

Repealed
The License By-law No. 6551/95 was repealed by By-law No. 91/2008 on April 23, 2008.
Therefore, this amending by-law is deemed to be repealed.

THE CITY OF WINNIPEG

BY-LAW NO. 7266/98

**A By-law of THE CITY OF WINNIPEG to
amend By-law No. 6551/95, being a By-law
to regulate, control and license the carrying
on of certain trades.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. By-law No. 6551/95, being a By-law to regulate, control and license the carrying on of certain trades is amended by this By-law.
2. Subsection 4(4) is amended by adding the following after clause (c):

“(c.1) Where an applicant, as defined in subclause (c)(I)-(iv), has been convicted of an offence relating to the selling of goods under The Hazardous Products Act in the preceding three (3) years, it shall be deemed, subject to the right of appeal as set out in clause (e), that the issuance of any licence to such an applicant is injurious to the public interest.”
3. Section 34 is repealed and the following is substituted:

“34(1) Every pawnbroker shall

 - (a) record every pawn, pledge or purchase:
 - i) by keeping a record book in the form which is attached and marked as Schedule D in which shall be clearly written in ink, at the time of each transaction:
 - an accurate account and description of the goods, articles or things included in the transaction,
 - the serial number or a statement of any distinctive marks on those goods,

- the time of the transaction,
- the rate of interest to be paid on the loan or the terms of the repurchase agreement,
- the name, address and a detailed description of the person the transaction is conducted with,

and no entry made in the book shall be erased, obliterated or defaced and no leaves shall be torn out or removed; or,

ii) by maintaining an electronic record keeping system, such that a separate transaction record containing the following information is created, printed and saved in a retrievable form:

- an accurate account and description of the goods, articles or things included in the transaction,
- the serial number or a statement of any distinctive marks on those goods,
- the time of the transaction,
- the rate of interest to be paid on the loan or the terms of the repurchase agreement,
- the name, address and a detailed description of the person the transaction is conducted with;

(b) undertake a transaction only with a person from whom goods, articles or things are received who provides, at the time of the transaction:

- i) one piece of current photograph identification such as a valid Manitoba Driver's License, a Manitoba Liquor Control Commission Photo Identification Card, or any other comparable item of personal identification containing a photograph, address and signature; or,
- ii) three pieces of non-photograph identification such as a Birth Certificate, Manitoba Health Registration Card, a Provincial Social Assistance or City of Winnipeg Social Assistance Identification Card or Credit Card; or,

- iii) an inked thumb impression along with one piece of non-photograph identification as set out in subclause (ii);

and record the identification provided in the record of transaction referred to in clause (a);

- (c) at the time of each loan or purchase deliver to the person pawning, pledging or selling any goods, articles or things, a memorandum or note to be signed by that person, containing the substance of the entry required to be made under clause (a) and shall make no charge for any such entry, memorandum or note;
- (d) at the time of each loan or purchase:
 - i) make out a report in the form attached and marked Schedule E, a legible and correct copy of the entries in the book referred to in clause (a)(I), which report shall be signed by the pawnbroker and by the person pawning, pledging or selling the goods; or,
 - ii) cause to be printed a copy of the electronic transaction record, which printed copy shall be signed by the pawnbroker and by the person pawning, pledging or selling the goods, and be maintained by the pawnbroker for a period of six months from the date of the transaction;
- (e) in the event a person chooses to provide an inked thumb impressions as identification, register such thumb print on the copy of the transaction record referred to in subclauses (a)(I) or (d)(ii) and maintain that transaction record for a period of at least six months from the date of the transaction;
- (f) at all reasonable times produce all records of transactions and identification as referred to in subclauses (a)(I) or (d)(ii), as well as any article or thing pawned, pledged or purchased for the inspection of any police officer or licence inspector;
- (g) cause to be delivered to, or file electronically with, the Chief of Police before the hour of 12:00 noon every day except Sundays and statutory holidays all such reports, as specified in subclauses (a)(ii) or (d)(I) relating to goods, articles or things received during the 24 hours immediately preceding 10:00 a.m. of the same day. The delivery on any day following a Sunday or holiday shall include reports for the period beginning with 10:00 a.m. on the day on which the last preceding delivery was made;

- (h) immediately after the redemption or repurchase of any article, make an entry in the record of transaction referred to in clause (a), showing the name of the person by whom the article was redeemed or repurchased, his address, physical description and the date of the redemption or repurchase;
 - (i) retain in the premises in which he carries on the trade all goods, articles or things received on pledge or under a repurchase agreement for a period of 15 days after the report required by clause (g) has been delivered.
- (2) Exception:
- (a) Clause (1)(g) shall not apply to any transaction consisting solely of used household furniture, clothing and accessories, sports apparel, books and magazines, sports cards, cassette recordings, records, compact discs, video tapes, and computer games and software, or any combination thereof.
 - (b) All goods, articles or things included in any transaction which is exempted from the reporting requirement under clause 1(g) shall be retained in the premises for at least 15 days after the date the transaction occurred.
- (3) No pawnbroker shall
- (a) carry on his trade before the hour of 8:00 a.m., or after 9:00 p.m., or on any Sunday or statutory holiday;
 - (b) take or receive in pawn or purchase any property, bonds, notes, securities, article or thing produced, presented, owned or claimed by any person under the age of 18 years, or which may be in the possession or under control of a person under the age of 18 years;
 - (c) take or receive in pawn or conduct any transaction in relation to good, article or thing where any serial number or other distinguishing mark of the good, article or thing has been defaced, altered or obliterated in any way;
 - (d) purchase or take any article in pawn from any person appearing to be intoxicated, or from any person whom he knows to have been convicted of theft or a related offence; or

- (e) remove, erase, obliterate, render, obscure or in any way alter any distinctive mark upon any article or thing acquired, purchased, or received by him in the course of his business until the expiration of the retention period specified in clause (1)(I)."

