

CITY OF SURREY

BY-LAW NO. 13183

Surrey Secondhand Dealers and Pawnbrokers By-Law, 1997

As amended by By-law No. 13496, 05/03/99; 13772, 07/05/99; 13886, 11/15/99; 13954, 02/28/00; 16669, 05/03/10; 19335, 07/27/17

THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

- (a) WHEREAS the general welfare of the community is founded, in part, upon the protection of the public from misleading business practices in the City;
- (b) AND WHEREAS there has been a large increase in the number of secondhand dealers and pawnshops carrying on business in the City;
- (c) AND WHEREAS misleading business practices on the part of such secondhand dealers and pawnbrokers have been found to exist from place to place throughout the City; and
- (d) AND WHEREAS the regulation of such businesses will improve the general welfare of the City.

Under its statutory powers, including Sections 679 and 680 of the Municipal Act, R.S.B.C. 1996, c. 323, the Council of the City of Surrey enacts the following provisions:

INTENT OF BY-LAW

- (a) to protect the public from secondhand dealers and pawnbrokers that engage in misleading business practices; and
- (b) to improve the general welfare of the community through the regulation of secondhand dealers and pawnbrokers.

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Part 1
Introductory Provisions

Title

1. This By-law may be cited as "Surrey Secondhand Dealers and Pawnbrokers By-law, 1997, No. 13183".

Definitions

2. In this By-law,

"Authorized Identification"

means any one or more of the following:

- (a) valid driver's license integrated with a photograph of the bearer issued by a Canadian province or territory or by any state in the United States of America;
- (b) British Columbia identification card issued to the bearer within five (5) years of the date it is produced by the bearer as evidence of identification;
- (c) valid passport;
- (d) any other form of identification integrated with a photograph of the bearer issued by the Canadian federal government or by a Canadian province or territory.

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B/L 13496
06/28/98**

"Chief of Police"

means the Chief of Police of the City of Surrey for the time being or the senior resident member of the Royal Canadian Mounted Police Force responsible for the policing of the City.

"Dealer"

means and includes Secondhand Dealers and Pawnbrokers.

"Dealer's Registers"

means the Goods Information Register and the Seller Information Register as referred to in this By-law and where this By-law stipulates that a dealer has an obligation in connection with a register, the reference is to the registers which the dealer is obliged, under this By-law, to establish and maintain.

"Goods Information"

means, as regards a dealer:

- (a) the price paid for goods, articles or things purchased or received by the dealer including:
 - (i) the method of payment,
 - (ii) the GST registration number of the seller, and
 - (iii) in the case of goods, articles or things purchased from another secondhand dealer, the name of that secondhand dealer;
- (b) the precise date and time of purchase;
- (c) a full and complete description of, and any descriptive mark or name, and any engraving on any goods, articles or things purchased or received, including make, model number, serial number, and in the case of jewelry, the gram weight, colour, design and number of stones; and
- "(d) the date any good, article or thing purchased or received subsequently leaves the place of business.

"Junk"

includes any of the following used or old articles or things: rubber, tires, bottles, glass, paper, sacks, wire, ropes, rags, machinery or any other article or thing commonly found in a junk shop.

"Junk Dealer" or "Junk Peddler"

includes:

- (a) every person who carries on the business of purchasing or selling junk; and
- (b) every person who carries on the business of a junk store or junk shop.

"License"

**Amended
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05/03/99**

means a valid and subsisting license to carry on a business, trade, profession or other occupation issued under Business License By-law, 1999, No. 13680.

"License Inspector"

means the Manager of By-law and Licensing Services and any authorized deputy.

"New Goods"

includes any goods, articles or things that appear new or are in a box or in packaging original, or appearing to be original, to the item.

"Non-Profit Society"

means a registered charitable society or organization which is:

- (a) incorporated and in good standing under the *Society Act*, R.S.B.C. 1996, c. 433; and
- (b) registered as such under the *Income Tax Act* of Canada and qualified to issue tax receipts to its donors.

"Officer"

includes:

- (a) every member of the Royal Canadian Mounted Police responsible for the policing of the City; and
- (b) every By-law Enforcement Officer appointed by the City to enforce City by-laws.

