



CITY OF  
FORT SASKATCHEWAN

PAWNSHOP BYLAW

C27-22

**WHEREAS**, under the provisions of the *Municipal Government Act*, a council may pass bylaws respecting business, business activities, and persons engaged in business, and provide for a system of licensing including any or all of the matters listed therein.

**NOW THEREFORE**, the Council of the City of Fort Saskatchewan in the Province of Alberta, enacts as follows:

This Bylaw is cited as the City of Fort Saskatchewan "Pawn Bylaw".

**1. DEFINITIONS**

In this Bylaw:

- (a) "City" means the City of Fort Saskatchewan, a municipal corporation in the Province of Alberta, and includes the area contained within the boundaries of the City of Fort Saskatchewan where the context requires;
- (b) "Council" means the municipal Council of the City of Fort Saskatchewan;
- (c) "City Manager" means the City Manager of the City of Fort Saskatchewan or anyone designated by the City Manager to act on their behalf;
- (d) "Electronic Means" means a computer program with the capability to electronically transmit, via the internet, in a format approved by a Peace Officer;
- (e) "Municipal Tag" means a tag or similar document issued by the City, pursuant to the *Municipal Government Act* (MGA), for the purpose of notifying a person that an offence has been committed for which prosecution may follow;
- (f) "Pawnbroker" means any person who lawfully exercises the trade of receiving or taking goods as security for the repayment of money lent thereon;
- (g) "Pawned Goods" means receiving or taking by way of pawn, pledge, or exchange any goods for the repayment of money lent thereon;
- (h) "Peace Officer" means a Bylaw Enforcement Officer, a Community Peace Officer or a member of the Royal Canadian Mounted Police;

- (i) "Violation Ticket" means a Violation Ticket as defined in the *Provincial Offences Procedure Act*.

## **2. GENERAL PROVISIONS**

- (a) If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion must then be severed and the remainder of the Bylaw is deemed valid and enforceable.
- (b) All references in this Bylaw will be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed to not be gender specific.
- (c) Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation or enactment.
- (d) No individual or business shall carry on the business of a Pawnbroker and a second-hand dealer on the same premises.
- (e) 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.

## **3. POWERS OF THE PEACE OFFICER**

- (a) The City Manager may appoint a Peace Officer to enforce the provisions of this Bylaw.
- (b) The Peace Officer may carry out inspections of a business premises to ensure the operation complies with this Bylaw.
- (c) The Peace Office may issue a Municipal Tag, as established by this Bylaw, to any person who is in contravention of this Bylaw.

## **4. PAWNSHOPS**

- (a) 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:
  - (i) the full name of the employee who accepted the goods;

- (ii) the date and time of the transaction;
  - (iii) the full name, date of birth, current residential address, current telephone number, physical description (including sex, age, eye colour, hair colour, height, weight, build and complexion) of the person from whom the Pawns Goods were acquired or received;
  - (iv) One piece of numbered identification and the identification being issued by a Canadian government body containing a picture of the person tendering the property.
  - (v) a photograph of the person who has the Pawns Goods, a copy of which photograph shall be attached to both the Pawns Goods and to the electronic record described herein;
  - (vi) a complete and accurate description of each of the Pawns Goods, which shall include but is not limited to: make, colour, model, serial number, manufacturer's name, and any distinguishing or identifying marks or features;
  - (vii) a photograph of the Pawns Goods sufficient for identification, in the opinion of the Peace Officer; and
  - (viii) the amount of money advanced in respect of the Pawns Goods.
- (b) A Pawnbroker shall:
  - (i) Prior to receiving the information required in Subsection 4(a), obtain from the person providing the Pawns Goods, written consent in a form satisfactory to the Peace Officer, allowing the use of the information collected in a manner consistent with the purpose of the Bylaw;
  - (ii) Create and upload an electronic record in a computer program approved by the Peace Officer, in a format approved by the Peace Officer; and
  - (iii) Make available by 10:00 a.m. on the first business day following the day on which the relevant transaction occurred the electronic delivery of the information recorded in Subsection 4(a).
- (c) Where Pawns Goods have been redeemed, the person who returns the goods in question shall accurately record:



- (i) their own name and the date the Pawned Goods were redeemed;  
and
  - (ii) the same information that is required in Subsection 4(a) relative to the person who has redeemed the Pawned Goods.
- (d) No person shall receive or conduct any transaction concerning Pawned Goods where it is evident that any serial number or other distinguishing marks relating thereto have been altered or obliterated in any way.
- (e) Any person who records false, misleading or inaccurate information with respect to a transaction referred to in Subsection 4(a), or who fraudulently alters, obliterates or defaces any record of such a transaction is guilty of an offence under this Bylaw.
- (f) The record which is required to be made pursuant to Subsections 4(a), 4(b) and 4(c) shall be maintained by the person in who's business premises the relevant transaction has taken place for a period of one (1) year from the date of the transaction.
- (g) Every person shall at all times keep posted in a conspicuous location of their business premises so as to be easily seen and read by persons pledging Pawned Goods the following information:
  - (i) the maximum interest rate allowed federally to be taken by persons;  
and
  - (iii) a detailed statement as to the manner in which the interest rate charged by the person is calculated associated to the transaction.
- (h) At any time taking any pawn or pledge, the person conducting the transaction shall deliver to the person pledging articles or Pawned Goods a written or printed receipt containing:
  - (i) the day, month and year on which the pledge is due;
  - (ii) the amount of money advanced thereon;
  - (iii) the interest rate charged by the person with respect to the transaction; and
  - (iv) the person's business name and address.
- (i) No person shall:

- (i) take any Pawned Goods by way of pledge from any person under the age of eighteen (18) years;
  - (ii) receive or retain any Pawned Goods or articles as pledges or pawns unless the person pledging the same accepts the receipt required by Subsection 4(g);
  - (iii) purchase or take in pawn, pledge or exchange the receipt required pursuant to Subsection 4(g) which has been issued by any other person;
  - (iv) allow a person to redeem a Pawned Good unless the person has first taken reasonable steps to ensure that the person redeeming the item was the same person who pawned it;
- (j) With the exception of Pawned Goods which are lawfully redeemed by the person who pledged them or their agent, no person shall alter, repair, forfeit, sell or dispose of, or in any way part with possession of Pawned Goods which have been pledged until the expiration of forty-five (45) days from the date such Pawned Goods were pledged, exclusive of the day of pledging.
- (k) Notwithstanding Subsection 4(j), if any longer period of retention has been agreed upon by the parties to the transaction in which the Pawned Goods were pledged, then that period must expire before the Pawned Goods may be forfeited or sold.
- (l) Notwithstanding Subsections 4(j) and 4(k), this Bylaw does not authorize the sale, disposal or forfeiture of Pawned Goods, which is contrary to the operation of any other law.
- (m) No person shall, during the periods stated in Subsections 4(j) and 4(k), remove or permit the removal of any Pawned Goods from the business premises where they were originally acquired.
- (n) All Pawned Goods on the Business Premises of a person shall be kept separate and apart from any other merchandise and no person shall intermix or allow the intermixture of Pawned Goods with other merchandise until such time that the periods stated in Subsections 4(j) and 4(k) have expired.
- (o) Every person shall, during the normal business hours, permit the Peace

Officer or authorized person to examine any Pawns Goods, which have been pawned, or any of the records or books, which are pursuant to this Bylaw, required to be kept in relation to the business of the person.

## **6. FINES AND PENALTIES**

- (a) Any person who is in contravention of the Bylaw is guilty of an offence and is subject to receive a Municipal Tag in the amount of \$500.00 for the first offence.
- (b) A person who is guilty of a subsequent offence within a period of twelve (12) months is subject to receive a Municipal Tag or Violation Ticket, which is double the amount of the previous offence.
- (c) When a corporation or a partnership commits an offence under this Bylaw, every principal, director, manager, employee or agent of the corporation/partnership who authorized the act or omission that constitutes the offence, or assented to, or agreed to, or participated in the act or omission that constitutes the offence, is guilty of the offence.
- (d) A Peace Officer is hereby authorized and empowered to issue a Municipal Tag or Violation Ticket to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- (e) A person who is guilty of an offence, upon summary conviction in provincial court, is subject to a penalty not to exceed ten thousand dollars (\$10,000.00), exclusive of costs for breach thereof, or in a case of non-payment of the fine, or for the imprisonment of not more than six months for non-payment of a fine, as per the MGA.

## **7. INTERPRETATION**

- (a) If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion must then be severed and the remainder of the Bylaw is deemed valid and enforceable.
- (b) All references in this Bylaw will be read with such changes in number and gender as may be appropriate, and references shall be read as a corporation or partnership, and pronouns shall be deemed to not be gender specific.
- (c) The insertion of headings is for convenience of reference only and shall not be construed so as to affect the interpretation or construction of this Bylaw.



- (d) Wherever the provisions of this Bylaw are or are deemed to be in at variance with each other, the more restrictive of the two provisions shall apply.
- (e) Any reference in this Bylaw to provisions of statute, rules or regulations, shall be deemed to include references to such provisions as amended, modified or re-enacted from time to time.
- (f) Nothing in this Bylaw relieves any person from compliance with any other bylaw or applicable federal or provincial law, regulation or enactment.

## 8. EFFECTIVE DATE

- (a) This Bylaw becomes effective upon third and final reading, and has been duly signed.

READ a first time in Council this 11<sup>th</sup> day of October A.D. 2022.

READ a second time in Council this 11<sup>th</sup> day of October A.D. 2022.

READ a third time in Council this 11<sup>th</sup> day of October A.D. 2022.

  
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Mayor

  
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Acting Director, Legislative Services

Date Signed: October 11, 2022