

CITY OF MELFORT

BYLAW NO. 2005-02

A BYLAW OF THE CITY OF MELFORT TO PROVIDE FOR THE LICENSING AND REGULATING OF SECOND-HAND STORES, PAWN SHOPS, SALVAGE DEALERSHIPS, AUCTION DEALERSHIPS, JUNK STORES OR SHOPS AND PERSONS MAINTAINING OR KEEPING SUCH STORES OR SHOPS.

The Council of the City of Melfort, in the Province of Saskatchewan, in open assembly, hereby enacts as follows:

1. This Bylaw may be cited as the "Pawn Brokers and the Second-Hand Store Regulations Bylaw No. 2005-02.

2. **DEFINITIONS:**

In this Bylaw, unless the context otherwise requires the expression:

- a) "CITY" shall mean the City of Melfort.
- b) "CHIEF OF POLICE" shall mean the Officer in charge of the Police Department of the City of Melfort (The Royal Canadian Mounted Police).
- c) "POLICE FORCE" shall mean the Police Department of the City. (Royal Canadian Mounted Police).
- d) "COUNCIL" shall mean the Council of the City.
- e) "PERSON" shall include associations, corporations bodies politic, co-partnerships whether acting by themselves or by a servant, agent or employee and the heirs, executors, administrators, successors and assigns or other legal representative of such persons to whom the contexts can apply according to law. The singular shall when necessary be held to mean and include the plural; the masculine; the feminine; and the converse thereof.
- f) "LICENSE BYLAW" shall mean the License Bylaw of the City of Melfort being Bylaw No. 99-15 as the same may from time to time be amended or re-enacted or any Bylaw of the City enacted in substitution therefor.
- g) "DEALER" or "LICENSEE" shall mean all persons carrying on the business of second hand stores, pawn shops, salvage dealerships, auction dealerships, junk stores or junk shops, and shall include all persons owning, keeping, or maintaining such stores or shops within the City.

3. All persons carrying on the business of second hand stores, pawnshops, salvage dealerships, auction dealerships, junk stores or shops and all persons owning, keeping or maintaining such stores or shops within the City, shall take out and pay for and at all times hold the license required of them under the provisions of the License Bylaw.
4. An application for license for any business or occupation of a type mentioned in this Bylaw shall be made jointly by all the persons who will be actively engaged in the management and control of the business and by these persons only. If in the course of any license year, additional persons are added to those sharing the management and control of the licensed operation, then their names shall be forthwith given to the City License Inspector. Failure to disclose to the City any of the information required herein shall be grounds for immediate cancellation of the license if issued and forfeiture of any fee paid for the license.
5. The City License Inspector shall not issue any license or any transfer of license until the Chief of Police has reported on the application. If an unfavorable report is received, the City License Inspector shall notify the applicant, and may refuse the application for a license.
6. All licenses issued to dealers shall designate the premises in or on which the licensee may carry on or engage in the business calling, trade or occupation in respect of which the license is issue and the license shall authorize the licensee to carry on the licensed business only in or upon the premises designated in such license.
7. Any premises or place in respect of which a license has been issued shall also be subject to inspection at all times by any Police Officer.
8. Any licensee who, on the occasion of such inspection or otherwise, furnishes to the City License Inspector, Police Officer, or authorized person, false or misleading information or information intended to mislead with regard to any matter or thing arising in connection with such inspection shall be guilty of an offence under this Bylaw.
9. If a licensee is convicted twice in any one calendar year of a breach of any of the provisions of this Bylaw, any license issued to such licensee pursuant to the provisions of this Bylaw shall be immediately cancelled.
10. If a licensee is convicted of an offence which by its nature is, in the opinion of the Chief of Police, facilitated by the type of licensed business carried on by the convicted Licensee, the license issued to such licensee under the provision of this Bylaw shall be immediately cancelled.
11. In every case where an applicant for license has been refused a license or where a license has been revoked, the person seeking the license or the person in possession of the license shall be entitled to appeal to Council and Council's decision as to whether the refusal or revocation of a license was just and reasonable or not, shall be final.
12. No licensee shall acquire any goods from any person unless the latter person:
 - a) Is eighteen years of age or over; and
 - b) Does not appear to be under the influence of liquor or drugs.
 - c) Is not a person who the licensee knows or has reasonable grounds to believe may have stolen or otherwise illegally acquired the property offered for security for a loan.

13. Every licensee shall report as required according to provincial statutes related to the pawning of articles.
14. In the event of an equipment or system malfunction and electronic reporting is not available:
 - a) The licensee shall manually report by the end of each business day, in accordance with Appendix 1, for as long as electronic reporting is not possible.
 - b) Manual records in the licensee's register shall be in ink and shall be written plainly.
 - c) Every licensee shall keep his register open to inspection by members of the Police Force at all times during business hours.
15. No dealer who acquires second-hand goods for resale shall alter, repair, dispose of or in any way part with possession of second-hand goods acquired in the course of his business until four clear days from the date of acquisition have elapsed (exclusive of Sundays and holidays) and during this four days the second-hand dealer shall keep the second-hand goods on the licensed premises and separate and apart from the other merchandise so that they may be examined at any time during business hours by members of the Police Department who may be accompanied by some private citizen who is there in order to assist in locating and/or identifying goods reported stolen or suspected of being stolen.
16. Every person who destroys, alters, mutilates or falsifies any register is guilty of an offence under this Bylaw.
17. Any person violating any of the provisions of this Bylaw shall be guilty of an offence and liable on summary conviction to a penalty of not more than Five Hundred Dollars.
18. This Bylaw shall come into force and take effect on February 14, 2005.
19. Bylaw No. 98-10 is hereby repealed.

INTRODUCED AND READ A FIRST TIME this 14th day of February, 2005

READ A SECOND TIME this 14th day of February, 2005

READ A THIRD TIME this 14th day of February, 2005

Mayor

City Clerk

CERTIFIED a true copy of Bylaw No. 2005-02 adopted by resolution of Council on the 14th day of February, 2005.

SEAL

City Clerk

