



BYLAW 2022/39

BYLAW 2022/39 is a Bylaw of the County of Wetaskiwin No. 10 in the Province of Alberta, to regulate activities of pawnshops in the County of Wetaskiwin No. 10.

WHEREAS pursuant to Section 7(a) of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS pursuant to Section 7(e) of the *Municipal Government Act*, a Council may pass bylaws for municipal purposes respecting businesses, business activities and persons engaged in business; and

WHEREAS pursuant to Section 7(i) of the *Municipal Government Act*, a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment including any or all of the matters listed therein; and

WHEREAS pursuant to Section 8 of the *Municipal Government Act*, a Council may, in a bylaw:

- a. regulate or prohibit;
- b. deal with any development, activity, industry, business or thing in different ways, divide each of them into classes and deal with each class in different ways; and
- c. provide for a system of licenses, permits or approvals including any or all of the matters listed therein.

NOW THEREFORE the Council of the County of Wetaskiwin in the Province of Alberta duly assembled hereby enacts as follows:

1. **Title:**

1.1 This Bylaw may be cited as the "Pawnshop Bylaw".

2. **Definitions:** In this Bylaw, unless the context otherwise requires:

- 2.1 **"Electronic Means"** means a computer program with the capability to electronically transmit the information recorded pursuant to Section 4 to a Peace Officer, via the internet, in a format approved by the Peace Officer;
- 2.2 **"Officer in Charge/Detachment Commander"** means the Officer in Charge of The Royal Canadian Mounted Police (RCMP) and includes any person designated by the Officer in Charge to perform his duties or exercise his powers pursuant to this Bylaw;
- 2.3 **"Pawnbroker"** means any person who lawfully exercises the trade of receiving or taking goods as security for the repayment of money lent thereon;
- 2.4 **"Pawn Shop"** means a property used for a business that engages in the businesses of granting credit to individuals who takes in consumer goods by taking possession of them, or who purchases consumer goods under agreements or undertakings, express or implied, that the goods may be repurchased by the sellers.
- 2.5 **"Peace Officer"** means any individual employed as a Royal Canadian Mounted Police, Community Peace Officer, Alberta Peace Officer or Bylaw Enforcement Officer who is empowered to enforce this Bylaw;



- 2.6 **“Record Book”** means a record book in a form or forms prescribed by the Peace Officer; and
- 2.7 **“Violation Ticket”** means a notice issued under Part (2) or Part (3) of the *Provincial Offences Procedure Act* as amended, replaced or repealed.

3. **GENERAL PROVISIONS**

- 3.1 In this Bylaw, the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine were expressed, wherever the context so requires. Any reference to a person shall include a business and any reference to a business shall include a person.
- 3.2 Every Pawn Shop shall be operated in accordance with the requirements in and is subject to the County’s Land Use Bylaw as amended, replaced, or repealed.
- 3.3 No Pawnbroker shall employ a person under the age of eighteen (18) years to take a pawned good from a customer as security for the repayment of money lent thereon.

4. **PAWN SHOPS**

- 4.1 A Pawnbroker shall keep a record in the English language in a form satisfactory to the Peace Officer, which form shall include Electronic Means, in which the following information will be permanently recorded at the time of each transaction:
 - 4.1.1 The full name of the employee who accepted the goods;
 - 4.1.2 The date and time the goods were received;
 - 4.1.3 A description of the person pawning the goods, which description shall include but is not limited to height, weight, hair color, eye color, and date of birth;
 - 4.1.4 A current address and phone number of the person pawning the goods;
 - 4.1.5 One (1) valid piece of Canadian government issued numbered identification containing a photograph of the person pawning the goods;
 - 4.1.6 A photograph of the person who is pawning the goods, a copy of which photograph shall be attached to both the goods being pawned and to the electronic record described herein;
 - 4.1.7 A complete and accurate description of each of the goods, which description shall include but is not limited to, as applicable: make, color, model, serial number, manufacturer’s name, and any distinguishing or identifying marks or features; and
 - 4.1.8 A photograph of the goods sufficient for identifying such goods, in the opinion of the Peace Officer.
- 4.2 A Pawnbroker shall:
 - 4.2.1 Immediately, upon demand, make available for a Peace Officer’s review any of the records created pursuant to Section 4;
 - 4.2.2 Not erase, deface, or alter an entry in the record kept pursuant to Section 4;