"Pawnbroker"

includes every person who carries on the trade or business of taking goods and chattels in pawn, or who keeps a store, shop or other premise for the purpose of carrying on such trade or business.

"Person"

includes natural persons of either sex, associations, corporations and partnerships whether acting by themselves or by a servant, agent or employee.

"Place of Business"

means and includes only those premises listed on a license.

"Purchase"

includes buy, barter, deal in, take in exchange, take in part payment, take in as a pawn or pledge, or receive on consignment. "Purchasing" and "Purchased" shall be construed accordingly.

"Registered Phone Number"

means the phone number for a dealer's place of business listed on a license.

"Secondhand Dealer"

includes:

- (a) every person carrying on the trade or business of purchasing or selling any secondhand goods, articles or things, or who keeps a store, shop or other premise for the purpose of carrying on such trade or business;
- (b) every person who, while licensed or required to obtain a license for any business, trade, profession or other occupation other than businesses referred to in this By-law, purchases or receives either as principal or agent, any secondhand goods, articles or things whatsoever; and
- (c) every person who is a junk dealer or junk peddler;

but does not include a person who only buys or sells secondhand books, papers, magazines, secondhand clothing or secondhand furniture. The word "furniture" in this definition does not include electronic or computer equipment of any description.

"Seller"

means an individual, firm or corporation from whom any goods, articles or things are received by a dealer.

"Seller Information"

means:

- (a) the full name, current residence or street address, telephone number, and birth date of the person from whom the goods, articles or things were received by the dealer;
- (b) confirmation of the identity of the seller by way of authorized identification bearing the signature of the seller, together with a complete description of the authorized identification and name of the authority that issued it;
- (c) the make, model, colour and provincial vehicle license plate number of any motor vehicle used by the seller to deliver the goods, articles or things to the dealer's premises including if applicable, taxi cab company name, taxi cab number and provincial vehicle license plate number; and

- (d) in a case where the seller is not the owner of the goods, articles or things, the full name, street address, telephone number and if applicable, goods and services registration number of that owner.

Part 2

Secondhand Dealers and Pawnbrokers

Dealer's Registers

- 3. Every dealer shall keep a record to be called the Goods Information Register of the Goods Information respecting all goods, articles or things other than bottles purchased or otherwise received by the dealer.
- 4. Every dealer shall keep a record to be called the Seller Information Register of the Seller Information respecting all transactions of the dealer.
- 5. Immediately after the receipt of any goods, articles or things, every dealer must set out in the dealer's registers in chronological order by date of receipt, in the English language, a record of the transaction that must include the Goods Information and Seller Information.

Maintenance and Reporting Requirements

- 6. Subject to Section 6.1, every dealer must:
 - (a) maintain the dealer's registers electronically in form approved by the Chief of Police;
 - (b) record all Goods Information and Seller Information in the dealer's registers electronically;
 - (b.1) after the close of each business day but no later than noon of the following day, transmit to the Chief of Police electronically, to a specified database via the Internet and using a site licence and password provided by the Chief of Police, a report of the Goods Information for each good, article or thing purchased or received during that business day; and

- (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 dealer's registers.

6.1 If the dealer is unable, for any reason, to record or transmit information electronically, the dealer must:

- (a) maintain the dealer's registers in legible handwriting in ink, until recording or 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 Chief of Police at 14355 - 57 Avenue, Surrey, BC V3X 1A9, a report, signed by the dealer consisting of an exact and legible photocopy of that portion of the Goods Information Register for each good, article or thing purchased or received 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 record and transmit to the Chief of Police electronic entries for all transactions as required by Section 6 and not previously electronically recorded or transmitted to the Chief of Police.

Inspection of Goods Information Register

- 7. On request by an Officer, a dealer must produce the Goods Information Register for inspection on the premises of the dealer.
- 8. The Goods Information Register may be removed at any time by any Officer for the inspection at the headquarters of the Officer or for use as evidence in court.
- 9. Immediately upon the return of a Goods Information Register to the dealer, the dealer shall enter therein in proper sequence each and every transaction involving the purchase or receipt by the dealer of goods, articles or things made during the absence of the Goods Information Register.

