

**BYLAW NO. 1994-21
OF THE
CITY OF WETASKIWIN
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE CITY OF WETASKIWIN IN THE PROVINCE OF ALBERTA TO
REGULATE THE ACTIVITIES OF PAWNSHOPS, SECONDHAND DEALERS, AND
SCRAP METAL DEALERS IN THE CITY OF WETASKIWIN.

WHEREAS pursuant to Section 7(a) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS pursuant to Section 7(e) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS pursuant to Section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

WHEREAS pursuant to Section 8 of the *Municipal Government Act*, a council may in a bylaw:

- a. regulate or prohibit;
- b. deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- c. provide for a system of licenses, permits or approvals including any or all of the matters listed therein.

NOW THEREFORE the Council of the City of Wetaskiwin in the Province of Alberta duly assembled hereby enacts as follows:

1. Short Title:

This Bylaw may be cited as the "Pawnbroker, Secondhand Dealer and Scrap Metal Bylaw".

2. Definitions:

In this Bylaw, unless the context otherwise requires:

- a. "**Electronic Means**" means a computer program with the capability to electronically transmit the information recorded pursuant to Sections 7, 11 and 15 to the Inspector, via the internet, in a format approved by the Inspector;
- b. "**Estate Sale**" means a sale of goods belonging to the estate of a deceased person conducted by a person legally authorized to dispose of such goods;

- c. **“Inspector”** means a person or persons appointed from time to time as License Inspectors of the City of Wetaskiwin;
- d. **“Licensee”** means a Pawnbroker or Secondhand Dealer or Scrap Metal Dealer;
- e. **“Officer in Charge/Detachment Commander”** means the Officer in Charge of The Royal Canadian Mounted Police (RCMP), and includes any person designated by the Officer in Charge to perform his duties or exercise his powers pursuant to this Bylaw;
- f. **“Pawnbroker”** means any person who lawfully exercises the trade of receiving or taking goods as security for the repayment of money lent thereon;
- g. **“Peace Officer”** means any individual employed as a Royal Canadian Mounted Police, Community Peace Officer, Alberta Peace Officer or Bylaw Enforcement Officer who is empowered to enforce this Bylaw;
- h. **“Record Book”** means a record book in a form or forms prescribed by the Inspector;
- i. **“Scrap Metal Dealer”** mean any person who carries on a business which involves the purchase of scrap metal, which scrap metal includes, without limiting the generality of the foregoing, ferrous and non-ferrous metals;
- j. **“Secondhand Dealer”** means any person who carries on a business which involves purchasing, selling, exchanging or in any way dealing in goods of any kind or nature which have previously been owned, used or purchased by a person to be used, all commonly known as secondhand goods, but for greater certainty does not include:
 - i. a person who deals exclusively in secondhand books or cards;
 - ii. an auctioneer when disposing of goods by public auction; or
 - iii. used motor vehicle dealers;
- k. **“Used Car Vehicle Dealer”** means an automotive car dealership whose primary business is selling of new and used automobiles and who holds a valid AMVIC license;
- l. **“Violation Tag”** means a tag or similar document issued by the City pursuant to the Municipal Government Act;
- m. **“Violation Ticket”** means a notice issued under Part (2) or Part (3) of the Provincial Offences Procedure Act as amended, replaced or repealed.

GENERAL PROVISIONS

3. In this Bylaw the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context so requires. Any reference to a person shall include a business, and any reference to a business shall include a person.
4. Every Pawnbroker, Secondhand Dealer and Scrap Metal Dealer shall comply with the requirements in, and is subject to, the Business License Bylaw 1507-01, as amended, replaced or repealed.
5. No individual or business shall carry on the business of a Pawnbroker and a Secondhand Dealer on the same premises.
6. No Pawnbroker shall employ a person under the age of eighteen (18) years to take a pawned good from a customer as security for the repayment of money lent thereon.

