

CORPORATION OF THE DISTRICT OF BURNABY

BY-LAW No. 440

(Consolidated for Convenience with BYLAW Nos. 10702, 11731, 12385, and 12978)

A By-law regulating Second Hand Dealers in the Municipality of Burnaby.

The Municipal Council of the Corporation of the District of Burnaby enacts as follows:

1. In the construction and for the purpose of this By-law the following words and terms shall have the meanings hereby assigned to them, unless repugnant to the context hereof:
 - (a) The word “Council” shall mean the Mayor and Council of the City of Burnaby. (Bylaw 12385)
 - (b) The “Municipality” shall mean the City of Burnaby. (Bylaw 12385)
 - (c) The word “person” shall, when necessary, be held and construed to mean and include natural persons of either sex, associations, corporations, co-partnerships, whether acting by themselves or by a servant, agent, or employee, and the heirs, executors, administrators, successors, and assigns or other representatives of such person to whom the context can apply according to law; the singular shall, when necessary be held to mean and include the plural; and the masculine the feminine, and the converse;
 - (d) “Applicant” shall mean any person who makes out and signs an application for any license under the provisions of this By-law.
 - (e) The term “Junk Dealer” shall be held and construed to mean and include every person licensed under the provisions of this By-law to keep a junk dealer’s store or shop, or to carry on the trade or business of a Junk Dealer, or who buys or sells old junk, rubber, old tires, old lead, old metal, bottles, broken glass, old paper, sacks, wire, machinery, or any other article or thing usually found in a junk shop;
 - (f) The term “Junk Peddler” shall be held and construed to mean and include every person licensed under the provisions of this By-law to carry on the trade or business of a junk peddler or who goes around collecting, buying, or selling old junk, old lead, rubber, old tires, old metal, bottles, broken glass, old paper, sacks, wire, machinery, or any other article or thing usually found in a junk shop whether such business is carried on with a wagon, cart, or vehicle of any kind or in whatsoever manner.

- (g) The word “Pawnbroker” shall be held and construed to mean and include any person who loans money on deposit of pledge of personal property, on the condition of selling the ware back at a stipulated price, or exhibits a sign “Money to loan on personal property on deposit or pledge” or a sign with words to the like effect.
- (h) The term “second-hand dealer” means any person who carries on a trade or business where more than 10 per cent of the floor area of that person’s business premises is used for the purchase and sale of:
 - (i) used electronic equipment, including audio or video equipment and accessories, computers and computer equipment and accessories;
 - (ib) used gold, silver or other precious metals; or

(Bylaw 12978)

- (ii) two or more of the following types or classes of used goods, wares or merchandise:
 - (A) bicycles;
 - (B) sports equipment;
 - (C) jewelry;
 - (D) cameras and camera equipment;
 - (E) musical instruments and equipment;
 - (F) compact discs (CDs) or digital video discs (DVDs), or both;
 - (G) tools;
 - (H) electronic office equipment, including photocopiers and fax machines;

but does not include the purchase and sale of :

- (iii) objects having special value because of their age, including antique furniture and furnishings, or specialty collectors’ objects including stamps, coins, cards and dolls;
- (iv) used goods, wares and merchandise by a society, charity or other organization that operates on a not-for-profit basis;
- (v) used goods, wares and merchandise all of which has been acquired by donation or purchased from societies, charities or other organizations that operate on a not-for-profit basis;
- (vi) used goods, wares or merchandise on consignment; or
- (vii) used books, papers and magazines. (Bylaw 12385)

(Bylaw 11731)

- (i) The term “picture identification” means any one of the following; provided that it contains a photograph of the person in whose name it is issued
 - (i) a valid driver’s licence or identity card issued by the government of a Province or Territory of Canada or State or Territory of the United States of America; (Bylaw 12385)
 - (ii) a passport issued by the government of the country of origin;
 - (iii) a Certificate of Indian Status issued by the Government of Canada;
 - (iv) a Certificate of Canadian Citizenship issued by the Government of Canada;
 - (v) a Conditional Release Card issued by Correctional Services Canada.*
2. No person shall carry on, maintain, own, or operate any of the several trades or businesses set forth in section four (4) of this By-law and more particularly described herein, unless and until he has procured a license to do so (for each such place of business, vehicle, or thing operated by him) under the provisions of the Burnaby Business License Bylaw and amendments thereto and shall have paid therefore such sums as are specified in the said By-law and amendments thereto. (Bylaw 12385)
3. Every person so licensed shall be subject to the provisions of this By-law, and non-compliance with any of the provisions of this By-law shall be deemed to be an infraction of the same , and shall render any person infringing any of the said provisions liable to the penalties contained in section 9 hereof.
4. A license shall be taken out by the following persons:
 - (a) Every person carrying on the business of a Junk Dealer.
 - (b) Every person carrying on the business of a Junk Peddler.
 - (c) Every person carrying on the business of a Pawnbroker.
 - (d) Every person carrying on the business of a Second-hand dealer.
5. Every person to whom a license has been granted for the purpose of carrying on any occupation, trade, calling or business specified in section four (4) hereof shall, at all reasonable times, permit the Chief Constable, or any other police officer or other person duly authorized in that behalf, to inspect any house, place, premises, or thing in respect of which such license has been granted; and any person who shall refuse to allow the Chief

Constable, or any police officer or any other person duly authorized in that behalf, to so inspect such house, place, premises, or thing shall be guilty of an infraction of this By-law, and liable to the penalties hereof.

