

**BY-LAW #1537**

A Bylaw of the Town of Cardston to establish rules and regulations dealing with Pawnbrokers and Secondhand dealers within the Town of Cardston.

Pursuant to Section 7 and 8 of the Municipal Government Act RSA 2000 Chapter M.26 as of January 1, 2003 and revisions hereto, the Council of the Town of Cardston duly assembled, enact the following:

**PART III**

**“Pawnbroker and Secondhand Dealer”**

23.1 Effective immediately, before the issue or renewal of a License for a Pawn Shop or Second-Hand Store, a person must submit to the Town Administrator or designate the name, date of birth and job title of every person working in the Pawn Shop or Second-Hand Store.

The definition of “goods” is defined as items received or acquired and held as security for an advance of money, or are purchased without being held for security for an advance of money.

- (a) Whenever goods are received or acquired, the following information shall be accurately recorded:
  - (i) the date and time the goods were received;
  - (ii) the full name, date of birth, residential address, telephone number, gender, of the person delivering the goods;
  - (iii) details from at least 2 pieces of identification provided by the person delivering the goods, at least one of which must have a photograph of the person;
  - (iv) a complete description of each good including, where available, the make, model and serial number of the good, the manufacturer’s name and any distinguishing marks;
  - (v) the amount of money advanced in respect of each good;
  - (vi) the name of the person working in the Pawn Shop or Second-Hand Store that conducted the transaction.
- (b) No goods shall be received and acquired if the make, model, serial number, manufacturer’s name, or any other distinguishing mark has been altered or in any way obliterated.
- (c) Whenever goods are received and acquired, a written receipt shall be provided to the person delivering the goods, containing at least the following information:
  - (i) the day, month and year on which the money advanced is due;
  - (ii) the amount of money advanced;
  - (iii) the interest rate charged with respect to the advance;
  - (iv) the name and address of the business.
- (d) The receipt required by this section must be signed by the person delivering the goods and a copy of the signed receipt shall be retained by the Pawn Shop or Second-Hand Store for a minimum of two years.
- (e) No person shall alter, repair, forfeit, sell, dispose of or part with possession of any goods received and held as security for an advance of money until the expiration of 30 days from the date such goods were received. The holding

period in this section may be extended by up to 60 days upon the written direction of a Peace Officer having a reasonable suspicion that particular goods may have been acquired through the commission of a criminal offence. This section does not apply to goods redeemed by the person who delivered them.

- (f) No person shall, during the period goods received and held as security for an advance of money are required to be retained, remove or permit the removal of such goods from the Pawn Shop or Second-Hand Store, except as noted in section 23.1 (e) above.
- (g) Notwithstanding this section, a person may store goods received and held as security for an advance of money at a location other than the business premises of the Pawn Shop or Second-Hand Store if the location has been authorized by the Municipal Administrator.
- (h) All goods received and held as security for an advance of money shall be kept separate and apart from all other merchandise in a Pawn Shop or Second-Hand Store and shall not be mixed with any other merchandise during the period the goods are required to be retained.
- (i) All goods received and held as security for an advance of money shall be identified with a tag or sticker in a manner sufficient to allow the association of a good with the information recorded with respect to its receipt.
- (j) Whenever goods received and held as security for an advance of money are redeemed the same information required to be recorded upon the receipt of the goods shall be recorded at the time of redemption.
- (k) The information required to be recorded by this part is as follows:
  - (i) shall be recorded in a form and manner acceptable to the Municipal Administrator;
  - (ii) shall be made available to a Peace Officer forthwith upon request;
- (l) No person shall receive and hold goods as security for an advance of money from an individual under 18 years of age.

Enforcement policies are as follows:

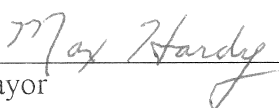
- (a) A person who contravenes this by-law is guilty of an offence.
- (b) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this by-law for each such day.
- (c) For the purposes of this by-law, an act or omission by an employee or agent of 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's exercising the powers or performing the duties on behalf of the person under their agency relationship.
- (d) When a corporation commits an offence under this by-law, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence, whether or not the corporation has been prosecuted for the offence.
- (e) If a partner in a partnership is guilty of an offence under this by-law, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.

- (f) A person who is guilty of an offence is liable to a fine in amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than six months for non-payment of a fine.
- (g) Without restricting the generality of section (f), the following fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered:
  - (i) \$200.00 for any offence for which a fine is not otherwise established in this section.
- (h) If a person is guilty of a subsequent offence, the fine amounts established are doubled.
- (i) If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by this by-law for the offence.
- (j) A person who commits an offence may, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by this by-law for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- (k) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
  - (i) specify the fine amount established by this by-law for the offence;
  - (ii) require a person to appear in court without the alternative of making a voluntary payment.
- (l) A person who commits an offence may:
  - (i) if a Violation Ticket is issued in respect of the offence, and
  - (ii) if the Violation Ticket specifies the fine amount established by this by-law for the offence;make a voluntary payment equal to the specified fine.

Received first reading this 27 day of April 2004.

Received second reading this 28 day of September 2004.

Received third and final reading this 28 day of September 2004.

  
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Mayor

  
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Municipal Administrator