PAWNSHOPS

7. A Pawnbroker shall keep a record in the English language in a form satisfactory to the Inspector, which form shall include Electronic Means, in which the following information will be permanently recorded at the time of each transaction:
 - a. The full name of the employee who accepted the goods;
 - b. The date and time the goods were received;
 - c. A description of the person pledging the goods, which description shall include but is not limited to height, weight, hair color, eye color, and date of birth;
 - d. A current address and phone number of the person pledging the goods;
 - e. One (1) valid piece of Canadian government issued numbered identification containing a photograph of the person tendering the goods;
 - f. A photograph of the person who is pawning the goods, a copy of which photograph shall be attached to both the goods being pawned and to the electronic record described herein;
 - g. A complete and accurate description of each of the goods, which description shall include but is not limited to, as applicable: make, color, model, serial number, manufacturer's name, and any distinguishing or identifying marks or features; and
 - h. A photograph of the goods sufficient for identifying such goods, in the opinion of the Inspector.
8. A Pawnbroker shall:

- a. Immediately, upon demand, make available for the Inspector's review any of the records created pursuant to Section 7;
 - b. Not erase, deface or alter an entry in the record kept pursuant to Section 7;
 - c. Not direct or allow any person or entity to erase, deface or alter an entry in the record kept pursuant to Section 7;
 - d. Not direct or allow any person or entity other than the Licensee or employee of the Licensee to make an entry in the record kept pursuant to Section 7.
9. Prior to receiving the information required to create the record described in Section 7, a Pawnbroker shall obtain from the person providing the goods, written consent in a form satisfactory to the Officer in Charge allowing the use of the information collected in a manner consistent with the purposes of this Bylaw.
10. The record created pursuant to Section 7 shall be shared with the Inspector electronically by computer program approved by the Inspector, in a format approved by the Inspector.

SECONDHAND DEALERS AND SCRAP METAL DEALERS

11. Whenever goods are acquired by a Secondhand Dealer or Scrap Metal Dealer, the Secondhand Dealer or Scrap Metal Dealer, as the case may be, shall immediately record or cause to be recorded the following information by Electronic Means satisfactory to the Inspector:
- a. The full name of the employee who accepted the goods;
 - b. The date and time the goods were received;
 - c. A description of the person pledging the goods, which description shall include but is not limited to height, weight, hair color, eye color, and date of birth;
 - d. A current address and phone number of the person selling the goods;
 - e. In the event the goods consist of scrap metal from a motor vehicle, the record must also include descriptive information of such vehicle including but not limited to its make, model, color, and license plate number;
 - f. Two (2) valid pieces of Canadian government issued numbered identification, one of such pieces of identification containing a photograph of the person tendering the goods;

business premises of a Secondhand Dealer in a Record Book or electronic record, and shall be made available to a Peace Officer on demand:

- a. The date and time the goods were acquired;
 - b. The full name, date of birth, residential address, and telephone number of the person from whom the goods were acquired;
 - c. Details from one (1) valid piece of Canadian government issued numbered identification provided by the person whom the goods were acquired; of which must have a Canadian government issued photograph of the person; and
 - d. A general description of the goods acquired.
16. A Secondhand Dealer shall not acquire goods from an Estate Sale unless the person from whom the goods are to be acquired provides written proof of his authority to dispose of such Estate Sale goods to the Secondhand Dealer.
17. The Officer in Charge may grant written exemptions from any of the requirements in Sections 11, 12, 13 and 14 to Secondhand Dealers for specific types of goods, if in the opinion of the Officer in Charge, complying with the requirements would not serve to protect the public from acquiring stolen property through purchases from Secondhand Dealers. Any exemption granted under this Section 17 may be revoked upon Thirty (30) days' notice to the Secondhand Dealer.
- a. If an exemption is granted from the requirements in Section 11, the Secondhand Dealer shall record and keep the information required to be recorded pursuant to Section 11 in a Record Book or electronic record, after the goods are acquired. The Secondhand Dealer shall provide such information to a Peace Officer upon demand.
18. A person who records or causes to be recorded false, misleading or inaccurate information pursuant to this Bylaw, including but not limited to Section 7, Section 11, or Section 15, is guilty of an offence.
19. A person who delivers or causes to be delivered false, misleading or inaccurate information to a Peace Officer pursuant to Section 7, Section 11, or Section 15 of this Bylaw is guilty of an offence.
20. A Licensee shall not accept goods from:
- a. A person who is or appears to be under the influence of alcohol or drugs;
 - b. A person who is under the age of eighteen (18) years;

