

**BYLAW 46-00
BEING A BYLAW OF THE TOWN OF OKOTOKS
IN THE PROVINCE OF ALBERTA
TO PROVIDE FOR THE REGULATION OF PAWNBROKERS**

WHEREAS the Municipal Government Act S.A. 1994 Chapter M-26, as amended as replaced from time to time, permits the Council to pass bylaws respecting businesses, business activities and persons engaged in business;

AND WHEREAS it is considered desirable to pass a bylaw regulating the business of pawnbrokers in the town of Okotoks;

NOW THEREFORE the Council of the Town of Okotoks enacts as follows:

TITLE OF ACT

1.1 This bylaw maybe cited as "The Pawnbroker Bylaw"

DEFINITIONS

2.1 In this bylaw:

- a) "business" means
 - a) a commercial, merchandising or industrial activity or undertaking,
 - b) a profession, trade, occupation, calling or employment, or
 - c) an activity providing goods or services,whether or not for profit and however organized or formed, including a cooperative or association of persons,
- b) "employee" means an individual employed to do work or provide a service for a business, whether or not the person is in receipt of or is entitled to remuneration for the work or service;
- c) "Pawnbroker" means the business of loaning or holding oneself out as ready to loan money on the security of the pledge or pawn of personal property but does not include banks, trust companies, credit unions or other similar institutions;

- d) "Peace Officer" means any member of the Royal Canadian Mounted Police and Special Constable or Bylaw Enforcement Officer appointed by or for the Town of Okotoks;
- e) "person" means any natural person or a body corporate and includes a partnership, an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- f) "personal property" means all property capable of ownership including goods, chattels, money, notes, bonds, stocks and intangible property but not land or any interest in land;
- g) "premises" means a store, office, dwelling unit, warehouse, factory, building, enclosure or other place occupied or capable of being occupied, by any person for the purpose of carrying on any business;
- h) "second hand goods" means any previously owned personal property.

PAWNBROKER'S BUSINESS PROCEDURES

- 3.1 A Pawnbroker may not carry on business in the Town of Okotoks without a valid business license issued by the Town of Okotoks and further must comply with the land use bylaw of the Town of Okotoks.
- 3.2 A Pawnbroker may carry on the business of a pawnbroker and of purchasing and selling second hand goods on the same premises.
- 3.3 A Pawnbroker must keep records in a form satisfactory to a Peace Officer in which will be permanently recorded at the time of each transaction relating to pawned personal property or second hand goods, the following information:
 - a) the full name of the employee who accepted or purchased personal property;
 - b) an accurate, detailed, legible description of each item of personal property and all markings, serial numbers, make or model or other identification attached, placed or marked on the property by the manufacture or vendor thereof;
 - c) the date and time of day when the property was given to the Pawnbroker as security;

- d) the rate of interest which is to be charged on the loan which is made on the security of the pledge; and
- e) the first name, middle name, surname, and address, and detailed description of the person or persons tendering the property as security for the loan, including, but not limited to, the record of the numbers from two forms of identification, at least one of which is government issued picture identification confirming the name and address given.

3.4 A Pawnbroker must:

- a) Not erase, deface or alter an entry in the record kept pursuant to subsection 3.3;
- b) Not direct or allow any person to erase, deface or alter an entry in the record kept pursuant to subsection 3.3;
- c) Immediately provide on demand to a Peace Officer the record kept pursuant to subsection 3.3.

3.5 A Pawnbroker must at the time a borrower deposits or delivers any personal property as security for a loan, deliver to the borrower a note or memorandum signed by the Pawnbroker containing a summary of the information which is required to be inserted in the record kept pursuant to subsection 3.3, other than the description of the borrower, without required or accepting any fee or charge for so doing.

3.6 A Pawnbroker:

- a) In addition to keeping the records required under subsection 3.3, will make a true, accurate and readable copy of the records and deliver the copy to a Peace Officer immediately upon request;
- b) Must keep:
 - i) all property received as security for a loan and which has not been redeemed within the time allowed to the borrower for redemption, and
 - ii) all second hand goods;

separate and apart from each other and separate and apart from all other property on the premises for a period of 30 days from the time when the property was furnished to the Pawnbrokers as a pledge or purchased by the Pawnbroker as second hand goods and shall not sell such property until such period has expired.

3.7 A Pawnbroker must not:

- a) Accept property as security for a loan or advance a loan on the receipt or promise of delivery of any property from the follows:
 - i) a person who is or who appears to be under the influence of alcohol or any drug;
 - ii) a person under 18 years of age or;
 - iii) a person failing to provide identification as required under subsection 3.3
- b) Accept property on which the manufacturers identification number or serial number has been removed, defaced, tampered with or in any way altered, unless the prior written approval of a Peace Officer has been obtained.

PENALTIES

4.1 Any person who:

- a) violates any provision of this Bylaw.
- b) suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw.
- c) neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw.
- d) does any act or thing or omits any act or thing, thus violating any provision of this Bylaw;

is guilty of an offence under this Bylaw and upon summary conviction is liable to a fine not less than the minimum fine set out in this section but not exceeding \$10,000.00 dollars, and in default of paying such fine, to imprisonment for a period not exceeding six (6) months.

4.2 The minimum fine and specified penalty payable in respect of a contravention of a provision of this Bylaw is \$300.00.

4.3 Notwithstanding section 4.2;

- a) where a person has previously contravened any provision of this bylaw, the minimum fine and specified penalty for a second conviction shall be \$600.00;
- b) where a person has previously contravened any provision of this bylaw more than one time, the minimum fine and specified penalty for the third or subsequent conviction shall be \$1,000.00.

4.4 Where a Peace Officer believes that a Person has violated a provision of this Bylaw, the Officer may commence proceedings against the Person by issuing a Violation Ticket pursuant to Part 2 of the Provincial Offences Procedures Act.

READ A FIRST TIME this 27th day of November, 2000.

READ A SECOND TIME this 27th day of November, 2000.

READ A THIRD TIME AND FINALLY PASSED this 27th day of November, 2000.

- Original Signed -

Mayor

- Original Signed -

Municipal Secretary