6. Every person to whom a license has been granted for the purpose of carrying on any occupation, trade, calling, or business specified in section four (4) hereof (except Junk Peddlers) shall keep his place of business closed between the hours of six (6) o'clock p.m. and six (6) o'clock a.m. of the next day. (Bylaw 12385)
7. (a) Every second-hand dealer and every junk dealer licensed under the provisions of this By-law, shall keep a book in which he shall write clearly the following particulars in the English language, at the time of the purchase of any article or thing in the way of his business, namely:
 - (1) A full and complete description, including the make, model and serial number or other distinguishing marks or name of any goods, articles or things purchased or received;
 - (2) The price paid for such goods, articles or things;
 - (3) The precise date and time of purchasing or receiving such goods, articles or things;
 - (4) The name and residential address of the person from whom such goods, articles or things were purchased or received; (Bylaw 12385)
 - (5) A complete description of the picture identification required to be produced under subsection (b2) including the name, residential address, licence or identification number and the name of the authority that issued the picture identification; and (Bylaw 12385)
 - (6) Repealed (Bylaw 12385)

and shall cause the person from whom such goods, articles or things were purchased to sign the book. (BYLAW 10702)

- (b) The books mentioned in the preceding sub-section shall at all times be open to inspection of the Chief Constable of the Municipality and any member of the police force of the Municipality, or any person duly authorized in that behalf by the Council.
- (b2) No second-hand dealer or junk dealer shall purchase or receive any goods, articles or things from any person unless that person produces one piece of picture identification, to verify his or her identity. (Bylaw 12385)
- (b3) No second-hand dealer or junk dealer shall purchase any goods, articles or things

the serial number or other identifying mark of which has been removed or rendered illegible. (BYLAW 10702)

- (c) Immediately after the sale of any article mentioned in sub-section (a) of this section, by such dealer, he shall make an entry in the English language in the book mentioned in the said sub-section opposite to the entries of the purchase of such article, which entry shall show;
 - (1) The name and residential address of the person to whom such article was sold; (Bylaw 12385)
 - (2) The price paid for the article;
 - (3) The date of the sale
- (d) No second-hand dealer shall permit any entry made in such book to be erased, obliterated, or defaced, nor shall he permit the leaves of such book or any part of them to be cut or removed.
- (e) It shall be the duty of every second-hand dealer and junk dealer to make out and deliver to the Chief Constable of the Municipality before the hour of ten (10) o'clock a.m on each and every day that he or she is open for business on a form to be provided for that purpose by the Chief Constable, a legible and correct statement copied from the book mentioned in the preceding sub-sections of this section, which statement shall be signed by him, setting forth, with respect to each and every good, article or thing purchased by him during the business day immediately preceding the day on which the report is made, all of the information required to be recorded under section 7(a) (1), (2) and (3). (Bylaw 12385)
- (f) No second-hand dealer or junk dealer shall, during the period of his license as such, carry on any business as a pawn-broker unless such person has also taken out a pawn-broker's license.
- (g) No second-hand dealer or junk dealer shall purchase in the way of his business any goods, article, or thing whatsoever from any person whomsoever between the hours of six (6) o'clock p.m. and six (6) o'clock a.m. the next day.
- (h) No second-hand dealer or junk dealer shall purchase in the way of his business any goods, article or thing whatsoever from any person under the age of eighteen (18) years.
- (j) Every second-hand dealer and junk dealer shall forthwith on demand being made by the Chief Constable or any member of the police force of the Municipality, present for view to such Chief or member of the police force any and every article and thing coming into his possession in the way of his business, inspection of which is required by such Chief or member of the police force.