- c. A person who fails to properly identify himself or otherwise refuses to provide the Licensee with all information necessary to comply with the requirements in this Bylaw;
 - d. A person who a Licensee knows or has reasonable grounds to believe stole or illegally acquired the goods, or is otherwise unauthorized to sell or dispose of such goods; or
 - e. A person who fails or refuses to supply written consent as required by Section 7 or 11.
21. A Licensee shall not accept any goods which have had the manufacturer's name or serial number removed, defaced, tampered with or altered in any way unless the Licensee has obtained prior written approval from a Peace Officer.
22. No Licensee shall alter, repair, sell, dispose of or in any way part with possession of goods acquired in the course of business until thirty (30) days have passed from the date of acquisition, except for:
- a. A Scrap Metal Dealer must hold goods acquired in the course of business in their original condition for seven (7) days; and
 - b. Subsection 22(a) shall not be deemed to authorize a sale or forfeiture if:
 - i. The parties have agreed upon a longer period for the holding of the goods; or
 - ii. The sale or forfeiture would in any other way be contrary to the law.
23. All Licensees shall keep all information collected pursuant to this Bylaw for a period of three (3) years.
24. All Licensees shall attend and complete mandatory training provided to them from the Inspector to the satisfaction of the Inspector.

ENFORCEMENT AND PENALTY

25. Offence:
- a. Except as otherwise provided herein, any person who contravenes any provision of this Bylaw is guilty of an offence, and shall be liable, upon summary conviction, to the fine as set out in Schedule "A" of this Bylaw.
 - b. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine for each such day.

- c. A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- d. A Violation Tag may be issued to such person:
 - i. personally;
 - ii. by registered mail sent to the postal address of the person, as shown on the Tax Assessment Roll or on the Certificate of Title for the property; or
 - iii. by leaving it with a person apparently over eighteen (18) years of age at the place of residence of the person to whom the Violation Tag is addressed.
- e. Any Violation Tag shall conform to a format approved by the City Manager of Wetaskiwin and shall include all required content.
- f. Subject to the provisions of subsections 25(b) and 25(c), upon issuance and service of a Violation Tag under section 25(a) the amount the City of Wetaskiwin will accept for the alleged offences shall be the amount of the specified penalty, and upon payment to a person authorized by the City Manager of Wetaskiwin to receive such payment there shall be issued an official receipt therefor and such payment shall be accepted in lieu of prosecution for the alleged offence.
- g. In the event that a Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid within the prescribed time, a Peace Officer may issue a Violation Ticket to the person to whom the Violation Tag was issued.
- h. A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the person responsible for the contravention in accordance with the Provincial Offences Procedure Act.
- i. The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within Schedule "A" of this Bylaw.
- j. When Court records the receipt of a voluntary payment pursuant to Provincial Offences Procedure Act, the act of recording the receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
- k. Subject to subsection 25(e), where payment is tendered to a person authorized by the City Manager of Wetaskiwin to receive such payment within seven (7) days from the date of service of a Violation Tag issued and served under subsection 25(c) for an alleged offence listed in Schedule "A", the payment amount shall be reduced by 50% of the specified penalty and such payment shall

be accepted in lieu of prosecution, subject to any validly enacted law or regulation to the contrary.

- I. Nothing in this Bylaw shall be read or construed as:
 - i. preventing any person from exercising their right to defend an allegation that he has committed an offence listed in Schedule “A” or,
 - ii. preventing a Peace Officer from issuing a summons or offence notice under the *Provincial Offences Procedure Act* or otherwise initiating court process in any other manner permitted by law, in respect of an alleged offence in respect of which a Violation Tag may be issued.

26. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not exceeding \$10,000 and to imprisonment for a term not exceeding six (6) months for non-payment of such fine.

VICARIOUS LIABILITY

27. For the purpose of this Bylaw, an act or omission by an employee or agent for a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee’s employment with the person, or in the course of the agent exercising the powers of or performing duties on behalf of the person under their agency relationship.

28. If a corporation commits an offence under this Bylaw, every principal, director, manger, officer, employee, or agent of the corporation who authorized, assented to, acquiesced, or participated in the act that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

INSPECTIONS

29. The City Manager of the City of Wetaskiwin, and the Inspector, may carry out any inspection necessary to determine compliance with this Bylaw.

