



OWEN SOUND POLICE SERVICES BOARD

Expires: Indefinite

Repeals: 2006-10, 2004-03 &
1999-04

Revisions: June 13, 2008

BY-LAW NO. 2008-21

A BY-LAW TO LICENCE, REGULATE AND GOVERN SALVAGE SHOPS, SALVAGE YARDS, SECOND HAND SHOPS AND DEALERS IN SECOND HAND GOODS WITHIN THE CITY OF OWEN SOUND

WHEREAS the Board passed bylaw 2006-10 on the 19th day of October, 2006; and

WHEREAS the Board deems it necessary to review bylaw 2006-10; and

WHEREAS the Council of a local municipality is authorized under the provisions of section 257.2 of the Municipal Act R.S.O. 1990 as amended to pass by-laws for licensing, regulating and governing businesses within the municipality and for revoking any such license; and

WHEREAS section 257.4 of the Municipal Act, as amended, empowers the Council of a City to delegate to the Owen Sound Police Services Board the power to license, regulate and govern the businesses specified in the by-law for all or that part of the City to which the Owen Sound Police Services Board has jurisdiction; and

WHEREAS the City Council of the Corporation Of the City of Owen Sound has passed by-law no-1998-050 to delegate to the Owen Sound Police Services Board the power to license, regulate, and govern “Salvage Shops”, Salvage Yards”. “Second Hand Goods Shops” and “Dealers in Second Hand Goods”; and

WHEREAS the Owen Sound Police Services Board deems it desirable to pass a by-law for licensing, regulating and governing Salvage Shops, Salvage Yards, Second Hand Shops and Dealers in Second Hand Goods and for revoking any such license;

NOW THEREFORE THE OWEN SOUND POLICE SERVICES BOARD ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 For the purposes of this by-law:

- (a) “Board” shall mean the Owen Sound Police Services Board;
- (b) “Chief of Police” shall mean the Chief of Police for the Owen Sound Police Service;
- (c) “Collector” shall mean a person who goes from house to house or place to place (including yard sales) for the purpose of collecting second hand goods for resale;
- (d) “Dealer in Second Hand Goods” shall include person(s) who goes from house to house or along highways (including yard sales) for the purpose of collecting, purchasing or obtaining second hand goods for resale;
- (e) “License” shall mean a license issued pursuant to this by-law;
- (f) “Owner” shall mean any person owning or having possession of a business involving a Salvage Shops, Salvage Yard, Second-Hand Goods Shop, Pawn Broker’s Shop, or a Dealer in second hand goods;
- (g) “Pawn Broker” shall mean a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon;
- (h) “Person” shall include not only an individual, but also a Partnership, Corporation or Association and their Heirs, Successor and Assigns thereof;
- (i) “Salvage” shall include waste paper, rags, bones, bottles, bicycles, automobile tires, wrecked and disabled vehicles, used machinery, metal and other scrap material and salvage;
- (j) “Salvage Shop” shall mean one or more enclosed buildings in which salvage or other scrap material is stored or processed and where there is no storing or processing of materials other than in wholly enclosed building;

- (k) "Salvage Yard" shall mean an automobile wrecking yard or premises, and any place where salvage is stored or processed;
- (l) "Second Hand Goods" shall include jewelry, collectibles, household furniture and appliances, electronic goods and bicycles.

2 DUTIES OF THE CHIEF OF POLICE

2.1 The Chief of Police shall have supervision over all persons, licensed or required to be licensed under this by-law, and shall:

- (a) submit to the Board a report on the performance of the duties under this by-law when so required by the Board;
- (b) submit to the Board all applications for licenses, transfers of license and any reports in connection with same;
- (c) make all necessary inquiries concerning the qualifications of persons submitting applications for licenses;
- (d) maintain a register of all licenses granted by the Board which shall contain the name and address of the applicant and owner and such further records as may be required by the Board;
- (e) cause to be made out all licenses and copies of same and to sign all licenses issued under this by-law, to collect all license fees and to transfer such fees collected to the City Director of Financial Services;
- (f) provide a copy of this by-law to each person receiving a license;
- (g) prepare and deliver a "Register" as hereinafter described to each person receiving a license;
- (h) ascertain by inspection and inquiry from time to time and as further required by the Board as to whether any person receiving a license continues to comply with the provisions of this by-law;
- (i) prosecute all person(s) who contravene any of the provisions of this by-law.

