

## THE TOWN OF EAST GWILLIMBURY

### BY-LAW NO. 2002- 45

#### BEING A BY-LAW respecting the licensing, regulating and inspecting of retailers of second hand goods.

**WHEREAS** Part XVII.1 of the Municipal Act, R.S.O. 1990 c.M.45 ("the Act" as amended) authorizes Council to enact By-Laws for licensing, regulating and governing local businesses;

**AND WHEREAS** the Pawnbrokers Act, R.S.O. 1990 c.P.6 (as amended) authorizes Council to enact By-Laws to license the business of pawnbrokers;

**AND WHEREAS** the Council of the Town of East Gwillimbury wishes to enact the measures herein in order to provide a mechanism to ensure the ownership of second hand goods provided to retailers of such goods in the Town;

**NOW THEREFORE** the Council of the Corporation of the Town of East Gwillimbury **ENACT AS FOLLOWS:**

1. In this By-Law:
  - (a) "Council" means the Council of the Corporation of the Town of East Gwillimbury;
  - (b) "Garage Sale" means a sale of goods from a residential premises where the sale lasts no longer than three (3) days, the sale from that premises occurs no more than three (3) times per year and the Second Hand Vendor is either the user of the goods sold, or is one of not more than three (3) households conducting a sale of goods used by the members of those households or is a tenant or condominium association relating to a residential building;
  - (c) "Licence" means an authorization under this By-Law to carry on the trade, calling, business or occupation specified therein;
  - (d) "Licensing Officer" means a person appointed by the Town to issue licenses;
  - (e) "Pawnbroker" means a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon and "Pawnbroker" includes a person who offers a buy-back service in relation to such articles;
  - (f) "Person" includes a natural individual, and their heirs, executors, administrators or other legal representatives, a corporation, partnership or other form of business association or a receiver or mortgagee in possession;
  - (g) "Premises" means any place that is used by a Pawnbroker or a Second Hand Vendor to carry on the business of a pawnbroker or a second hand vendor, and includes any areas where such goods are stored and any area where records relating to such business are stored and "premises" includes any booth or stall used by a Second Hand Vendor for the sale of second hand goods;
  - (h) "Provincial Offences Officer" means a person appointed by by-law of the Corporation of the Town of East Gwillimbury as a Provincial Offences Officer pursuant to the authority under s. 15 of the Police Services Act, R.S.O. 1990, c. P. 15 or designated in writing by the Minister under Section 1 (3) of the Provincial Offences Act, R.S.O. 1990 c. P. 33 as a Provincial Offences Officer and this includes a By-Law Officer, Police Officer and a Peace Officer;
  - (i) "Salvage Yard" means a yard or premises in which bicycles, automobile tires, old metal and other scrap material and salvage is received,

purchased, taken in, processed or otherwise dealt with and includes an automobile wrecking yard or premise;

- (j) "Second Hand Goods" means any article that has been used for the purpose for which it was designed and which is offered to or taken by a Pawnbroker or a Second Hand Vendor for resale, including antiques;
- (k) "Second Hand Vendor" means a person who carries on the business of selling goods by way of retail that have previously been used for the purpose for which such goods were designed and "Second Hand Vendor" includes any person who travels from place to place to sell second hand goods;
- (l) "Seller" means a person who sells or who offers to sell any second hand goods to a Pawnbroker or a Second Hand Vendor;
- (m) "Town" means the Corporation of the Town of East Gwillimbury in the Regional Municipality of York.

### **PROHIBITION**

- 2.1 No person may be a Pawnbroker or Second Hand Vendor in the Town without making application for, obtaining and maintaining, pursuant to the terms of this By-Law, a license authorizing him/her to carry on such trade, calling, business or occupation in respect of the premises authorized on such licence.
- 2.2 The provisions of this By-Law, which require a licence, are not applicable to employees of a Pawnbroker or a Second Hand Vendor provided their employer is licensed pursuant to this By-Law.
- 2.3 The provisions of this By-Law are not applicable to Second Hand Vendors who are engaged in the sale of goods for charitable or community purposes, who are engaged in the sale of goods as part of a garage sale, whose second hand goods consist primarily of used books, maternity wear or infant's accessories, whose second hand goods consist of used automobiles or whose second hand goods consist of articles purchased new and rented out in the normal course of business by the Second Hand Vendor.
- 2.4 The provisions of this By-Law are not applicable to Second Hand Vendors whose sale of goods is conducted by auction.

