

**Town of Slave Lake**

**Bylaw #03-2005**

**A Bylaw to regulate Used and Second Hand Goods**

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WHEREAS Council considers it necessary to regulate the business of buying and selling used and second hand goods in the Town of Slave Lake;

NOW THEREFORE the Council of the Town of Slave Lake in open meeting assembled enacts as follows:

1. This Bylaw may be cited as the “Used and Second Hand Goods Regulation Bylaw #03-2005”.

**INTERPRETATION**

2. In this Bylaw:

“Council” means the Council of the Town of Slave Lake;

“Peace Officer” means a member of the Royal Canadian Mounted Police, Special Constable, Bylaw Enforcement Officer;

“RCMP” means the Officer in Charge at the Slave Lake RCMP Detachment and includes their designate;

“Register of Articles or Goods Received “ means the Register referred to in Schedule A of this bylaw

“Second Hand Goods Dealer” includes:

- (a) every person carrying on the trade or business of purchasing or selling any secondhand goods, wares or merchandise, or who keeps a store, shop or other place of business for the purpose of carrying on such trade or business, or
- (b) every person who, while licensed or required to obtain a license for any business, occupation or calling other than businesses referred to in this bylaw, purchases or stores, either as principal or agent, any secondhand goods, wares or merchandise, or
- (c) Every person who carries on the business of taking goods or chattels in pawn.

“Town” means the Town of Slave Lake

“Transaction” means any process by which second hand goods come into the possession of a Second Hand Goods Dealer; and,

“Transaction Report” means a report of transactions submitted to the RCMP in the form specified in this Bylaw.

### **REQUIRED TO RETAIN ITEM**

3. Every Second Hand Goods Dealer shall retain any article or thing purchased or otherwise acquired by way of a transaction, and shall not alter, sell, exchange or otherwise dispose of the article or thing, until 10 days has passed since the transaction date.

### **INSPECTION**

4. Every Peace Officer and Bylaw Enforcement officer is authorized to enter and inspect, at all reasonable times, any place, premises, article or thing associated with the carrying on of the business of dealing in second hand goods.
5. Every Second Hand Goods Dealer shall, at all reasonable times, permit any Peace Officer or Bylaw Enforcement Officer to inspect any place, premises, article or thing associated with the carrying on of their business.

### **TRANSACTION RECORD**

6. Every Second Hand Goods Dealer shall establish and maintain a transaction record in the English language of every article or thing which has come into the dealer’s possession by way of a transaction, and the information shall be recorded at the time of the transaction involving the article or thing, and the transaction record shall contain:
  - (1) a correct account and description of the article or thing purchased or otherwise received, including the serial number, model number or any other descriptive mark or name on the article or thing;
  - (2) the date and time of the transaction; and
  - (3) the name, street address, telephone number, brief physical description, date of birth, confirmation of identity by way of picture identification, and signature of the person from whom the article or thing was purchased or otherwise received.
7. Every Second Hand Goods Dealer must retain all transaction records for a period of not less than two (2) years from the date of the transaction, and such transaction records must be retained regardless of any change in the ownership of the Second Hand Goods Dealer’s business.

## **TRANSACTION REPORT**

**8.** Every Second Hand Goods Dealer shall:

- (1) Manually record a Transaction Report in the form specified in Schedules "A" of this bylaw;
- (2) Provide in written or electronic form for the RCMP, a Transaction Report every 72 hours, consisting of a written or electronic record of all transactions involving the Second Hand Goods Dealer prior to selling those goods;
- (3) print and preserve, before the close of each business day, a hard copy of all written or electronic transaction information recorded during the course of each business day; and,
- (4) Employ alternative methods, including handwritten records, facsimile transmissions or other means to maintain a continuous record of transactions and to ensure that all transactions are reported to the RCMP, if at any time or for any reason, the Second Hand Goods Dealer is unable to record transactions electronically or transmit Transaction Reports electronically.
- (5) Keep on the premises where the business or trade is licensed to carry on, any register that contains an entry that is less than 12 months old.