Preservation and Alteration of Dealer's Registers

- 10. A dealer must:

- (a) not amend, obliterate or erase any entry in the dealer's registers or remove any page from the dealer's registers either wholly or partially or electronically or manually;
 - (b) not permit, allow or suffer any other person to amend, obliterate or erase any entry in the dealer's registers, or remove any page from the dealer's registers either wholly or partially or electronically or manually;
 - (c) immediately report to the License Inspector any amendment, obliteration, or erasure of an entry in the dealer's registers or the removal of the dealer's registers or any part thereof from the premises of the dealer;
 - (d) take steps to ensure that information recorded in the dealer's registers is reasonably secure from access, collection, use, disclosure, or disposal; and
 - (e) maintain on the dealer's premises, all records pertaining to each transaction including any written invoice, cancelled cheques and dealer's registers, for a period of 24 months following the transaction.
11. Every dealer shall number each record in the register in sequence and number each page of the register in sequence.

Daily Reports

12-14 Deleted

Keeping of Records

15. Every dealer must:
- (a) subject to removal of the Goods Information Register pursuant to section 8, or to directions by a court of competent jurisdiction, keep on the business premises of the dealer the dealer's registers, or any portion of the dealer's registers, 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 dealer's registers for a period of seven (7) years following the date the record was made; and

- (c) if the business of the dealer is sold, leased, assigned, transferred or disposed of to any person, transfer possession of the entire dealer's registers to the person who bought, leased, took assignment or transfer of the business or to whom the business was otherwise disposed.

License

- 16. No person shall carry on, maintain, own or operate a business as a dealer, unless and until the person has a license.

Place of Business

- 17. No person licensed as a dealer shall carry on such business except at the place of business designated in the license.
- 18. If a person licensed as a dealer removes the business from the place designated in the license, such person shall immediately provide notice in writing to the License Inspector, who shall alter the license accordingly.

Name and Identification of Business

- 19. Every dealer shall have his, her or its business name and address painted plainly in English lettering on the front of the premises where the business is carried on and, if a vehicle or vessel is used in the carrying on of the business, then such name and address shall be plainly painted in English lettering on both sides of such vehicle or vessel.
- 19.1 Every dealer who offers any goods, articles or things for sale on any website, such as eBay, Craigslist, Kijiji and similar online sites, must:
 - (a) include in every ad or posting the business name of the dealer and the registered phone number for the dealer's place of business; and
 - (b) where the dealer offers goods, articles or things for sale on a website that allows vendors to employ a username and email address rather than a business name, the dealer must notify the License Inspector and the Chief of Police within 24 hours of first use of any username and email address so used by the dealer.

Hours of Business

20. No dealer shall purchase or receive in the way of business any goods, article or thing whatsoever from any person between the hours of 6:00 p.m. and 9:00 a.m. the next day.

Receipt of Goods

21. No dealer shall purchase or receive in the way of business any goods, article or thing from:
- (a) any person under the age of eighteen (18) years;
 - (b) any person who does not present authorized identification;
 - (c) any person who the dealer knows is selling goods, articles or things for a person under the age of eighteen (18) years or for a person who is not in possession of authorized identification; or
 - (d) any person who appears to be intoxicated by alcohol or drugs.

- 21.1 A dealer must review for each transaction the authorized identification of the seller, regardless of whether or not the seller is known to the dealer."

22. No dealer shall purchase or receive in the way of business any goods, article or thing where its serial number or other identifiable marking has been wholly or partially removed, altered or made unreadable.

Inspection of Goods

23. Upon demand by the Chief of Police or other Officer, a dealer shall present for view to such person, any and every good, article or thing, particularly demanded, that has come into possession of the dealer in the way of business.

Retention of Goods

24. No dealer shall:
- Amended
B/L 13886
11/15/99
B/L 13954
02/28/00**
- (a) alter, repair, dispose of or in any manner part with any goods, articles or things purchased or received in the way of business; or
- (b) allow any goods, articles or things to be removed from the place of business or otherwise disposed of,
- until after the expiration of ninety (90) clear days from the date of purchase or receipt.
25. Until the expiration of the ninety (90) day period described in Section 24, such goods, articles or things:
- Amended
B/L 13886
11/15/99**
- (a) shall be segregated by the dealer and kept apart from all other goods, articles or things in the place of business; and
- (b) shall be subject to inspection at any reasonable time during business hours by any Officer, and by any person accompanied by any Officer, for the purpose of identifying goods, articles or things reported or suspected of having been stolen.
26. Notwithstanding the provisions of Section 25, the Chief of Police or any Officer may, at any time, require any dealer to hold any goods, articles or things in his, her or its possession for a longer period than provided for in Section 25 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 from the place of business by the dealer without the prior consent in writing of the Chief of Police.