### **GENERAL REGULATIONS**

- 3.1 No person may be a Pawnbroker or a Second Hand Vendor or operate a premises except in accordance with the following regulations:
  - (a) No person may receive second hand goods from any person who is under the age of eighteen (18) years or from any person who appears to be under the influence of alcohol or illegal drugs.
  - (b) No person may receive second hand goods from any person on a "holiday" as defined in the Interpretation Act, R.S.O. 1990, c.1.11 or between the hours of 9:00 p.m. on one evening and 9:00 a.m. on the following day. For the purposes of this By-Law "holiday" shall not include Sunday.
  - (c) No Pawnbroker or Second Hand Vendor may permit any employee to work at a premise without first instructing such employee in the regulations of this By-Law and ensuring that such employee complies with these regulations. Every Pawnbroker and Second Hand Vendor shall be responsible for the acts or omissions of its employees in the carrying on of the sale of second hand goods and the business conducted from the premise in the same manner and to the same extent as though such acts or omissions were the acts or omissions of the Pawnbroker or Second Hand Vendor.

such acts or omissions were the acts or omissions of the Pawnbroker or Second Hand Vendor.

- (d) Every Pawnbroker and every Second Hand Vendor shall keep their issued and valid licence in respect of this By-Law posted in a conspicuous place in the premises and in a manner satisfactory to the Licensing Officer, at all times during the currency of the license.
- (e) No Pawnbroker or Second Hand Vendor may engage any employee for the purpose of acquiring or selling second hand goods without first providing a Licensing Officer with a police clearance letter relating to that employee and every Pawnbroker and Second Hand Vendor shall keep a record of all persons employed by them for the purpose of acquiring or selling second hand goods.
- (f) In circumstances where a seller refuses to provide identification as required in this By-Law, or where identifying features of the second hand goods presented by a seller have been removed or obliterated, or in other circumstances, which might lead to the inference that the second hand goods have been stolen, the Pawnbroker or Second Hand Vendor shall not purchase such goods, shall attempt to ascertain the identity of the seller and shall contact the nearest Police Station as soon as is practicable to report such circumstances.

### **SELLER IDENTIFICATION REQUIREMENTS**

- 4.1 No Pawnbroker or Second Hand Vendor may receive any second hand goods without first obtaining identification as required in this By-Law.
- 4.2 For the purpose of identifying the seller, the Pawnbroker or Second Hand Vendor must be presented by the seller with at least two (2) pieces of identification and at least one piece of identification must be listed below and must be integrated with a photograph of the seller:
  - (a) A valid drivers license
  - (b) A passport issued by the government of origin
  - (c) A "Bring Your Identification Card" issued by the Alcohol & Gaming Control Commission
  - (d) A Certificate of Indian Status issued by the Government of Canada
  - (e) A Certificate of Canadian Citizenship issued by the Government of Canada
  - (f) A Conditions Release Card issued by Correctional Services of Canada
- 4.3 Where second hand goods are obtained by a Pawnbroker or a Second Hand Vendor from a garage sale, the recipient shall record the address of the garage sale.
- 4.4 Where second hand goods are obtained by a Pawnbroker or a Second Hand Vendor from an auction, the recipient shall record the name and address of the auctioneer and, where such information is available, the name and address of the former owner of the goods being auctioned.

### **TRANSACTION RECORDS**

- 5.1 No Pawnbroker or Second Hand Vendor may receive any second hand goods without maintaining a record of the following information:
  - (a) The day, month, year and time of the transaction
  - (b) The full name, sex, date of birth, address and approximate height and weight of the seller