## **REGULATIONS**

**9.** No Second Hand Goods Dealer shall:

- (1) delete, erase, obliterate or remove, or allow or permit to be deleted, erased, obliterated or removed, any entry made in the transaction record as set out in Section 7 of this bylaw;
- (2) engage in a transaction involving any article or thing if the serial number or other similar mark identifying the article or thing has been altered, erased, obliterated or removed; or
- (3) engage in a transaction involving any article or thing with any person under the age of 18 years.
- (4) receive any articles, goods, or things from any person who fails to supply him with the identification required in Section 6 of this bylaw.

## **EXEMPTION**

**10.** (a) This Bylaw shall not apply to:

- (1) a person who is licensed by the Province of Alberta to deal in used motor vehicles;
- (2) a person who only purchases, sells or collects bottles, cans, plastics, glass, cardboard, paper or other recyclable materials for the sole purpose of recycling;
- (3) a thrift store or charity store which receives used goods by donation; or
- (4) transactions involving new merchandise received from a licensed manufacturer, wholesaler or distributor and invoiced to the dealer.

(b) This Bylaw shall also not apply to any of the following goods:

- (1) books, magazines, comic books or other similar publications;

- (2) furniture;
- (3) rugs or carpets;
- (4) clothing;
- (5) sports trading cards;
- (6) building supplies such as windows, doors, flooring, fixtures or other similar items;
- (7) auto parts other than stereo systems;
- (8) antiques;
- (9) household goods such as cutlery, dishes, glassware, lamps or other similar items;
- (10) large electrical appliances such as refrigerators, freezers, stoves, washing machines, clothes dryers, dishwashers or other similar items; or
- (11) any other good declared exempt by the Town Manager.

## **OFFENCE**

- 11. Any person who refuses to allow any Peace Officer or Bylaw Enforcement Officer to inspect such place, premises or thing associated with the carrying on of a business regulated by this bylaw shall be guilty of an infraction of this bylaw.
- 12. Any person who violates any provision of this bylaw, or who allows or permits any act or thing to be done in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this bylaw, is guilty of an offence against this bylaw and each day that a violation continues to exist is deemed to be a separate offence against the bylaw.

## **PENALTY**

- 13.
  - (1) A penalty of Five Hundred (\$500.00) Dollars shall be levied against and paid by any person who commits an offence contrary to the provisions of this Bylaw.
  - (2) A penalty of One Thousand (\$1000.00) Dollars shall be levied against and paid by any person who commits for a second time an offence contrary to the provisions of this Bylaw.
  - (3) Any person who commits an offence contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not more than \$10,000.00 in addition to the costs of the prosecution.

## **SEVERABILITY**

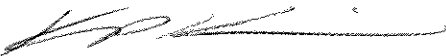
- 14. If any portion of this Bylaw is held invalid by a Court of competent jurisdiction, such invalidity shall not affect the remaining portions of the bylaw.

READ A FIRST TIME THIS 15 DAY OF MARCH 2005, A.D.

  
MAYOR


  
CHIEF ADMINISTRATIVE OFFICER

READ A SECOND TIME THIS 19 DAY OF APRIL 2005, A.D.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

READ A THIRD TIME THIS 17 DAY OF MAY 2005, A.D.

  
MAYOR  
/mm

  
CHIEF ADMINISTRATIVE OFFICER

This is Schedule "A" referred to in "Town of Slave Lake Bylaw #03-2005".

### SCHEDULE "A"

## SECONDHAND DEALERS AND PAWNBROKERS BYLAW REGISTER OF ARTICLES OR GOODS RECEIVED

THIS REGISTER must be completed accurately and must be delivered to the Slave Lake RCMP within the specified time period as stipulated in Section (8) of this bylaw.

Register of all articles or goods purchased or received on \_\_\_\_\_.

Name: _____ Address: _____ Ph: _____			
DOB _____ ID# _____		Expiration: _____	
SELLER'S SIGNATURE _____			
Transaction No.	DESCRIPTION	Serial #/Model	TIME Received
			RECEIVED By:

Name: _____ Address: _____ Ph: _____			
DOB _____ ID# _____		Expiration: _____	
SELLER'S SIGNATURE _____			
Transaction No.	DESCRIPTION	Serial #/Model	TIME Received
			RECEIVED By: