, copper, stainless steel, steel, tin or other metal, purchased by a scrap metal dealer including, without limitation metal sheet or plate, wire, piping, or similar items, but does not include:

- (a) items that are purchased from a licensed manufacturer, wholesaler or distributor and invoiced to the scrap metal dealer, or
- (b) used cans or containers for food, beverages, paint, domestic or household products normally recycled to avoid waste.

SECOND-HAND ITEM

means a good, chattel, ware, merchandise, article or thing that is **purchased**, sold, procured or offered for sale.

SELLER

means a individual, firm or corporation who sells or otherwise disposes of **property** to a **second-hand dealer**, but does not include a **pawner**.

19.2 Every **second-hand dealer** and **pawnbroker** must:

- (a) establish and maintain a record, to be called the Second-Hand Dealers and Pawnbrokers' Register, of all **second-hand items** purchased or held by the **second-hand dealer** or **property** taken or held in **pawn**, other than items mentioned in Section 19.16;
- (b) immediately after the **purchase** or taking in **pawn** of any **second-hand items** or **pawned property**, set out in the **register** in chronological order by date of **purchase** or taking in **pawn**, in the English language, a record of the transaction that must include:
 - (i) the full name, current residence or street address, telephone number, and birth date of the person from whom the **property** was **purchased** or taken in **pawn**;
 - (ii) confirmation of the identity of the **seller** or **pawner** by way of **picture identification** including a complete description of the **picture identification** and name of the authority who issued it and signature of the person from whom the **property** was **purchased** or taken in **pawn**;
 - (iii) a complete description of the **property**, including the make, model, and serial number, whether stamped, engraved or on a label, and any other letters, numbers or names, or combinations thereof, on each article;
 - (iv) the type of **purchase** as described in the definition of "**purchase**", or that the **property** was taken in **pawn**, as applicable;
 - (v) the price paid for **second-hand items purchased** or **property** taken in **pawn**;
 - (vi) the precise date and time of **purchasing** a **second-hand item** or taking **property** in **pawn**;
 - (vii) identifiable or distinguishing marks on the second-hand items **purchased** or **property** taken in **pawn**; and
 - (viii) where **scrap metal** is **purchased** or taken in **pawn**, the complete description of the type, size, length and width and any distinguishing marks that may be found on the **property**; and
 - (ix) where metal salvage is **purchased** or taken in **pawn**, the make, description, and provincial license number of any motor vehicle used by the **seller** or **pawner** to deliver the **second-hand item** to the **second-hand dealer's** premises, including taxicab company name and taxicab number and provincial license number.

19.3 Subject to section 19.4, every **second-hand dealer** and **pawnbroker** must:

- (a) maintain the **register** electronically in a form approved by the **Police Chief**;
- (b) record all information in the **register** electronically;

- (c) immediately after the **purchase** of each **second-hand item**, or taking **property** in **pawn**, transmit to the **Police Chief** electronically, to a specified database via the Internet and using a site licence and password provided by the **Police Chief**, a report of the transaction in the electronic **register**; and
 - (d) 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**.
- 19.4 If the **second-hand dealer** or **pawnbroker** is unable, for any reason, to record or transmit information electronically, he or she must:
- (a) maintain the **register** in legible handwriting in ink, using the form attached to this Bylaw as Schedule C, until recording and transmission electronically is again available so that no omissions or delays or gaps in record keeping or reporting may occur;
 - (b) before 10:30 a.m. of each **business day**, deliver by hand or courier to the **Police Chief** at the **Police Department**, 6900 Minoru Boulevard, Richmond, British Columbia, a report, signed by the **second-hand dealer** or **pawnbroker** consisting of an exact and legible photocopy of that portion of the **register** containing each entry of **second-hand items purchased** or **property** taken in **pawn** between 8:00 a.m. of the **business day** immediately preceding and 8:00 a.m. of the **business day** the report is due, that has not been electronically recorded or transmitted; and
 - (c) when electronic recording and transmission is available, immediately transmit to the **Police Chief** electronic entries for all transactions required under section 19.3 by the **second-hand dealer** or **pawnbroker** and not previously recorded or transmitted or delivered to the **Police Chief**.
- 19.5 A **second-hand dealer** or **pawnbroker** must:
- (a) not amend, obliterate or erase any entry in the **register** or remove any page from the **register** either wholly or partially or electronically or manually without prior notification to, and acknowledgement by the **Police Chief**;
 - (b) not permit, allow or suffer any other person to amend, obliterate or erase any entry in the **register**, or remove any page from the register either wholly or partially or electronically or manually;
 - (c) immediately report to the **Police Chief** or **Licence Inspector** any amendment, obliteration, or erasure of an entry in the **register** or the removal of the **register** itself or any part thereof from the premises of the **second-hand dealer** or **pawnbroker**;