- (c) The full particulars of both pieces of the seller's identification required to be presented pursuant to this By-Law
  - (d) A detailed description of each second hand good that is reasonably sufficient to identify it, including make, model, serial numbers, markings or other identifying features as applicable
  - (e) The name of the employees who conducted the transaction
- 5.2 In circumstances where the second hand goods consist of a number of related or similar materials in the nature of a collection, the Pawnbroker or Second Hand Vendor shall record the exact number of articles received and any identifying features of such goods. In circumstances where more than ten (10) such related or similar goods are received, the exact number of articles received shall be recorded and the identifying features of the ten (10) most valuable articles in the collection shall be recorded.
- 5.3 Where more than twenty (20) second hand goods are purchased by a Second Hand Vendor from any person as part of a single transaction, which second hand goods do not consist of a number or collection of related or similar materials, notwithstanding the provisions of section 5.1(d) a Second Hand Vendor shall not be required to record a detailed description of each second hand good for which was paid less than ten (\$10.00) dollars and shall not be required to record a detailed description of each second hand good that is offered by the Second Hand Vendor for re-sale at less than thirty (\$30.00) dollars.
- 5.4 In circumstances where a system is in place with the York Region Police Department for the automated recording of transactions in second hand goods and where the annual number of transactions in second hand goods occurring at any premises exceeds 500, which transactions shall include acquisitions or dispositions of such goods, the Licensing Officer shall require a licensee to subscribe to and pay all costs associated with maintaining an automated recording of such transactions in a manner in which communicates with the systems maintained by the York Regional Police Department.

#### **INSPECTION OF PREMISES AND RETENTION OF SECOND HAND GOODS**

- 6.1 No Pawnbroker or Second Hand Vendor may sell, exchange alter, melt or otherwise dispose of any second hand good within the earlier of thirty (30) days from the date of obtaining possession thereof or thirty (30) days after providing an automated transaction record relating to such second hand good as required in this By-Law and, during this period, such goods shall be kept in the premise used by the Pawnbroker or Second Hand Vendor for the sale of second hand goods and shall be separate from and not commingled with other second hand goods in the same premise.
- 6.2 Every Pawnbroker and every Second Hand Vendor shall during the regular operating hours of the premise and at all times when second hand goods are provided therein make available for inspection by the Licensing Officer, a By-Law Officer or a Peace Officer, the original of any document or record referred to in this By-Law and shall provide a photocopy thereof upon request.
- 6.3 Every Pawnbroker or Second Hand Vendor shall, at all times during the regular operating hours of the premises and at all times when second hand goods are provided therein, permit the entry by and the inspection of the premises and of the second hand goods of the Pawnbroker or the Second Hand Vendor by the Licensing Officer, a By-Law Officer or a Peace Officer, together with such other persons who may be necessary to identify potentially stolen second hand goods.
- 6.4 In circumstances where a Peace Officer suspects that specified second hand goods were stolen, the Peace Officer shall be entitled, upon providing a receipt thereof, to remove such second hand goods for the purpose of criminal investigation, provided such second hand goods are either returned in sixty (60) days or further retained by means of a court order.
- 6.5 No person may obstruct or hinder the entry or the inspection of the premises by the Licensing Officer, a By-Law Officer or a Peace Officer.

- 6.6 Notwithstanding Section 6.1 where a Second Hand Vendor whose premises does not exceed 500 transactions, including all acquisitions or disposition of goods, chooses to subscribe to and pay all costs associated with maintaining an automated recording of such transactions in a manner which communicates with the system maintained by the York Region Police Department, said Second Hand Vendor will be prohibited from selling, exchanging, altering, melting or otherwise disposing of any Second Hand Good within twenty-one (21) days after providing an automated transaction record relating to such Second Hand Goods. During this period such goods shall be kept in the Premise used by the Pawnbroker or Second Hand Vendor for the sale of Second Hand Goods and shall be separate from and not commingled with other Second Hand Goods in the same premises.

### **NATURE OF LICENCE**

- 7.1 No person shall enjoy a vested right in the continuance of a license and the value of a license shall be the property of the Town and shall remain so irrespective of the issue, renewal or revocation thereof.
- 7.2 No person licensed to carry on any trade, calling, business or occupation pursuant to this By-Law shall advertise or promote or carry on such trade, calling, business or occupation under any name other than the name endorsed upon the license.
- 7.3 The licence required by this By-Law shall, unless they are expressed to be for a shorter or longer time, be for the period up to and including the 31<sup>st</sup> day of December in the year of issuance, unless they are sooner forfeited or revoked.
- 7.4 No licence shall be transferred or assigned if a person licensed under this By-Law, sells, leases or otherwise disposes of his interest in the trade, calling, business or occupation, his license shall, notwithstanding any provision of this By-Law, be revoked.
- 7.5 Every licence shall have endorsed thereon the location of a premise and such endorsement shall be for one location only and such license shall be valid only for the location endorsed thereon.
- 7.6 Licenses issued pursuant to this By-Law may authorize a licensee to deal in one class only of second hand goods or in one class of second hand goods as is specified in the license.