2.2 The Chief of Police may delegate any act or duty required under this by-law to any member of the Service.

3. LICENSES

3.1 The following licenses are authorized by this by-law:

- (i). "Salvage License" for the operation of a Salvage Shop or Salvage Yard;
- (ii) "Second Hand Goods License" for the operation of a Second Hand Goods Shop or a Dealer in second hand goods;

- (iii) "Collectors License" for the collecting of second hand goods.
- 3.2 Any license issued under this by-law may be issued to authorize the licensee to deal in only one class of second had goods or in more than one class as may be specified in the license, and any such license shall not be entitled to deal in any class of second hand goods not covered by the license.
- 3.3 Notwithstanding any other provision of this by-law, no license shall be required by person(s) engaged in any of the trades, callings, business or occupations to which this by-law relates for "patriotic" or "charitable" purposes or in the purchase, sale or exchange of articles commonly known and recognized as valuable antiques and works of art in their original condition or as renovated, remodeled, repaired or re-manufactured,
- 3.4 Every person requiring a license under the provisions of this by-law shall obtain a separate license in respect of each and every shop, store or other place used for the transaction of business or for taking in or storing second hand goods.
- 3.5 Every Owner of a Salvage Shop, Salvage Yard or of a Shop, Store or other place for the purchase, sale or exchange of second hand goods, except those dealing in bicycles only, shall during the whole period in which the license is in force, exhibit over the front entrance or front window of the premises to which a license is issued, or in some other conspicuous place on the front thereof, satisfactory to the Board in large plain letters and in the English language the words, "licensed second hand shop" or licensed salvage yard or shop" as the case may be and shall also keep the license constantly displayed in a conspicuous place in the interior of the licensed premises.
- 3.6 Every store, shop, yard or other place, the owner of which is licensed under this by-law, shall be kept clean in a neat condition and in good repair.
- 3.7 No person to whom this by-law relates shall purchase, take in exchange or receive any goods, article or thing from a person who appears to be under the age of sixteen years, or from any person under the influence of liquor or drug or transact any business whatsoever by virtue of the said license upon a statutory or other holiday, or on any other day between the hours of eleven o'clock in the afternoon and seven o'clock in the forenoon of the following business day.
- 3.8 Notwithstanding any other provision of this by-law, no person having a Collector's license shall between the hours of sunset on any day and the hour of sunrise on the next following day, pass from house to house or along any private street or lane or public highway in the City of Owen Sound for the purpose of collecting purchasing or obtaining second-hand goods.
- 3.9 (l) Subject to subsection (ii) hereof, no person to whom this by-law relates shall alter, repair, sell, dispose or in any way part with any goods or articles purchased or taken in exchange until the expiration of five clear days, exclusive of holidays, from the date of purchase or other exchange and during these five days, the goods or articles so obtained shall remain on the premises in respect to which the license is issued and shall be subject to inspection at any time during business hours by the Chief of Police or any Police Officer or any person duly authorized by the Chief of Police.

- (ii) Notwithstanding the provisions of subsection (l) hereof:
 - (a) scrap metal purchased or taken in exchange may be altered or disposed of after the expiration of five clear days, exclusive of holidays, from the date the transcript referred to in subsection 13 of this by-law containing a record of the acquisition of the scrap metal has been delivered as required by the Board pursuant to subsection 13 and;
 - (b) any person designated by the Chief of Police to investigate transactions involving the purchase or exchange of scrap metal, on completing an investigation, may authorize the release of such scrap metal for alteration or disposal prior to the expiration of the five clear days referred to in clause (a).
- 3.10 (1) The Board shall require every person to whom this by-law relates, to keep a clear and accurate book which shall be furnished by the Board, and shall be known as the **“Register”** in which shall be entered in the English Language, written in ink, in plain legible hand, a record of specific goods as are required which are received or taken in exchange or otherwise obtained either at the licensee’s place of business or elsewhere. The entry must be made at the time the goods are received or immediately thereafter and shall include:
- (i) the name, address and verified particulars of identification, including a description of the person from whom the goods are received;
 - (ii) the date and time the goods are received;
 - (iii) a full description of the article or articles received, including the serial and model number, if any, and the manufacturer’s name, if any;
 - (iv) if purchased, the price paid;
 - (v) in the case of a motor vehicle, the manufacturer’s vehicle identification number;
 - (vi) in the case of any goods delivered or conveyed by motor vehicle, the Provincial or other license number of the motor vehicle delivering the goods;
 - (vii) such other particulars as may be prescribed by the Board.
- (2) Goods of every description redeemed on “Pawn “Tickets”, purchased or taken in exchange by licensed dealers shall be treated as purchased and shall be so entered.
 - (3) In entering bicycles, the name of the manufacturer and the serial number thereof shall, in every case, be recorded if known or ascertainable.
- 3.11 The **“Register”** shall remain the property of the Board, and it shall be the duty of the person to whom it is issued, to see that it is not mutilated or destroyed. It shall be open to inspection by the Chief of Police or any Police Officer or other person authorized by the Chief of Police at all times during business hours and may be removed at any time for inspection or for use in court, if necessary.