- (d) take steps to ensure that information recorded in the **register** pursuant to section 19.2 (b) (i) and (ii) is reasonably secure from access, collection, use, disclosure, or disposal except to the **Police Chief, Police Department, Licence Inspector** or as authorized by this Bylaw, another enactment, or a court; and
- (e) on request by the **Police Chief, Licence Inspector** or any person authorized to act on behalf of the **Police Chief** or **Licence Inspector**,
 - (i) produce the **register** for inspection on the premises of the **second-hand dealer** or **pawnbroker**;
 - (ii) provide the **register** to the **Police Chief** or other member of the **Police Department**, or any person authorized by the **Police Chief**, for inspection on premises other than those of the **second-hand dealer** or **pawnbroker** or for use as evidence in court or other proceedings;
 - (iii) immediately upon return of the **register** removed from the premises under this Part or otherwise, record in the **register**, in chronological order as established in section 19.3, every **purchase** by the **second-hand dealer** of **second-hand items**, or **property** taken in **pawn** by the **pawnbroker**, that occurred during the absence of the **register**;
 - (iv) permit the **Police Chief** or other member of the **Police Department**, or any person authorized by the **Police Chief** or other member of the **Police Department**, to inspect
 - (A) the premises of the **second-hand dealer** or **pawnbroker** and any **property** thereon;
 - (B) any **second-hand items purchased**, taken in **pawn** or held by the **second hand dealer** or **pawnbroker**; or
 - (C) in the case of **property** taken in **pawn**, the redemption portions of **pawn** tickets, signed by the **pawner**.

19.6 Every **second-hand dealer** and **pawnbroker** must:

- (a) subject to removal of the **register** pursuant to section 19.5 (e), or to direction by a court of competent jurisdiction, keep on the business premises of the **second-hand dealer** or **pawnbroker** the **register**, or any portion of the **register**, that contains any record made or required to be made within the previous 24 months;
- (b) keep, within the Province of British Columbia, each record entered on the **register** for a period of seven (7) years following the date the record was made; and

- (c) if the business of the **second-hand dealer** or **pawnbroker** is sold, leased, assigned, transferred or disposed of to any person, transfer possession of the entire **register** to the person who bought, leased, took assignment or transfer of the business or to whom the business was otherwise disposed.
- 19.7 A person who receives a **register** from a **second-hand dealer** or **pawnbroker**, whether by sale, lease, assignment, succession, transfer or other disposal or agreement, must comply with this Part in relation to securing and maintaining the **register**, and for reporting about, producing or providing the **register** to the **Police Chief** or **Licence Inspector** or otherwise pursuant to section 19.5, whether or not the person is a **second-hand dealer** or **pawnbroker** within the meaning of this Part.
- 19.8 Every **second-hand dealer** and **pawnbroker** shall place and maintain his or her name and address on
- (a) the front of the premises at which he or she carries on business, and
 - (b) both sides of any vehicle or vessel used in connection with such business.
- 19.9 A **second-hand dealer** or **pawnbroker** must not:
- (a) **purchase**, sell, or keep **second-hand items** or take in **pawn** any **property** except at the premises designated in the **second-hand dealer's** or **pawnbroker's** business licence;
 - (b) **purchase second-hand items** or take in **pawn property** from any person between 8:00 p.m. of any calendar day and 8:00 a.m. of the next calendar day;
 - (c) **purchase** or take in **pawn** any **property** of which the serial number or other identifying marks appear to have been wholly or partially obliterated, tampered with or removed;
 - (d) **purchase** any **second-hand item** or take in **pawn property** from a person
 - (i) under the age of 18 years;
 - (ii) who appears to be intoxicated by alcohol or drugs;
 - (iii) who appears to be offering stolen goods for purchase or pawn.
- 19.10 During the applicable period established in section 19.11, but subject to section 19.12, every **second-hand dealer** and **pawnbroker**, with respect to each **second-hand item** he or she **purchases** and each item of **property** taken in **pawn**, must:
- (a) clearly and individually tag each item by date of **purchase** or taking in **pawn**, and clearly and physically separate it from other **second-hand items** or **pawned property** in the **second-hand dealer's** premises;