### **APPLICATION, RENEWAL AND REVOCATION OF LICENCE**

- 8.1 Every applicant shall appear in person before a Licensing Officer and shall complete such license application forms as may be provided from time to time by the Licensing Officer in accordance with the requirements of this By-Law and shall provide all information requested thereon. In the case of a premise operated by a partnership such appearance shall be made by one of the partners, provided the application shall be signed by all of the partners and in the case of a premise operated by a corporation, such appearance shall be made by an officer and not by an agent thereof.
- 8.2 Every applicant for a license, where such applicant is a natural individual shall provide two (2) passport size photographs, which must be taken within thirty (30) days of the license application. Where the applicant is a corporation, such photograph shall be taken of an officer of the corporation. Where the applicant is a partnership, such photograph shall be taken of one of the partners.
- 8.3 At the time of submission of their application, every applicant shall pay to the Town the fee set forth in Schedule "A" provided such fee shall not be reduced in the event that the period for which the license is granted is less than one year. Fifty (50) percent of such fee is refundable in the event that an application is not accepted for licensing.
- 8.4 Receipt of the application and/or the licence fee by the Town shall not represent approval of the application for the issuance of a licence nor shall it obligate the Town to issue such licence.

- 8.5 Without limiting the generality of any other provision in this By-Law, persons associated in a partnership applying for a licence under this By-Law shall file with their application a statutory declaration, in writing, signed by all members of the partnership, which declaration shall state:
- (a) the full name of every partner and the address of his/her ordinary residence,
  - (b) the name or names under which they carry on or intend to carry on business,
  - (c) that the persons therein named are the only members of the partnership,
  - (d) the mailing address for the partnership.
- 8.6 If any member of a partnership applying for a licence is a corporation, such corporation shall be deemed to be applying for an operator's licence in place and stead of the partnership.
- 8.7 Without limiting the generality of any other provision in this By-Law, every corporation applying for a license shall file with the Licensing Officer, at the time of making its application, a copy of its articles of incorporation or other incorporating documents and shall file a statutory declaration, in writing signed by an officer of the corporation, which declaration shall state:
- (a) the full name of every shareholder and the address of his ordinary residence,
  - (b) the name or names under which it carries on or intends to carry on business,
  - (c) that the person therein named are the only shareholders of the corporation,
  - (d) the mailing address for the corporation.
- 8.8 Every person applying for a licence shall file with the Licensing Officer, documentation satisfactory to the Licensing Officer demonstrating the applicant's right to possess or occupy the premises and if any applicant is not the registered owner of the property upon which the premise is to be located, such person shall file with the Licensing Officer a copy of his lease, if any, and a copy of any other document constituting or affecting the legal relationship relating to the said lands or premises between said applicant and the registered owner or owner in fee simple of the said real property.
- 8.9 The Licensing Officer shall:
- (a) receive and process all applications for licenses and renewal of licenses to be issued under this By-Law,
  - (b) co-ordinate the enforcement of this By-Law,
  - (c) generally perform all the administrative functions conferred,
  - (d) make or cause to be made a circulation respecting the application which shall include circulation of license application to the Medical Officer of Health and Municipal and Provincial Police Departments for comments,
  - (e) make or cause to be made all investigations and inspections which he deems necessary to determine whether an applicant meets the requirements of this By-Law and all applicable laws,
  - (f) issue licenses to persons who meet the requirements of this By-Law and suspend licenses pursuant to the provisions of this By-Law,
  - (g) where a licence has been issued pursuant to this By-Law and otherwise remains in full force and effect, renew the license of persons who meet the requirements of this By-Law.

- 8.10 Notwithstanding the forgoing section, upon review of a licence application, including an application for renewal, the Licensing Officer shall prepare a report and seek Council's direction with respect to the issuance or renewal of a license where:
- (a) the past or current conduct of the applicant or licence holder affords reasonable grounds for belief that he is not carrying or will not carry on the trade, calling, business or occupation in accordance with law and with integrity and honesty, or
  - (b) there are reasonable grounds for belief that the carrying on of the trade, calling, business or occupation by the applicant or licence holder has or will result in a breach of this By-Law or any other applicable law, or
  - (c) the applicant or licence holder is a corporation or a partnership and its conduct or the conduct of its office, directors, employees, agents or partners affords reasonable grounds for belief that its trade, calling, business or occupation has or will not be carried on in accordance with the law and with integrity and honesty, or
  - (d) there are reasonable grounds for belief that the premises, accommodations, equipment or facilities in respect of which the licence is required do not comply with the provisions of this By-Law or any other applicable law, or
  - (e) the conduct of the applicant or licence holder or other related circumstances afford reasonable grounds for the belief that the carrying on by the applicant of the trade, calling, business or occupation in respect of the premises for which the licence is sought would infringe the rights, or endanger the health or safety of other members of the public.
- 8.11 When an application for licence is made in accordance with the provisions of this By-Law and the applicant meets all the requirements of this By-Law or where the Licensing Officer has been so authorized by Council in response to a report in this regard, the Licensing Officer shall issue a license certificate which shall set out the expiry date of the license in accordance with this By-Law and the applicant shall hereby be licensed.
- 8.12 The Licensing Officer may suspend a license where there is reason to believe that a breach of this By-Law has occurred for any of the reasons that would form the basis of a report to seek Council's direction with respect to the issuance or renewal of a license. Such suspension shall take effect upon service of written notice thereof to the licensee and the licence shall remain suspended for no more than fifteen (15) days from the date of service of this notice. In order to continue this suspension beyond the fifteen (15) day period or to revoke the license, the Licensing Officer must prepare a report and receive Council's direction in this regard. Where any license is suspended, it shall not be reinstated until the Licensing Officer is able to confirm that the conditions leading to the suspension have been remedied.
- 8.13 At any meeting of Council called in relation to consider the issuance, renewal, suspension or revocation of a licence:
- (a) the applicant shall be accorded its rights pursuant to the Statutory Powers Procedures Act including the right to appear and speak to the matter,
  - (b) where the applicant has been provided with notice of the meeting and does not attend, Council may proceed with the meeting in the absence of the applicant, and
  - (c) where Council concludes that grounds exist upon which a licence may be refused, suspended or revoked, Council may in lieu thereof issue a probationary licence for a period of one year or without a term of probation, subject to such conditions as Council may impose and are in accordance with law.

- 8.14 Any licence that has not been renewed as of December 31<sup>st</sup> in the year of its issuance or renewal shall expire on January 1<sup>st</sup> in the year following its issuance or renewal.

### **CHANGE OF STATUS**

- 9.1 Where there is any change in any of the particulars relating to a person licensed under this By-Law, which particulars are required to be filed with the Town on applying for a license under this By-Law, such person shall report the change to the Licensing Officer within seven (7) days of the change.
- 9.2 Where there is to be a change in the composition or the controlling interest of a partnership licensed under this By-Law, the persons licensed hereunder in partnership shall obtain the approval of the Licensing Officer to such change prior thereto. Where there has been any change in the controlling interest of the partnership, either by one transaction or a number thereof, the licence may be revoked despite the Licensing Officer's prior approval of any one or more such transactions.
- 9.3 Where there is to be a change in the composition or the controlling interest of the shareholders of a corporation licensed under this By-Law, the corporation shall obtain the approval of the Licensing Officer to such change prior thereto, failing which the license may be revoked. Where there has been any change in the controlling interest of the corporation, either by one transaction or a number thereof, the licence may be revoked, despite the Licensing Officer's prior approval of any one or more such transactions.

### **OFFENCE, PENALTY AND ENFORCEMENT**

- 10.1 Any person who contravenes the provisions of this By-Law is guilty of an offence and, upon conviction is liable to the maximum penalty applicable pursuant to the provisions of the Provincial Offences Act (as amended).
- 10.2 The making of a false or intentionally misleading recital of fact, statement or representation in any agreement, statutory declaration or application form required by this By-Law shall be deemed to be in violation of the provisions of this By-Law.
- 10.3 Every person shall comply with the provisions of this By-Law whether or not licensed under this By-Law.
- 10.4 This By-Law may be enforced by the Licensing Officer, a By-Law Enforcement Officer for the Town or a Peace Officer.

### **MISCELLANEOUS**

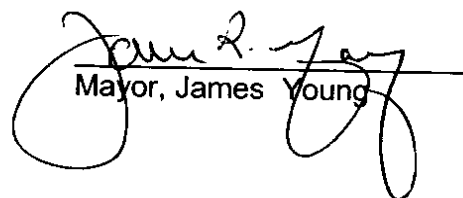
- 11.1 The provisions of this By-Law shall apply to all lands and premises within the Town of East Gwillimbury.
- 11.2 Should any section of this By-Law be declared invalid by a court of competent jurisdiction, such section shall be construed as being severed here from and the remainder of the By-Law shall continue in full force and effect.
- 11.3 All Schedules referred to in this By-Law and attached to this By-Law are deemed to be part of the By-Law.
- 11.4 Wherever notice or materials are required to be served upon or provided to any person pursuant to this By-Law, such provisions shall be deemed effective upon mailing of such materials by registered mail to the last address of that person as indicated upon license or other material filed with the Town or to the last assessed business address for the person indicated upon the Taxation Roll Records.



11.5 This By-Law shall come into force and effect upon the third reading thereof.

11.6 The short title of this By-Law shall be the "Second Hand Goods By-Law".

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 21st DAY OF MAY  
, 2002.**

  
Mayor, James Young

  
Clerk, Stephen McDonald

**SCHEDULE "A" TO BY-LAW # \_\_\_\_\_**

Annual Fee for License

\$150.00

SCHEDULE "B"  
TO BY-LAW NUMBER 2002-

APPLICATION FOR A PAWNBROKER/SECOND HAND VENDOR LICENCE

NAME OF BUSINESS: \_\_\_\_\_

MAILING ADDRESS OF BUSINESS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

IS BUSINESS OPERATED BY A PARTNERSHIP: Yes \_\_\_ or No \_\_\_

IS BUSINESS OPERATED BY A CORPORATION: Yes \_\_\_ or No \_\_\_

NAME OF APPLICANT: \_\_\_\_\_  
(Applicant must be the owner, a partner of the business or an officer of the corporation – application cannot be completed by an agent)

FULL NAME AND ADDRESS OF OWNER: \_\_\_\_\_  
(Including full name of every partner or the full name of every shareholder where applicable)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TELEPHONE # OF BUSINESS: \_\_\_\_\_

IS APPLICANT THE OWNER OF THE PREMISES? Yes \_\_\_\_\_ or No \_\_\_\_\_

IF NO, APPLICANT MUST SUPPLY COPY OF LEASE OR OTHER SIMILAR DOCUMENTATION.

TYPE OF SECOND HAND GOODS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Should this application be approved the Corporation of the Town of East Gwillimbury and the appropriate licence subsequently issued, I do hereby agree to comply with the provisions of the Town's Second Hand Goods Licensing by-law and all of its amendments. Any false statements made on this application shall result in revocation of said licence.

I, \_\_\_\_\_ of the Town/City of \_\_\_\_\_

in the Region of \_\_\_\_\_

DO SOLEMNLY DELCARE THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

Personal information contained in this form is collected under the authority of By-law NO. 2002- and will be used to determine eligibility for a licence. Questions about this collection should be directed to: Clerk, Town of East Gwillimbury  
19,000 Leslie Street  
Sharon, Ontario  
L0G 1V0  
(905) 478-4282

FOR OFFICE USE ONLY:

Does applicant also hold a valid Town license as an owner of a Salvage Yard?

Yes \_\_\_\_\_ or No \_\_\_\_\_

Has applicant provided two (2) passport size photographs, which are dated to within 30 days of the date of the application?

Has the applicant provided a police clearance letter for al employees engaged in the purpose of acquiring or selling second had goods?

\_\_\_\_\_

**BY-LAW 2002-**

**TOWN OF EAST GWILLIMBURY**

**TITLE: PROVIDE FOR LICENSING, REGULATING AND INSPECTING OF RETAILERS OF SECOND-HAND GOODS**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (INCLUDES COSTS)
1.	Operate Second Hand Goods Shop without License	Section 2.1	\$500.00
2.	Receive Second Hand Goods from a person under the age of 18	Section 3.1 (a)	\$155.00
3.	Receive Second Hand Goods from a person appearing to be under the influence of Alcohol or Drugs.	Section 3.1 (a)	\$155.00
4.	Receive Second Hand Goods outside the prescribed hours	Section 3.1 (b)	\$155.00
5.	Receive Second Hand Goods on a Holiday	Section 3.1 (b)	\$155.00
6.	Fail to instruct employees in regulation of By-Law 2002-	Section 3.1 (c)	\$155.00
7.	Fail to instruct employee complies with regulations of By-Law 2002-	Section 3.1 (c)	\$155.00
8.	Fail to post license in conspicuous place	Section 3.1 (d)	\$155.00

NOTE: THE PENALTY PROVISIONS FOR THE OFFENCES INDICATED ABOVE IS SECTION 10 OF BY-LAW 2002- A CERTIFIED COPY OF WHICH HAS BEEN FILED.

**BY-LAW 2002-**

**TOWN OF EAST GWILLIMBURY**

**TITLE: PROVIDE FOR LICENSING, REGULATING AND INSPECTING OF RETAILERS OF SECOND-HAND GOODS**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (INCLUDES COSTS)
9.	Fail to provide Police clearance letter.	Section 3.1 (e)	\$155.00
10.	Fail to keep record of persons employed.	Section 3.1 (e)	\$155.00
11.	Purchase Second Hand Goods with removed or obliterated identifying features.	Section 3.1 (f)	\$155.00
12.	Failing to notify Police of removal of obliterated identifying features.	Section 3.1 (f)	\$155.00
13.	Receive Second Hand Goods without receipt of identification.	Section 4.1	\$155.00
14.	Fail to record address of Garage Sale.	Section 4.3	\$155.00
15.	Fail to record Name and/or Address of Auctioneer of former owner	Section 4.4	\$155.00
16.	Fail to main legible transaction record	Section 5.1	\$155.00

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**TOWN OF EAST GWILLIMBURY**

**TITLE: PROVIDE FOR LICENSING, REGULATING AND INSPECTING OF RETAILERS OF SECOND-HAND GOODS**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (INCLUDES COSTS)
17.	Licensee failing to ensure exact number of (related <u>or</u> similar) materials recorded.	Section 5.2	\$155.00
18.	Licensee failing to ensure identifying features of (related <u>or</u> similar) materials recorded.	Section 5.2	\$155.00
19.	Licensee failing to ensure the identifying features of the ten most valuable (related <u>or</u> similar) articles in a collection recorded.	Section 5.2	\$155.00
20.	Licensee failing to (subscribe to <u>or</u> ensure transaction record is made in) automated recording system as required.	Section 5.4	\$155.00
21.	Licensee (sell <u>or</u> exchange <u>or</u> alter <u>or</u> melt <u>or</u> otherwise dispose of) any Second Hand Good prior to the expiration of the prescribed retention period.	Section 6.1	\$155.00
22.	Licensee failing to keep Second Hand Goods within the premise during the prescribed retention period.	Section 6.1	\$155.00

NOTE: THE PENALTY PROVISIONS FOR THE OFFENCES INDICATED ABOVE IS SECTION 10 OF BY-LAW 2002- A CERTIFIED COPY OF WHICH HAS BEEN FILED.

**BY-LAW 2002-**

**TOWN OF EAST GWILLIMBURY**

**TITLE: PROVIDE FOR LICENSING, REGULATING AND INSPECTING OF RETAILERS OF SECOND-HAND GOODS**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE (INCLUDES COSTS)
23.	Licensee failing to keep Second Hand Goods, subject to the prescribed retention period, (separate from <u>or</u> commingled with) other Second Hand goods in the premise.	Section 6.1	\$155.00
24.	Fail to provide document.	Section 6.2	\$155.00
25.	Fail to permit entry and inspection.	Section 6.3	\$155.00
26.	Obstructing or hindering the entry or the inspection of a premise.	Section 6.5	\$155.00

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