- 3.12 Every person to whom this by-law relates shall deliver or cause to be delivered, to such place as the Chief requires, a transcript of the goods received on the previous day, accurately copied from the Register on the forms provided for that purpose as set out in Schedule "B" of this by-law.
- 3.13 Every person to whom this by-law relates, or any person acting as a servant, employee or agent of any such person, shall make every reasonable effort to obtain the name, address and description of any person offering goods or articles of any kind, which they have cause to suspect have been stolen or otherwise unlawfully obtained, and report the facts including the removal, defacement or apparent tampering with the serial numbers or model numbers, if any, on such goods or articles to the Chief of Police or any Police Officer or person authorized by the Chief of Police.
- 3.14 (1) Subject to subsection (2) of this section, sections (3.5), (3.6), (3.8), (3.9), (3.10), (3.11), (3.12) and (3.13) of this by-law shall not apply to a person whose primary business is in the sale of new goods or merchandise and who purchases, sells, exchanges or deals in second hand goods only to the extent of purchasing trade-in articles, the value of which is applied against the purchase price of new goods and who subsequently resells such traded in articles.
- (2) The provisions of sections (3.10), (3.11), (3.12), (3.13) and (3.14) of this by-law shall apply, without limiting the generality of the application thereof, to all person(s) to whom this by-law relates who purchase, sell or deal in any way in second hand business machines, including typewriters, adding machines, computers, comptometers, dictating and transcribing machines, or in second hand firearms including pistols, automatic pistols, starting pistols, revolvers, rifles, shotguns and submachine guns or in second hand still cameras, movie cameras, slide projectors, movie projectors, television sets, electronic devices or second hand bicycles.
- 3.15 The fee for a license herein shall be as set out in Schedule "A" of Fees By-law 2008-22.
- 3.16 No person licensed under this by-law shall permit the use of this license by any other person.
- 3.17 No person licensed under this by-law shall transfer or permit to be transferred the license except with the approval of the Board.
- 3.18 No Corporation licensed under this by-law shall permit the transfer of shares, which would have the effect of changing control of the corporation without the approval of the Board.
- 3.19 Any request to transfer a license issued under this by-law shall be considered as an application for a new license.
- 3.20 Any license issued shall be valid for a maximum of one year from its date.
- 3.21 Any person whose license is revoked under this by-law shall not be entitled to a refund, in whole or in part of the license fee as set out in Schedule 'A' of Fees By-law 2008-22.

- 3.22 A license issued under this by-law which is not renewed for the next consecutive period, shall not thereafter be renewed and the previous license holder shall be required to submit a new application.
- 3.23 Any person applying for a license under this by-law, having a place of business within the City of Owen Sound, must operate from a place of business properly zoned in the City's Zoning by-law in effect from time to time for such use.

4. APPLICATIONS

- 4.1 Application for licenses, transfers of a license or the renewal of a license shall be addressed to the Chief of Police and delivered upon such forms as may be prescribed by the Board. On every application for license or for the renewal thereof, the applicant shall attend in person to the office of the Chief of Police and shall complete the prescribed form and shall furnish the Chief of Police such information as set out in Schedule "B" attached to this by-law and shall provide to the Chief, all other items and matters required by the provisions of this by-law as amended.
- 4.2 Every application for a license issued under this by-law shall include a non-refundable payment of 50% of the applicable license fee as set out in Schedule 'A' of the Fees By-law 2008-22.
- 4.3 Any person refused a license under this by-law may, upon payment of a further application fee, reapply not earlier than thirty days after the date of the refusal or revocation or sooner with the consent of the Chief of Police. Such application shall be recognized as a new application and subject to subsections 4.1, 4.2 and 4.3 of this by-law.
- 4.4 Any fees required as set out in Schedule 'A' of Fees By-law 2008-22 shall be payable to the Owen Sound Police Services who shall transmit such monies to the City Director of Financial Services.

5. QUALIFICATIONS

- 5.1 No person shall operate a business herein referred to unless licensed under this by-law and every applicant for a license herein shall:
- (a) be able to read, write and speak the English language;
 - (b) have attained the age of eighteen years;
 - (c) have completed the necessary application forms;
 - (d) provide proof of financial responsibility;
 - (e) be of good character and be a proper person to be licensed, notwithstanding that they may have been convicted of any criminal offence or any offence against any Provincial statute or Municipal by-law.

6. ISSUE

- 6.1 Upon completion of the investigation by the Chief of Police, the application shall be submitted to the Board. The Board shall either grant or refuse to grant a license.
- 6.2 If the license is granted, the applicant shall submit the remainder of the applicable fee as set out in Schedule 'A' of Fees By-law 2006-11 and thereafter the Chief of Police shall cause to be issued the applicable license.