- (b) not alter, repair, dispose of, or in any way part with possession of the item, or remove it from the **second-hand dealer's** premises, and
 - (c) not permit, allow or suffer any other person to alter, repair, dispose of the item, or in any way part with possession of it, or remove it from the premises of the **second-hand dealer** or **pawnbroker**.
- 19.11 Subject to section 19.12, every **second-hand dealer** and **pawnbroker** must comply with the requirements of section 19.10, with respect to each **second-hand item purchased** or **property** taken in **pawn**, for the following periods:
- (a) other than in relation to a **purchase of junk or scrap metal**:
 - (i) at least 30 days after the date that a transaction has been recorded electronically in accordance with this Part, or
 - (ii) at least 45 days after the date that a transaction has been recorded manually in accordance with this Part;
 - (b) in relation to a purchase of **junk or scrap metal**:
 - (i) at least 7 days after the date that a transaction has been recorded electronically in accordance with this Part, or
 - (ii) at least 21 days after the date that a transaction has been recorded manually in accordance with this Part; or
 - (c) for a period specified by the **Police Chief**, to a maximum of 90 days after the date the item was **purchased** or taken in **pawn**.
- 19.12 The time periods established in section 19.11 do not apply to
- (a) a purchase of a **second-hand item**, including without limitation, **junk or scrap metal**, from another **second-hand dealer, junk dealer or scrap metal dealer** who apparently has complied with section 19.10 and 19.11 of this Bylaw, or, if in another jurisdiction, any lawful requirements applicable to that **second-hand dealer**;
 - (b) a purchase of new **property** from a licensed merchant or dealer;
 - (c) a purchase of **junk or scrap metal** from another **junk dealer or scrap metal dealer**, or manufacturer, wholesale dealer, or distributor, any of whom carry on business under a valid licence, where the **junk dealer or scrap metal dealer** has been invoiced for payment by a date later than the periods established in section 9.11 (b) of this Bylaw; or
 - (d) a shorter period specified in writing by the **Police Chief** pursuant to section 19.13, subject to any conditions that he or she may specify.

- 19.13 A **second-hand dealer** who, before expiry of the applicable time period established in section 19.11, wishes to sell or otherwise dispose of a **second-hand item** at an earlier time may deliver a written request to the **Police Chief**, who may, in writing, waive the applicable time period on such conditions as he or she considers appropriate and necessary in the circumstances.
- 19.14 A person who holds a licence for both a **second-hand dealer** and a **pawnbroker** must clearly and physically separate all **second-hand items purchased** as a **second-hand dealer** from **property** taken in **pawn**, and must clearly and individually tag each item to indicate the date of its transaction and whether the dealer **purchased** the item or received it in **pawn**.
- 19.15 A **second-hand dealer** or **pawnbroker** who deals with new **property** on a wholesale or retail basis at or within the same premises where second-hand goods are purchased, taken in pawn, held or sold, must obtain a separate business licence under this Bylaw for each of the retail or wholesale trade, as well as for dealing in second-hand **property**.
- 19.16 Subject to section 19.7, this Part does not apply to a **second-hand dealer** who carries on the business of retailing or wholesaling used property limited to
- (a) antiques;
 - (b) used books, papers, magazines, vinyl records or long-playing records;
 - (c) used clothing, footwear, costume jewellery, knickknacks, used furniture or houseware items such as dishes, pots, pans, cooking utensils and cutlery.
- 19.17 The **Police Chief, Licence Inspector** and members of the **Police Department** shall take steps to ensure that information required to be recorded in a **register** under section 19.2 (b)(i) and (ii) shall, once received by transmission, personal delivery, mail, request under section 19.5 (e) or otherwise into the custody of the **City**, the **Police Chief** or member of the **Police Department**, is reasonably protected from access, use, disclosure or disposal other than for the purposes of a specific investigation, undertaken with a view to a related law enforcement proceeding or from which a law enforcement proceeding is likely to result, or as directed by a court of competent jurisdiction.
2. Business Regulation Bylaw No. 7538 is amended at Part 25 by:
- (a) adding the following definitions in alphabetical order:

JUNK DEALER	means a person who carries on the business of dealing in junk , as defined in section 19.1, or who operates a junk dealer's premises or who purchases or sells junk.
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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.

POLICE DEPARTMENT means the Richmond Detachment of the Royal Canadian Mounted Police.

SCRAP METAL DEALER means a person who carries on the business of purchasing, selling, procuring, collecting or offering the collection of **scrap metal**, as defined in Section 19.1.

(b) deleting the definition of "PURCHASE" and substituting the following:

PURCHASE means to buy, barter, deal in, take in exchange, take in part payment, acquire or receive on consignment, but does not include **pawning**.

(c) deleting the definition of "SECOND-HAND DEALER/PAWNBROKER" and substituting the following:

SECOND HAND DEALER means a person who carries on the business of purchasing, selling, procuring or offering for sale used or second-hand items whether on a wholesale or retail basis, or who operates the premises of a second-hand dealer, and includes, without limitation:

- (a) an auto wrecker who carries on the business of purchasing automobiles and automobile parts and components for the purpose of reselling as parts or components for reuse or as junk;
- (b) a **scrap metal dealer**;
- (c) a **junk dealer**;
- (d) a person who keeps a store, shop, or other place of business for the purpose of carrying on a second-hand dealer operation; and

- (e) a person who, while licensed or required to be licensed for any business other than the businesses referred to in this Bylaw, purchase or store second-hand items either as a principal or as an agent;
- (f) a person who carries on the business of retailing or wholesaling used property limited to
 - (i) antiques;
 - (ii) used books, papers, magazines, vinyl records or long-playing records;
 - (iii) used clothing, footwear, costume jewellery, knickknacks, used furniture or houseware items such as dishes, pots, pans, cooking utensils and cutlery,

but does not include a person

- (g) who deals in recyclable materials for the sole purpose of recycling to avoid waste, such as bottles, cans, plastics, glass, cardboard, paper or other recyclable materials; or
- (h) who holds a valid licence issued by the Province of British Columbia to deal in used motor vehicles.

3. Business Regulation Bylaw No. 7538 is amended by adding the attached Schedule "C" which forms part of this bylaw.

4. This Bylaw is cited as "**Business Regulation Bylaw 7538, Amendment Bylaw 8155**".

FIRST READING

NOV 27 2006

SECOND READING

NOV 27 2006

THIRD READING

NOV 27 2006

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

SCHEDULE C TO BYLAW NO. 7538

SECOND HAND DEALERS AND PAWNBROKERS REGISTER

To: OIC Richmond RCMP Detachment,
6900 Minoru Blvd.,
Richmond, B.C. V6Y 1Y3

Date: 20, 10:30 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.

Business Name: Report of:

Signature:

Identity No.	Time Received	Description of Article (ONE ITEM PER ENTRY)		Person Selling Article or Pawning Article			Date Returned
		Type of Article	Make	Date of Birth	Surname (Print)	Given Name	
	a.m. p.m.	Serial Number	Color	Height	Address		Or Date Sold
	Amount Paid	Model or Other Information	Picture Identification Type/ Number	Weight	Description		
	\$						Or Date Sold
	Pawn <input type="checkbox"/> Purchase <input type="checkbox"/>		Police Remarks and Other Information				
							Or Date Sold
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