- (k) Every second-hand dealer or junk dealer shall have his name and address painted plainly in English lettering on the front of the premises where he carries on such business, and if he carries on such business by means of a vehicle or vessel, then such name and address shall be plainly painted in English lettering on both sides of such vehicle or vessel.
 - (l) Repealed. (Bylaw 12385)
 - (m) Repealed (Bylaw 12385)
 - (n) Every second-hand dealer shall maintain a current list of names of all persons employed by that second-hand dealer in his or her business, and shall make that list available for inspection upon demand by the Chief Constable of the Municipality;
 - (o) No second-hand dealer or junk dealer shall sell, dispose of or otherwise part with any goods, articles or things purchased or received by him or her or allow any such goods, articles or things to be removed from his or her business premises until after the expiration of thirty (30) clear days from the date on which the purchase or receipt of those goods, articles or things was reported to the Chief Constable of the Municipality pursuant to section 7(e), and, if so directed by the Chief Constable, for a further period of thirty (30) clear days thereafter. (BYLAW 10702) (Bylaw 12385)
- 8 . Repealed. (Bylaw 12385)
9. (1) Every pawnbroker shall keep a book in which shall be plainly written in ink, in the English language, at the time when he makes each loan;
- (a) An accurate account and description of the goods, article, or thing pawned or pledged as security for such loan;
 - (b) A statement of any descriptive mark or name thereon;
 - (c) The amount of money loaned thereon;
 - (d) The date and hour of the pledging of the same;
 - (e) The signature and residential address of the person pawning or pledging the goods, article, or thing; and
 - (f) A complete description of the picture identification required to be produced under subsection (1A) including the name, residential address, licence or identification number and the name of the authority that issued the picture identification. (Bylaw 12385)

- (1A) No pawnbroker shall receive in pawn or pledge any goods, articles or things from any person unless that person produces two pieces of identification, including one piece of picture identification, to verify his or her identity. (Bylaw 12385)
- (1B) No pawnbroker shall receive in pawn or pledge any goods, articles or things the serial number or other identifying mark of which has been removed or rendered illegible.” (Bylaw 12385)
- (2) No pawnbroker shall permit any entry made in such a book to be erased, obliterated, or defaced, nor shall he permit the leaves of such book, or any part of them, to be cut or removed.
- (3) Every pawnbroker shall at the time any goods, article, or things are pledged, or pawned with him, deliver to the person pawning or pledging the same, a ticket or check signed by such pawnbroker, containing the substance of the entry required to be made in his book by sub-section (1) hereof; and no charge shall be made by such pawnbroker for any such entry, ticket, or check .
- (4) Every pawnbroker shall keep the book referred to in sub-section (1) hereof open at all reasonable times to the inspection of the Chief Constable or any member of the police force of the Municipality, together with every article or thing pawned or pledged with him.
- (5) No pawnbroker shall, unless he has also taken out a license as a second-hand dealer, purchase or buy any second-hand goods, articles, or things whatsoever from any person.
- (6) It shall be the duty of every pawnbroker to make out, sign and deliver to the Chief Constable of the Municipality or officer in charge at the nearest police station every on each and every day that he or she is open for business before the hour of ten (10) o’clock a.m. a legible and correct statement taken from the book specified in sub-section one (1) hereof, containing a list of all personal property received by him in the way of his business during the business day immediately preceding and stating therein all the particulars entered in said book relating to such property other than the information recorded under subsection 9(1)(e). (Bylaw 12385)
- (7) Repealed. (Bylaw 12385)
- (8) Every pawnbroker shall, immediately after the redemption or sale of any article pawned or pledged with him, make an entry in the book referred to in sub-section one (1) hereof, setting forth;
- (a) By whom such article was redeemed or purchased.
- (b) The residential address of such person. (Bylaw 12385)

- (c) The date of such redemption.
- (9) No pawnbroker receiving any property by way of pawn or pledge shall sell such property, or allow the same to be sold or removed from his place of business by any person other than the holder of the ticket issued therefor for the space of thirty days from the time when the same has been pawned or pledged. (Bylaw 12385)
- (10) No pawnbroker shall take any property in pawn or pledge from any inebriated person, or from any person whom he has reason to believe to have been convicted of theft or burglary or other similar crime.
- (11) Repealed. (Bylaw 12385)
- (12) No pawnbroker shall take in or pawn any goods, article, or thing whatsoever from any person whomsoever between the hours of six (6) o'clock p.m. and six (6) o'clock a.m. of the following day.
- 10. 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 deemed to be guilty of an infraction hereof, and liable to the penalty hereinafter provided.
- 11. Any person guilty of an infraction of this By-law shall upon summary conviction be liable to a penalty of not less than five hundred (\$500.00) dollars and not exceeding two thousand (\$2,000.00) dollars (BYLAW 10702) and in default of payment thereof forthwith such penalty may be levied by distress of the offender and in case of there being no distress found out of which the said penalty and costs may be levied the offender may be committed to prison for a term not exceeding thirty (30) days.
- 12. This By-law shall come into force and take effect from the date of passing hereof.
- 13. This By-law may be cited as the **“BURNABY SECOND-HAND DEALERS REGULATION BYLAW 1924”**

DONE AND PASSED in Open Council this Fifteenth day of September, 1924.
RECONSIDERED and finally passed this twenty-ninth day of September, 1924.

A.K. McLEAN
REEVE

ARTHUR G. MOORE
CLERK