4. Section 36 is repealed and the following is substituted:

"36(1) In this section "dealer" means a precious metals dealer, second hand dealer or an antique buyer.

(2) Every dealer shall:

(a) record every purchase, exchange or other acquisition:

- i) by keeping a record book in the form which is attached and marked as Schedule D in which shall be clearly written in ink, at the time of each transaction:
 - an accurate account and description of the goods, articles or things included in the transaction,
 - the serial number or a statement of any distinctive marks on those goods,
 - the time of the transaction,
 - the price or other consideration paid or given,
 - the name, address and a detailed description of the person the transaction is conducted with,

and no entry made in the book shall be erased, obliterated or defaced and no leaves shall be torn out or removed; or,

- ii) by maintaining an electronic record keeping system, such that a separate transaction record containing the following information is created, printed and saved in a retrievable form:
 - an accurate account and description of the goods, articles or things included in the transaction,

- the serial number or a statement of any distinctive marks on those goods,
 - the time of the transaction,
 - the price or other consideration paid or given,
 - the name, address and a detailed description of the person the transaction is conducted with;
- (b) undertake a transaction only with a person from whom the goods, articles or things are received who provides, at the time of the transaction:
- i) one piece of current photograph identification such as a valid Manitoba Driver's License, a Manitoba Liquor Control Commission Photo Identification Card, or any other item of personal identification containing a photograph, address and signature; or,
 - ii) three pieces of non-photograph identification such as a Birth Certificate, Vehicle Registration Certificate, Manitoba Health Registration Card, a Provincial Social Assistance or City of Winnipeg Social Assistance Identification Card or Credit Card; or,
 - iii) an inked thumb impression along with one piece of non-photograph identification as set out in subclause (ii);
- and record the identification provided in the record of transaction referred to in clause (a);
- (c) give to each article or quantity of articles included in one purchase, a folio number in the record of transaction referred to in clause (a) and attach to and maintain on every such article or quantity of articles a tag bearing the folio number for the period of retention hereinafter provided; said numbers to be consecutive and the same number not to be used twice in the same year;
- (d) at the time of each transaction:
- i) make out a report in the form attached and marked Schedule E, a legible and correct copy of the entries in the book referred to in clause (a)(I), which report shall be signed by the dealer and by the person selling or disposing of the goods; or,

- ii) cause to be printed a copy of the electronic transaction record, which printed copy shall be signed by the dealer and by the person selling or disposing of the goods, and be maintained by the dealer for a period of six months from the date of the transaction;
 - (e) in the event a person chooses to provide an inked thumb impressions as identification, register such thumb print on the copy of the transaction record referred to in subclauses (a)(I) or (d)(ii) and maintain such record for a period of at least six months from the date of the transaction;
 - (f) at all reasonable times produce all records of transactions and identification as referred to in subclauses (a)(I) or (d)(ii), as well as any article or thing pawned, pledged or purchased for the inspection of any police officer or licence inspector;
 - (g) cause to be delivered to, or file electronically with, the Chief of Police before the hour of 12:00 noon every day except Sundays and statutory holidays all such reports, as specified in clause (a)(ii) or (d)(I) relating to goods, articles or things received during the 24 hours immediately preceding 10:00 a.m. of the same day. The delivery on any day following a Sunday or holiday shall include reports for the period beginning with 10:00 a.m. on the day on which the last preceding delivery was made;
 - (h) retain in the premises in which he carries on the trade all goods, articles or things purchased by, deposited or left with him for a period of 15 days after the report required in clause (g) has been delivered;
 - (i) have his name and address of the store, shop or yard occupied by him from time to time as his place of business conspicuously and legibly painted on each side of every vehicle used in such business.
- (3) No dealer shall
- (a) purchase or acquire in the course of his business, whether by barter or otherwise, any goods articles or thing of any kind from any person under the age of 18 years;
 - (b) go from house to house purchasing or collecting precious stones, precious metals or plate;

- (c) purchase or acquire in the course of his business, any goods, articles or thing where any serial number or other distinguishing mark of the good, article or thing has been defaced, altered or obliterated in any way;
 - (d) carry on his trade before the hour of 8:00 a.m., or after 9:00 p.m.;
 - (e) remove, erase, obliterate, render obscure or in any way alter any distinctive mark upon any article or thing acquired, purchased or received by him in the course of his business until the expiration of the retention period specified in clause (2)(h).
- (4) No second hand dealer shall carry on his trade in any residential premises.
- (5) Exceptions:
- (a) Clause (2) shall not apply to any transaction consisting solely of used household furniture, clothing and accessories, sports apparel, books and magazines, sports cards, cassette recordings, records, compact discs, video tapes, and computer games and software, or any combination thereof.
 - (b) Clauses (2)(b), (c) and (d) and clause (3)(e) do not apply with respect to goods purchased at an auction or from any other dealer;
 - (c) Clause (2)(c) does not apply to emergency repair parts for farm machinery and equipment supplied pursuant to Section 8 of The Farm Machinery and Equipment Act.

DONE AND PASSED in Council assembled, this 22nd day of July, 1998.