

BY-LAW NO. 1447 CONCERNING PAWNSHOPS AND ESTABLISHMENTS DEALING IN SECOND-HAND GOODS

SUMMARY OF THE ADOPTION PROCEDURE	
NOTICE OF MOTION :	21 AUGUST 2017
ADOPTION OF THE BY-LAW	18 SEPTEMBER 2017
COMING INTO EFFECT :	21 SEPTEMBER 2017

WHEREAS notice of motion was given on August 21, 2017;

ON SEPTEMBER 18, 2017, COUNCIL ENACTED THE FOLLOWING :

**SECTION I
INTERPRETATION**

1. In this by-law, the following words mean:
 - “director”: the director of the Service de police de la Ville de Montréal;
 - “motor vehicle”: a motor vehicle as defined in the Highway Safety Code (R.S.Q., chapter C-24.2);
 - “operator”: the operator of a pawnshop or an establishment dealing in second-hand goods, including any of its employees, agents or representatives;
 - “pawnshop or establishment dealing in second-hand goods”: any person operating a store or a warehouse, or occupying a yard, premises or other locations, for the purchase, sale, exchange, pawning, wholesale or retail, of any second-hand goods, items, effects or merchandise, whether they be new or used;
 - “Service de police”: the Service de police de la Ville de Montréal;
 - “Transaction”: the receipt or handing over of goods.

**SECTION II
APPLICATION**

2. The director is responsible for the application of this by-law.

Any peace officer, official or employee of the municipality may visit and examine, at any reasonable time, any real property or personal property, for by-law application purposes. Owners or occupants of those properties must allow peace officers, officials and employees of the municipality to enter.

**SECTION III
REGISTER**

3. Every operator must keep up to date a register whose format is set out in schedule A.

The register entries must be in block letters, in French or in English, so as to be clearly legible, in the chronological order of transactions that must be numbered consecutively, without erasures or deletions.

4. All items found in a pawnshop or an establishment dealing in second-hand goods must be entered in the register, except those which were not subject to a transaction or are not intended to be so.

5. The following information must be entered in the heading of the register prescribed in article 3: operator's name and phone number, name, address, phone and fax numbers and e-mail address of the business, and the identification number assigned by the Service de police.

6. On receipt of any item, for sale, exchange, consignment, repair, or estimate purposes, or any other purpose, irrespective of the origin of the item, every operator must enter the following information on the register prescribed in article 3:
 - (1) the lot number assigned to the item in accordance with article 12 of this by-law;
 - (2) a full description of the item received, identifying its nature and the following characteristics: the color, brand name, model, title, in the case of a book, a compact disk or a digital videodisk, the information required in section 155 of the Highway Safety Code (R.S.Q., chapter C-24.2) and a photo, in the case of a motor vehicle, the serial number and any other distinctive feature, as well as the item code provided by the Service de police;
 - (3) the family name and first name, full address, date of birth, and a description of the physical features of the person from whom the item was received, as well as the number of an identification document with photo, or any other document confirming the person's identity;
 - (4) the date and time of receipt of the item, as well as the family name and first name of the person who received it;
 - (5) the amount of money given on receipt of the item.

When the item received is a jewel, the description required under paragraph (2) must also include the number of carats, the weight in grams, and all visible inscriptions. In addition, a picture of the jewel must be added to the register.

7. Every operator must enter in the register prescribed in article 3 the family name and first name of the person to whom the item was sold, delivered, given in exchange or otherwise handed over, as well as the date and time of the transaction.

8. Every day, before 10 a.m., the register in which the previous day's transactions were entered must be submitted to the Service de police, in accordance with the requirements prescribed by ordinance.

Where no transactions took place, the register must nevertheless be submitted with a note to that effect.

9. Every operator must retain the register for at least one year.

SECTION IV INSPECTION

10. Every operator must show the register prescribed in article 3, as well as any item, to the peace officer who so requests, for examination purposes.

11. No person may prevent access to the register prescribed in article 3 or to any item, or interfere in any way with the inspection carried out by a peace officer in the performance of his duties.

SECTION V
PROVISIONS RELATING TO ITEMS

12. On receipt of an item, every operator must assign it a lot number. The lot number must be entered on a label affixed to the item until it is handed over by the operator. The label must be legible and remain affixed to the item at all times.

A new lot number must be assigned for each item received, even if it is an item that had already been received in the past.

13. Every operator must keep, on the premises of the establishment, for at least 15 days from the date of receipt, the original contracts, as well as the items received, under the conditions in this section.

Despite the first paragraph, the person from whom an item was received may recover it within 15 days.

During the 15-day period, the item must be set aside from other items in a place where it may be inspected by any peace officer. During such an inspection, the peace officer may be accompanied by any person likely to help him identify items reported as stolen.

14. No operator may receive an item:
- (1) from a person less than 14 years of age;
 - (2) from a person whose identity cannot be confirmed by an identification paper or other document, as required under paragraph (3) of article 6;
 - (3) elsewhere than on the premises of the establishment;
 - (4) such as a motor vehicle, a part or an accessory of a motor vehicle, a pipe or other metal object used in the construction of buildings, a bicycle, a part or an accessory of a bicycle, unless the person who hands over an item provides the operator with a report of the Service de police establishing that the item was checked by police officers and that it was reported stolen at the time of the verification. The operator must retain that report, on the premises of the business establishment, for at least one year. He must produce the report, at the request of a peace officer;
 - (5) whose serial number was altered, hidden, modified or ripped away.

SECTION VI
SIGN

15. Every dealer in second-hand goods and every pawnbroker must place and maintain, outside the establishment, on the front of the shop or business establishment, a sign bearing their name and type of business, in visible letters, but under reserve of the other rules concerning sign on the territory.

No person may display, either outside or inside a shop, notices relating to the verification, by the Service de police, of items handed over or offered to be disposed of.

SECTION VII
PENAL PROVISIONS

16. Any person who contravenes the by-law is guilty of an offence and is liable:
- (1) in the case of an individual, for a first offence, to a fine of \$300 to \$600 for a second offence, to a fine of \$600 to \$1,200, and for a subsequent offence, to a fine of \$1,200 to \$2,000;
 - (2) in the case of a corporation, for a first offence, to a fine of \$600 to \$1,200, for a second offence, to a fine of \$1,200 to \$2,400, and for a subsequent offence, to a fine of \$2,400 to \$4,000.

SECTION VIII
BY-LAWS

17. The council may, by by-law, alter the format and mode of transmission of the register referred to in schedule A to this by-law.
18. This by-law shall come into effect according to the Law.

Philippe Roy
Mayor

Alexandre Verdy
Town Clerk

BY-LAW NO 1447

SCHEDULE A

FORMAT OF REGISTER AND MODE OF
TRANSMISSION
(Articles 3 and 8)

1. Operators of pawnshops and establishments dealing in second-hand goods who do not have a computerized system containing the register must use form F520-58 – Marchandises brochantées / contrôle, provided by the Service de police. The form must be submitted in person, in accordance with by-law requirements, to the operational centre of the sector where the business is located.
2. Operators of pawnshops and establishments dealing in second-hand goods who have a computerized system containing the register must transmit the register by electronic means in xml format and in accordance with the xsd schema. When a transaction concerns a jewel, a digital photograph clearly identifying it must also be submitted.