7. SUSPENSION OR REVOCATION

- 7.1 The Board may suspend a license, to take effect immediately, where the licensee has been charged with any breach of this by-law for such period of time as it shall determine, or if the circumstances appear to warrant, the Board may revoke such license.
- 7.1.1 When considering whether or not to refuse, grant, suspend or revoke a license, the Board will take the following matters into consideration:
- (a) Whether or not the Applicant or Licensee has failed to promptly remedy any reasonable concern with regard to those matters set out in this by-law, or has committed past breaches of this by-law;
 - (b) Whether or not the Applicant or Licensee has failed to comply with any requirement of any other applicable by-law of the Owen Sound Police Services Board, or any Statute or Regulation of the Provincial Legislature or the Parliament of Canada, in upon, or in connection with the licensed activity of the premises, facilities, equipment, vehicles and other property used or kept by him/her in connection with the licensed activity;
 - (c) Whether or not the Applicant or Licensee has any outstanding fines imposed under the Provincial Offences Act, the Municipal Act or the Pawn Brokers Act for the contravention of any provisions of this by-law;
 - (d) Whether or no the Applicant or Licensee or Licensee's tenant has any outstanding business or realty taxes, owing to the City of Owen Sound in respect of the business or premises in question'
 - (e) Whether or not the conduct of the Applicant or Licensee, if a person, or in the case of a corporation, the conduct of its Officers, Directors, Employees or Agents, affords reasonable grounds for belief that the person will not carry on or engage in the business in accordance with the law, or with honesty and integrity.
- 7.2 The Chief of Police or any interested person may apply to the Board to have a license revoked for cause. Cause shall include, but is not restricted to, a breach of this by-law or any relevant statute of Canada or Ontario.
- 7.3 At a meeting of the Board where the suspension or revocation of a license is being considered, the licensee shall be given at least fifteen (15) clear days notice by registered mail to the last known address or place of business or by personal delivery, which notice shall state the date, time and place of the meeting. The

Licensee shall be permitted to appear before the Board with or without a representative and shall be permitted to make representations to the Board.

7.4 In the event of any license issued under this by-law being revoked, the previous holder thereof shall not, without approval from the Board, reapply or apply for another license under this by-law before the lapse of six months from the date of revocation.

8. PENALTIES

8.1 The license of any person convicted of any breach or violation of the provisions, sections or subsections of this by-law may be suspended or revoked by the Board.

8.2 Every person who contravenes this by-law and every Director or Officer of a Corporation who concurs with such contravention by the Corporation is guilty of an offence and upon conviction is liable to a fine not exceeding \$25,000 as set out in section 329(1.1) of the Municipal Act as amended or in the case of a Corporation, \$50,000 provided by section 329(2).

8.3 Any license issued under this by-law may include conditions as a requirement of obtaining, continuing to hold or renewing a license and any breach of any of the conditions may result in prosecution or in the revoking or refusal to renew any license or both.

8.4 Where an owner is convicted of knowingly carrying on a business therein without a license required by this by-law, a court may order that the premises or part of the premises be closed to any use for a period not exceeding two years.

This By-law shall come into full force and effect upon the final passing hereof.

Read a first and second time this day of , 2008.

Read a third and finally passed this day of , 2008.

G. Pierce, Chair

KJ. Calver, Secretary

**SCHEDULE "A" TO BY-LAW 2008-21
APPLICATION FOR A LICENSE OF A SECOND-HAND SHOP, SALVAGE
YARD, SALVAGE SHOP OR A DEALER IN SECOND HAND GOODS**

Business Name
And
Address _____

Name
of/OWNER _____

Mailing Address
Of/Owner _____

Permanent Address
Of/Owner _____

Telephone no. (home) _____ Telephone no.
(bus) _____

Is the business a Salvage Yard _____
Salvage Shop _____
Second Hand Shop _____

Is the business a partner ship? YES _____ NO _____
(If yes, please attach all above information in respect to all partners)

Is the business a Corporation? YES _____ NO _____

Have you or any of your partners been convicted of an offence anywhere? If yes please
specify _____

—

*I understand that my criminal record as well as any personal history, pertinent to this
position may be investigated.*

__Date

Signature of Applicant

__Date

Signature of Chief of Police

SCHEDULE "B" TO BY-LAW 2008-21

Date _____

—

Business
Name _____

Date and time goods were
received _____

Name of person(s) from whom the articles/goods were received.

Full Description of person(s) from whom the articles/goods were received _____

—

Price paid by dealer for merchandise

Full description of goods received _____

Serial numbers (if any). Please describe if serial numbers appear to have been altered or tampered with in any way.

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