SEVERABILITY

30. If a court of competent jurisdiction should declare any Section or Subsection of this Bylaw to be invalid, that Section or Subsection shall be severed from the remainder of the Bylaw, and the remaining provisions of this Bylaw shall continue to be valid and enforceable.

31. It is the intention of the Council of the City of Wetaskiwin that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is

further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw shall remain valid and enforceable.

TRANSITION AND EXECUTION

32. This Bylaw shall repeal Bylaw No. 1293-94 and 1307-95 and amendments thereto on the date of final passing.
33. This Bylaw shall come into full force and effect on the date of final passing except for Section 14, which shall come into full force and effect 90 days after the final passing of this bylaw.

READ a first time this 26th day of April,, 2021.

READ a second time this 26th day of April, 2021.

READ a third time this 14th day of June, 2021.

ORIGINAL SIGNED

TYLER GANDAM, MAYOR

ORIGINAL SIGNED

SUE HOWARD, CITY MANAGER

SCHEDULE "A"

Section	Charge	Fine
5	Operate a second hand store within a Pawnshop	500
6	Allow person under age of eighteen (18) to receive goods	500
7(a)	Fail to record employee name	500
7(b)	Fail to record date and time of goods received	500
7(c)	Fail to record full description of person pawning goods	500
7(d)	Fail to record full address and phone number of person pawning goods	500
7(e)	Fail to record valid government identification	500
7(f)	Fail to take photo of person pawning goods	500
7(g)	Fail to record accurate description of item being pawned along with picture of item	500
7(h)	Fail to record amount advanced on item being pawned	500
8(a)	Fail to provide License Inspector any records from section 7	500
8(b)	Erase, deface or alter entries	500
8(c)	Direct or allow a person to erase, deface or alter an entry	500
8(d)	Allow or direct any person other than licensee or employee to make entry into the record system	500
9	Fail to obtain written consent of person pawning goods	500
10	Fail to provide information in electronic form acceptable to the license inspector as recorded in section 7	500
11(a)	Fail to record employee name	500
11(b)	Fail to record date and time of goods received	500
11(c)	Fail to record full description of person pledging goods	500
11(d)	Fail to record full address and phone number of person pawning goods	500
11(e)	Fail to record motor vehicle information	500
11(f)	Fail to record valid government identification	500
11(g)	Fail to take photo of person selling the goods	500
11(h)	Fail to record accurate description of item being pawned	500
11(i)	Fail to obtain photo of goods	500

12	Fail to obtain written consent of person pawning goods	500
13	Fail to provide information in electronic form acceptable to the license inspector as recorded in section 11	1000
14(a)	Fail to upload information in section 7 and 11 within 1 hour of closing time	500
15(a)	Fail to record date and time of goods received	500
15(b)	Fail to record name, date of birth, full address and phone number of person whom the goods were received from	500
15(c)	Fail to record valid government identification	500
15(d)	Fail to record accurate description of goods received	500
16	Receive goods from estate sale from person not having authority to dispose of goods	500
18	Fail to record or cause to record false, misleading or inaccurate information pursuant to this bylaw	1000
19	Fail to deliver or cause to record false, misleading or inaccurate information pursuant Section 7 or 11 of this bylaw	1000
20(a)	Accept goods from a person who appears to be under the influence of alcohol or drugs	500
20(b)	Accept goods from a person under the age of eighteen	500
20(c)	Accept goods from a person failing to properly identify themselves or otherwise comply with this bylaw	1000
20(d)	Accept items from person who has reasonable grounds that item was illegally acquired or is otherwise unauthorized to sell or dispose of such goods	1000
20(e)	Accept goods from person who fails to supply written consent	1000
21	Accept goods that manufacturers name or serial number has been removed, deface, or tampered with without prior approval of a Peace Officer	1000
22	Licensee alter, repair, dispose of or in any way part with the goods acquired before 30 days of being acquired	1000
23	Fail to keep all information collected for three (3) years	500

24	Fail to attend Mandatory training provided by License Inspector	Business license suspended or revoked
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