- 4.2.3 Not direct or allow any person or entity to erase, deface or alter an entry in the record kept pursuant to Section 4;
- 4.2.4 Not direct or allow any person or entity other than the Pawnbroker or employee of the Pawnbroker to make an entry in the record kept pursuant to Section 4.
- 4.2.5 Prior to receiving the information required to create the record described in Section 4, a Pawnbroker shall obtain from the person providing the goods, written consent in a form satisfactory to the Officer in Charge allowing the use of the information collected in a manner consistent with the purposes of this Bylaw.
- 4.2.6 The record created pursuant to Section 4 shall be shared with the Peace Officer electronically by computer program approved by the Peace Officer, in a format approved by the Peace Officer.

5. ENFORCEMENT AND PENALTY

5.1 Offence:

- 5.1.1 Except as otherwise provided herein, any person who contravenes any provision of this Bylaw is guilty of an offence, and shall be liable, upon summary conviction, to the fine as set out in Schedule "A" of this Bylaw.
- 5.1.2 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine for each such day.
- 5.1.3 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 5.1.4 A Violation Ticket issued with respect to a violation of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
- 5.1.5 The person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court, on or before the initial appearance date, the Violation Ticket together with an amount equal to the specified penalty for the offence as provided within Schedule "A" of this Bylaw.
- 5.1.6 When Court records the receipt of a voluntary payment pursuant to Provincial Offences Procedure Act, the act of recording the receipt of that payment constitutes acceptance of the guilty plea and also constitutes the conviction and the imposition of a fine in the amount of the specified penalty.
- 5.1.7 Nothing in this Bylaw shall be read or construed as:
 - i. Preventing any person from exercising their right to defend an allegation that he has committed an offence listed in Schedule "A" or,
 - ii. Preventing a Peace Officer from issuing a summons or offence notice under the *Provincial Offences Procedure*



Act or otherwise initiating court process in any other manner permitted by law.

5.1.8 Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not exceeding \$10,000.

6. VICARIOUS LIABILITY

6.1 For the purpose of this Bylaw, an act or omission by an employee or agent for a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers of or performing duties on behalf of the person under their agency relationship.

6.2 If a corporation commits an offence under this Bylaw, every principal, director, manger, officer, employee, or agent of the corporation who authorized, assented to, acquiesced, or participated in the act that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

7. INSPECTIONS

7.1 A Peace Officer may carry out any inspection necessary to determine compliance with this Bylaw.

8. SEVERABILITY

8.1 If a court of competent jurisdiction should declare any Section or Subsection of this Bylaw to be invalid, that Section or Subsection shall be severed from the remainder of the Bylaw, and the remaining provisions of this Bylaw shall continue to be valid and enforceable.

8.2 It is the intention of the Council of the County of Wetaskiwin that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw shall remain valid and enforceable.

9. TRANSITION AND EXECUTION

9.1 This Bylaw shall come into full force and effect on the date of final passing.

READ: First time this 28th day of June, 2022

READ: A Second time this 28th day of June, 2022

READ: A Third time and finally passed this 28th day of June, 2022

Original Signed

REEVE

Original Signed

CHIEF ADMINISTRATIVE OFFICER



Schedule "A"

Section	Offence	Fine
3.3	Allow person under the age of eighteen (18) to receive goods	\$500.00
4.1.1	Fail to record employee name	\$500.00
4.1.2	Fail to record date and time of goods received	\$500.00
4.1.3	Fail to record full description of person pawning goods	\$500.00
4.1.4	Fail to record full address and phone number of person pawning goods	\$500.00
4.1.5	Fail to record valid government identification	\$500.00
4.1.6	Fail to take photo of person pawning goods	\$500.00
4.1.7	Fail to record accurate description of item	\$500.00
4.1.8	Fail to record an accurate picture of the item	\$500.00
4.2.1	Fail to provide Peace Officer any records	\$500.00
4.2.2	Erase, deface, or alter entries	\$500.00
4.2.3	Direct or allow a person to erase, deface, or alter an entry	\$500.00
4.2.4	Allow or direct any person other than licensee or employee to make entry into the record system	\$500.00
4.2.5	Fail to obtain written consent of person pawning goods	\$500.00
4.2.6	Fail to provide information in electronic form acceptable to the licensed Peace Officer as recorded in Section 4	\$500.00