

TOWN OF CARMAN

BY-LAW NO. 96/1786

**BEING a by-law of the Town of Carman
to regulate the operation of pawnbrokers.**

WHEREAS section 117 of The Municipal Act, R.S.M. 1988, C. M225, states as follows:

"The council of any municipality may pass by-laws,

- (a) for licensing and regulating pawnbrokers,*
- (b) for prescribing the method of making entries pawnbrokers' transactions in proper books, the giving off tickets or receipts for goods pawned;*
- (c) for the inspection of the books and goods of pawnbrokers; and*
- (d) for the making of reports of all transactions by pawn or purchase to the head of the municipality or police.", and*

WHEREAS the council of the Town of Carman deems it necessary to license and regulate the operation of pawnbrokers, now

THEREFORE BE IT AND IT IS HEREBY ENACTED as a by-law of the Town of Carman, in Council duly assembled, as follows:

- (1) Every pawnbroker shall
 - (a) Have a sign with his/her name and the word "pawnbroker" in large legible characters thereon placed over the door outside the shop or other place used by him/her for carrying on the business.
 - (b) At all times keep posted in a conspicuous position on his premises so as to be easily seen and read by persons pledging goods, on card or sign having printed or painted thereon the following information:
 - (i) the rate of profit allowed by the statutes of Canada to be taken by pawnbrokers;
 - (ii) the amount which the pawnbroker is entitled to charge for notes which he is required to furnish under the provisions' of this by-law to a person pledging goods.
 - (c) Keep a book in which shall be clearly written in ink, at the time of each loan or purchase an accurate account and description of the goods, articles or things so pawned, pledged or purchased, a statement of any distinctive marks thereon, 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 minute personal description of the person pawning, pledging or selling the goods, articles or things. No entry made in the book shall be erased, obliterated or defaced and no leaves shall be torn out.
 - (d) At the time of taking any pawn or pledge every pawnbroker shall deliver to the person pledging articles or goods, a written or printed note containing:

- (i) the number of the entry made in the book in respect thereof;*
- (ii) the day and month of the year in which the pledge was taken;*
- (iii) the name and address of the person pledging;*
- (iv) the description of the goods or articles pledged;*
- (v) the amount of money advanced thereon;*
- (vi) the name and address of the pawnbroker.*

and the pawnbroker shall not receive or retain any goods or articles as pledges or pawns unless the person pledging them accepts the note.

- (e) At the time of taking any pawn or pledge every pawnbroker shall obtain from the person from whom the goods, article or thing is received one valid piece of the following personal identification: *Driver's Licence; Vehicle Registration Certificate; Health Service Registration Certificate; Social Assistance Identification Card; any other item of personal identification containing a photograph, address and signature* and record the details of such identification in the book referred to in clause (c).
- (f) The pawnbroker shall be entitled to charge for the note required by this section to be delivered by him to the person pledging goods or articles, which schedule of charges shall be printed in large legible type on the back of each note given to a customer by a pawnbroker. Every pawnbroker shall securely attach the goods or articles pledged; a duplicate of the note given to the person pledging the goods or articles in the event of such goods being redeemed, shall write or endorse on the duplicate note a true statement of the profit taken by him and shall keep such duplicate note in his custody for one year following the date on which the goods were redeemed.
- (g) All goods, books, accounts, entries and notes of all goods pawned shall at all times be open to the inspection of the Detachment Commander of the R.C.M.P. or the Licence Inspector or his assistant or his assistant or any member of the R.C.M.P.
- (h) No pawnbroker shall solely because of the non-production of the note, refuse to deliver pledged goods or articles to the person entitled thereto upon payment of the amount lawfully owing thereon if the Detachment Commander certifies that the loss of the note has been proved to his satisfaction.
- (i) Every pawnbroker shall keep a book recording particulars of all sales at auction of unredeemed goods as follows:
 - (i) number of the pledge;*
 - (ii) date of the pledge;*
 - (iii) name of person pledging;*
 - (iv) date of sale;*
 - (v) money received in respect of each pledge;*
 - (vi) name and address of auctioneer.*

(j) No pledged goods shall be forfeited or sold until the expiration of thirty days from the date such goods were pledged, exclusive of the day of pledging but, this section shall not be deemed to authorize a sale or forfeiture *if*;

(i) the parties have agreed upon a longer period for holding the goods;

(ii) such sale or forfeiture would be in any other way contrary to the law.

(k) Every pawnbroker shall permit the person who pawned the goods or the person for whom they were pawned or either person's legal representative or agent to inspect the record of sale of goods by auction on payment of twenty-five cents for each inspection.

(2) No pawnbroker shall

(a) Receive on deposit or pledge any goods, article or thing before the hour of eight o'clock a.m. or after nine carry on his/her trade on any Sunday or statutory holiday.

(b) Take or receive in pawn or pledge for money loaned, any property, bonds, notes, securities, article or thing produced or presented by any person under the age of 18 years, or the ownership of which is in or which is claimed by such person or which may be in the possession or under control of such a person.

(c) Employ any person under the age of 18 years.

(d) Take any article in pawn from any person who appears to be under the influence of alcohol or drugs, or from any person whom he/she knows to have been convicted of theft or a related offence.

(e) Carry on the trade of auctioneer.

(f) Take any bicycle on which the manufacturer's serial number has been defaced or which does not have a manufacturer's serial number.

DONE AND PASSED, in regular session of Council, this 18th day of July, A.D. 1996.

MAYOR

MUNICIPAL ADMINISTRATOR