

SCHEDULE NO. 14
Relating to Second-Hand Goods Shops
(added by By-law 2005-324)

INTERPRETATION

1. In this schedule “taking in exchange” is deemed to include “receiving in pledge”.

LICENSE REQUIRED

2. A separate license shall be obtained in respect of each second-hand goods shop in which a person who owns or operates a second-hand goods shop carries on his or her business.

3. No person shall own or operate a second-hand goods shop without first obtaining a second-hand goods shop license.

EXEMPTIONS

4. Despite any other provision of this by-law, no license shall be required,

- (a) by persons engaged in the sale of second-hand goods for patriotic or charitable purposes, or
- (b) by vendors engaged in the sale of second-hand goods at a flea market.

5. Despite any other provision of this by-law, no license shall be required by an individual, a tenant association, or a community association that holds a sale of personal household effects that are owned by the individual or persons who are members of the association provided that,

- (a) the sale is for a period no longer than two (2) days, and
- (b) no more than two (2) sales are held by that individual or association in a single calendar year.

CONDITIONS FOR ISSUANCE

6. No applicant for a license shall be issued a license unless,

- (a) the applicant is eighteen (18) years of age or older,
- (b) the applicant has paid the fees outlined in Schedule “A” to this by-law, and
- (c) the premises complies with the zoning, building and property standards requirements of the City,

RESPONSIBILITY OF LICENSEES

7. Every licensee shall post the license in a prominent location on the licensed premises so as to be clearly visible to the public.
8. Every licensee shall ensure that his or her employees understand and comply with the provisions of this by-law.
9. Every licensee shall be responsible for the act or acts of any employees in the carrying on of the business of the second-hand goods shop in the same manner and to the same extent as though such act or acts were done by the licensee.

ACQUISITION OF SECOND-HAND GOODS

10. Every licensee shall ensure that no second-hand good is directly or indirectly purchased from, or exchanged with:
 - (a) any person under the age of eighteen (18) years, or
 - (b) any person appearing to be under the influence of alcohol or drugs.
11. Every licensee shall ensure that no second-hand good is purchased or taken in exchange without receiving from the seller the identification prescribed in Section 12 of this Schedule.
12. Every licensee shall ensure that the seller presents two (2) pieces of identification, one (1) of which shall be one (1) of the following types of identification provided that it is integrated with a photograph of the seller:
 - (a) a valid driver's licence,
 - (b) a passport issued by the government of origin,
 - (c) a B.Y.I.D. (Bring Your Identification) Card issued by the Liquor Control Board of Ontario,
 - (d) a Certificate of Indian Status issued by the Government of Canada,
 - (e) a Certificate of Canadian Citizenship issued by the Government of Canada, or
 - (f) a Conditions Release Card issued by Correctional Services of Canada.

TRANSACTION RECORDS

13. (1) Every licensee shall ensure that, before purchasing or taking in exchange any second-hand good, a record is made in a ledger book in chronological order with the entries transcribed in ink in a clear and legible manner or in a recording system approved by the Chief of Police of,

(a) the day, month, year and time of the transaction,

((b) and (c) repealed By-law 2008-53)

(d) a detailed description of each second-hand good that shall be reasonably sufficient to identify it, including make, model, serial numbers, marking and titles, where applicable,

(e) the purchase price of each second-hand good or a description of the item exchanged for it, and

(f) the initials of the employee conducting the transaction on behalf of the licensee.

(2) Despite clause 13(1)(d), for the purpose of identifying coins, the license shall ensure that a record is made of the exact number of coins received, and the dates and description of each coin or of the ten (10) most valuable coins if more than ten (10) coins are received.

(3) Despite clause 13(1)(d), for the purpose of identifying collector cards, the licensee shall ensure that a record is made of the exact number of cards received, and the dates and description of the subject of each card or of the ten (10) most valuable cards if more than ten (10) cards are received.

14. Where a second-hand good has been purchased or taken in exchange from a person carrying on business at a garage sale or an auction,

(a) the provisions of Section 11 and 12 and clause 13(1)(b) do not apply, and

(b) the licensee shall ensure that the name and address of the business, or the name of the person holding the auction or the address of the garage sale are entered into the ledger book or recording system referred to in Section 13.

15. Every licensee shall ensure that the Chief of Police is immediately notified of the removal or defacement of or apparent tampering with serial numbers, identification numbers or model numbers of any second-hand good presented for purchase or to be taken in exchange, and of the particulars of any second-hand good which the licensee of his or her employee has reasonable cause to suspect has been stolen or otherwise unlawfully obtained by the seller.

16. Every licensee shall ensure that, when requested by the Chief of Police at any time during business hours, any second-hand good or transaction record is produced for inspection and that the Chief of Police is permitted to remove any

transaction record from the premises for the purpose of photocopying or for use in any court or other proceedings.

RETENTION PERIODS

17. Every licensee shall ensure that no second-hand good purchased or taken in exchange is sold, exchanged, altered, melted, repaired, disposed of, or in any way parted with until after the expiration of thirty (30) days from the date of obtaining exclusive ownership of the said good, and during the said period the good so obtained shall be kept apart from goods previously purchased or taken in exchange, and shall be subject to an inspection at any time during business hours by the Chief of Police, who may be accompanied by such other person or persons as may be necessary for the identification of goods reported or suspected of having been stolen.

18. Despite Section 17, for the purpose of completing an investigation, the Chief of Police may request that a second-hand good suspected of having been stolen be retained for an additional period of time beyond the thirty (30) days and, when so requested, the licensee shall ensure that the said good is not sold, exchanged, altered, melted, repaired, disposed of or in any way parted with until after the expiration of the additional period of time, but in any event the additional period of time shall not exceed fourteen (14) days.

(amended by By-law 2006-165)

19. Despite Section 17, a licensee may dispose of any good purchased or taken in exchange before the expiration of thirty (30) days from the date of obtaining exclusive ownership of the said good provided that the Chief of Police has authorized in writing the release of such good.

TRANSFERS

20. No second-hand goods license shall be transferable.