

CITY OF PORT MOODY

BYLAW NO. 2527

A BYLAW TO REGULATE SECOND HAND DEALERS WITHIN THE CITY OF PORT MOODY.

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**WHEREAS** Part 20 of the *Local Government Act* R.S.B.C. 1996, c.323 authorizes Council, by bylaw, to regulate businesses;

**AND WHEREAS** the public should be protected from second hand dealers that engage in misleading business practices;

**AND WHEREAS** the general welfare of the community would be improved through the regulation of second hand dealers;

**NOW THEREFORE**, the Council of the City of Port Moody, in open meeting assembled, enacts as follows:

**1. TITLE**

- 2.1 This Bylaw may be cited for all purposes as the "City of Port Moody Second Hand Dealers Bylaw No. 2527".

**2. DEFINITIONS**

- 2.1 "**Chief Constable**" means the person currently serving as the Chief Constable of the Port Moody Police Department;
- 2.1 "**City**" means the City of Port Moody;
- 2.3 "**Collectibles**" means any item that may be rare or of a unique or unusual nature, which may be collected in sets or series or on its own, and which possess a reasonable monetary or sentimental value to its owner;
- 2.4 "**Inspector**" means the person appointed from time to time by the **City** as the Manager of Building, Bylaws and Licensing, or designate;

## 2. DEFINITIONS (Continued)

- 2.5 “**Second Hand Articles**” means second hand, used or pre-owned goods and chattels purchased, taken in barter, received, offered for sale or sold and, without limiting the generality of the foregoing, shall include:
- (i) jewellery
  - (ii) electronic home entertainment products, including, but not limited to, audio and video equipment and accessories
  - (iii) audio or video cassettes, in any format, compact, video or computer discs, and phonograph records
  - (iv) home repair tools
  - (v) construction tools
  - (vi) metals, such as aluminum, copper, and other valuable salvage
  - (vii) leather jackets and fur coats
  - (viii) musical instruments
  - (ix) bicycles, including bicycle parts and accessories
  - (x) automotive parts
  - (xi) computers, printers and fax machines and their accessories
  - (xii) **Collectibles**
  - (xiii) cameras, including digital, video and still cameras, related equipment and accessories
  - (xiv) sports equipment

but shall not include:

- (i) recyclable bottles and cans
- (ii) books and magazines, except **Collectibles**
- (iii) clothing, except leather jackets and fur coats.

- 2.6 “**Second Hand Dealer**” means a person carrying on the business of purchasing, taking in barter, receiving, offering for sale or selling **Second Hand Articles**.

### 3. GENERAL

3.1 Every **Second Hand Dealer** must:

- (a) keep, in a register, a record of all **Second Hand Articles** purchased, taken in barter or received and must record in said register, at the time of purchasing, taking in barter or receiving such **Second Hand Articles**, the following:
  - (i) the time and date at which each **Second Hand Article** was purchased, taken in barter or received;
  - (ii) an account and a description of each **Second Hand Article**, including a notation of any distinctive marks and names on such article;
  - (iii) the price paid for each **Second Hand Article**;
  - (iv) the name and address of the person from whom such **Second Hand Articles** were purchased, taken in barter or received, verified through the production of picture identification; and
  - (v) the make, description and provincial license plate number of any vehicle used for the delivery of such **Second Hand Articles**;
- (b) produce upon request, during business hours, the register referred to in clause (a) for inspection by the **Chief Constable** or the **Inspector**, or their designates, and must, upon request, provide the register to such person for inspection elsewhere, or for use as evidence in court or other proceedings;
- (c) present to the **Chief Constable**, at his request, any **Second Hand Articles** in the **Second Hand Dealer's** possession for which a request for inspection has been made; and
- (d) place and maintain his name and address on:
  - (i) the front of the premises in which he carries on business; and
  - (ii) on both sides of any vehicle used in connection with such business.

### 3. GENERAL (Continued)

- 3.2 A **Second Hand Dealer** must not:
- (a) purchase, take in barter or receive a **Second Hand Article** from a person under the age of 18; or
  - (b) alter the form of, sell, exchange, dispose of, or in any way part with a **Second Hand Article** purchased by him, or allow a **Second Hand Article** to be removed from his premises, or otherwise dispose of such item, until after the expiration of 72 hours from the time of purchase, taking in barter or receiving the **Second Hand Article**, exclusive of Sundays and statutory holidays.
- 3.3 During the 72 hour period stipulated in clause (b) of section 3.2, such **Second Hand Articles** must be segregated and kept apart from all other items on the **Second Hand Dealer's** premises, and must be available for inspection by the **Chief Constable**, or designate, during business hours.
- 3.4 Notwithstanding the provisions of section 3.2:
- (a) the **Chief Constable** may require a **Second Hand Dealer** to retain a **Second Hand Article** in his possession for longer than 72 hours from the time of purchase, and in such circumstances, the **Second Hand Article** may not be disposed of, altered, or removed from the premises of the **Second Hand Dealer** without the written consent of the **Chief Constable**; and
  - (b) the **Second Hand Dealer** may, upon purchasing a **Second Hand Article**, notify the **Chief Constable** in writing of the **Second Hand Dealer's** desire to resell, or otherwise dispose of, said article before the expiration of the 72 hour period, whereupon after giving written notification, the **Second Hand Dealer** must hold the article for 24 hours, excluding Sundays and statutory holidays, and he may dispose of such item if after that time he has received a written release from the **Chief Constable**.

### 3. GENERAL (Continued)

- 3.5 Where **Second Hand Articles** have been purchased by a **Second Hand Dealer** from another **Second Hand Dealer** who has had such items in his possession for a period of time longer than required under clause (b) of section 3.2, the **Chief Constable** may, in writing, authorize the purchaser to dispose of such items without holding them for that period.

### 4. VIOLATIONS AND PENALTIES

- 4.1 Any licensee, operator, or any other person who:
- (a) violates or who causes or allows any of the provisions of this Bylaw to be violated; or
  - (b) fails to comply with any of the provisions of this Bylaw; or
  - (c) neglects or refrains from doing anything required under the provisions of this Bylaw;

is deemed to have committed an infraction of, or an offence against, this Bylaw and is liable on summary conviction to the penalties provided for in the *Offence Act*, and each day that such violation is caused or allowed to continue constitutes a separate offence and may result in the suspension or cancellation of the license.

### 5. ADMINISTRATION AND ENFORCEMENT

- 5.1 The **Inspector**, Building Inspector, or **Chief Constable**, or designate, are hereby authorized to enter at any reasonable time, the premises of any business regulated under this Bylaw, to determine whether the provisions of this Bylaw are being, or have been, complied with; and it is unlawful for any person to prevent or obstruct the **Inspector**, Building Inspector, Medical Health Officer or **Chief Constable**, or designate, from the carrying out of any of their duties with respect to the administration and enforcement of this Bylaw.

**6. SEVERABILITY**

- 6.1 If any Section, Subsection, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not effect the validity of the remainder.

**READ FOR A FIRST TIME** the 23<sup>rd</sup> of July, 2002.

**READ FOR A SECOND TIME** the 23<sup>rd</sup> of July, 2002.

**READ FOR A THIRD TIME** the 23<sup>rd</sup> of July, 2002.

**ADOPTED** the 8th day of October, 2002.

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**MAYOR**

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**CITY CLERK**