

By-law #4/92

A BY-LAW OF THE NORTH BAY POLICE SERVICES BOARD ACTING UNDER AUTHORITY OF THE PROVISIONS OF THE MUNICIPAL ACT, R.S.O. 1990, CHAPTER M.45, SECTION 232, AS AMENDED.

Whereas the North Bay Police Services Board deems it necessary and expedient to pass a By-Law to regulate dealers in Second-Hand Goods, the following is hereby enacted:

S.1. In this By-Law

- (a) "BOARD" means the North Bay Police Services Board of the City of North Bay.
- (b) "CITY" means the City of North Bay.
- (c) "CORPORATION" means The Corporation of the City of North Bay
- (d) "POLICE FORCE" means the North Bay City Police Force
- (e) "COLLECTOR" means any person who goes from house to house or along highways for the purpose of collecting, purchasing, or otherwise obtaining second-hand goods.
- (f) "DEALER" means any person who engages in the purchase, sale, barter, trade or other type of exchange of goods, including the consignment of second-hand goods and also includes a collector as defined in paragraph (e).
- (g) "SECOND-HAND GOOD" means any item that was at any time owned by someone other than;
  - (i) the manufacturer of the item;
  - (ii) a wholesaler who purchased the item from the manufacturer and retained it in the normal course of his business and for the sole purpose of re-selling it to a retailer, or other wholesaler;
  - (iii) a retailer who purchased the item in the normal course of his business and for the sole purpose of re-selling it to the public.
- (h) "SECOND-HAND GOODS STORE" means any building or structure being used for the purpose of dealing in second-hand goods, and includes but is not limited to those used either solely or in part;
  - (i) by a dealer, for dealing in second-hand:
    - bicycles and/or bicycle parts;
    - books, magazines, comic books and sports trading cards;
    - video games, cassettes, movies, or audio/video equipment;

- clothing
  - copper
  - household furniture
- (ii) by a dealer for taking in second-hand appliances or furniture as a Trade-In on new items with a view to re-selling the item at a later date;
- (iii) by persons who hold more than three garage or yard sales during the year other than for charitable or patriotic purposes
- (iv) by persons who rent a stall or designated space at a Flea Market
- (v) by a bona fide jewellery merchant who is assessed on the last revised assessment roll of the City of North Bay as such, where no second-hand goods are dealt in other than metals commonly known as old gold, whole, melted or broken
- (h) "OWNER" means any person holding an interest in a second-hand goods store whether such interest is legal, registered, equitable or in trust.
- S2. (a) Subject to paragraph (c) any officer of the Police Force may enter upon land and into buildings that are being used as a second-hand store at any time during its operating hours, without a warrant and inspect any goods found therein as well as the records referred to in this By-Law, for the purpose of confirming compliance with this By-Law.
- (b) Subject to paragraph (c) no owner, employee, or agent, of a second-hand store, or any other person shall refuse admission to any Officer of the Police Force seeking to enforce their rights under paragraph (a).
- (c) An officer of the Police Force shall not enter or remain in any room or any part of a second-hand store actually being used as a dwelling unless,
- (i) the Officer produces identification upon request; and
  - (ii) the consent of the occupier is obtained or a warrant is issued under section 158 of the Provincial Offences Act.
- S3. (a) Dealers in second-hand goods shall, at the time a second-hand good is purchased, exchanged or otherwise obtained, make a written record conforming with the requirements in paragraph (e) of the following second-hand goods:
- (i) Bicycles or Bicycle parts, and / or
  - (ii) Copper, Audio/Video equipment, Televisions, Tape Recorders, Jewellery, Cameras, Firearms, Electrical Appliances or any items valued in excess of Three Hundred Dollars (\$300.00).

- (b) Dealers required by paragraph (a) to make records, shall keep such records at their place of regular business.
- (c) Owners of a second-hand goods store shall keep records conforming with the requirements in (e), referring to the following second-hand goods dealt with, or present in their store at any time:
  - (i) Bicycles or Bicycle parts, and / or
  - (ii) Copper, Audio/Video equipment, Televisions, Tape Recorders, Jewellery, Cameras, Firearms, Electrical Appliances or any items valued in excess of Three Hundred Dollars (\$300.00).
- (d) Owners required by paragraph (c) to keep records, shall keep such records at the second-hand goods store that the records relate to.
- (e) Records referred to in (a) through (d) shall contain:
  - (i) Date and hour of the transaction; and
  - (ii) Full description of the article acquired including make, quantity, colour and serial numbers; and
  - (iii) Price paid and/or description and value of any good or goods exchanged for such article; and
  - (iv) Name, address, and description of the vendor, including a driver's licence number or other means of identification such as a birth certificate or vehicle licence registration.
- S.4 Every person required to keep records pursuant to section 3 shall keep such records for a minimum of three years and shall produce them on demand by any police officer.
- S.5 Any person who contravenes any provision of this By-Law is guilty of an offence and is subject to a fine recoverable under the Provincial Offences Act.
- S.6 This By-Law shall come into force and take effect on the 1<sup>st</sup> day of January, 1993. Police Services Board By-Laws 2/72, 2/83, and 1/84 are repealed on the same date.

BY-LAW #4/92 PASSED THIS 15<sup>TH</sup> DAY OF SEPTEMBER, 1992.

Signed: S. D. Lawlor  
Chair

Signed: B. Dorschner  
Secretary