Secondhand Dealers Acting as Pawnbrokers

27. No person shall, while licensed as a secondhand dealer, carry on business as a pawnbroker unless such person has also taken out a license as a pawnbroker, and no person shall, while licensed as a pawnbroker, carry on business as a secondhand dealer, unless such person has also taken out a license as a secondhand dealer.

28. Every secondhand dealer who is also licensed to carry on business as a pawnbroker shall keep all goods, articles and things purchased or received in the course of doing business as a secondhand dealer physically separate from goods, articles and things left in pawn, and shall ensure that all goods, articles and things are clearly and individually tagged to indicate whether they were received or purchased secondhand or left in pawn.

Part 3

Secondhand Dealers

Goods Purchased from Secondhand Dealers

29. Where any goods, articles or things have been purchased by a secondhand dealer from another secondhand dealer, the secondhand dealer shall:
- (a) record all goods, articles and things in the dealer's registers;
 - (a.1) record in the Seller Information Register the name of the business or individual secondhand dealer from whom the goods, articles or things have been purchased;
 - (b) report the Goods Information for the goods, articles and things to the Chief of Police; and
 - (c) hold all goods for a period of ninety (90) clear days from the date of their purchase by the secondhand dealer from the other secondhand dealer.

Amended
B/L 13886
11/15/99

Part 3.1

New Goods

Purchase or Receipt of New Goods

- 29.1. No dealer shall purchase or receive in the way of business any new goods unless the seller is able to produce a receipt or invoice for the new good.
30. Where any new goods have been purchased or received by a dealer, the dealer shall:
- (a) record all new goods in the dealer's registers;

- (a.1) record in the Seller Information Register the name of the person, including the name of any business or individual secondhand dealer, from whom the new goods have been purchased or received;
- (b) report the Goods Information for the new goods to the Chief of Police; and
- (c) take and keep the original or a copy of the receipt or invoice provided by the seller and produce the receipt or invoice at all reasonable times during business hours, for the inspection of the Chief of Police or any other Officer at his or her request.

Part 4

Pawnbrokers

Auctioneers

- 31. No license shall be issued to any person carrying on or conducting the business of a pawnbroker who holds a license as an auctioneer, or is a member of any firm or partnership holding a license to carry on the business or calling of an auctioneer.

Employees of Pawnbrokers

- 32. No pawnbroker shall employ any person in the business unless such person is eighteen (18) years of age or older.

Pawn Extension

- 33. No pawnbroker shall extend the expiration date of a pawn or pledge without production by the pawner of a pawn ticket and no pawnbroker shall change the name in which the pawn is recorded in the dealer's registers.

Part 5
Right of Entry

Right of Entry

34. Every dealer shall, at all reasonable times, permit the Chief of Police or any other Officer to enter into and inspect any place of business to ascertain whether the regulations and provisions of this By-law are being obeyed and any person who refuses entry shall be in violation of this By-law and shall be liable to the penalties hereby imposed.

Part 6
Exemptions

Non-Profit Societies

35. Every Non-Profit Society is exempt from the requirements of this By-law.

Part 7
Offences and Penalties

Offences

36. 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 of this By-law or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this By-law shall be liable to the penalties hereby imposed and each day that such violation is permitted to exist shall constitute a separate offence.

Penalties

37. Any person who violates any of the provisions of this By-law shall upon summary conviction, be liable to a penalty of not less than \$100 and not more than \$5,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding thirty (30) days, or both.

**Amended
B/L 13383
10/13/98**

Part 8
General Provisions

Repealment

38. "Surrey Second-hand Dealers Regulation By-law, 1954, No. 1254" as amended is hereby repealed.

Commencement

39. This By-law shall come into force on the date of final adoption hereof.

PASSED THREE READINGS on the 14th day of July, 1997.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 21st day of July, 1997.

"D.W. MC CALLUM" MAYOR

"D.B. KENNY" CLERK

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