

Authority: Licensing and Standards Committee Item 29.2,
as adopted by City of Toronto Council on May 11 and 12, 2010
Enacted by Council: August 27, 2010

CITY OF TORONTO

BY-LAW No. 1063-2010

To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting second-hand dealers, salvage yard dealers and dealers in old gold and other precious metals and jewellery.

WHEREAS the *City of Toronto Act, 2006* (the "Act") grants the City of Toronto the authority to enact by-laws for the licensing, regulating and governing of businesses wholly or partly carried on in the City of Toronto; and

WHEREAS under sections 7 and 8 of the Act, the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

WHEREAS the City of Toronto has decided that it is in the public interest to require second-hand dealers, salvage yard dealers and dealers in old gold and other precious metals and jewellery to collect information relating to the license-holders' dealings with goods received or taken in exchange, and to prepare a registry thereof for the purpose of deterring the trade of stolen or otherwise unlawfully obtained old gold, jewellery, precious metals, and second-hand goods; and

WHEREAS regulation of the collection and disclosure of information relating to the sale of old gold, jewellery or other precious metals, as well as the sale of second-hand goods will assist in eliminating potential harms from the collection and disclosure of information relating to members of the public; and

WHEREAS notice of the intention to enact this by-law has been provided in accordance with the *Act* and its regulations;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 545, Licensing, of The City of Toronto Municipal Code is amended as follows:
 - A. Section 545-285 is deleted and the following substituted:

§ 545-285. Register of goods received.

Every person to whom this article relates, shall maintain a book known as the "Second-Hand Goods Register", into which shall be entered in the English language, written in ink in a plain, legible hand, a record of all goods received or taken in exchange or otherwise obtained, either at the licensee's place of business or elsewhere. Goods of every description redeemed on pawn tickets purchased or taken in exchange by licensed dealers shall be treated as purchased and shall be so entered. The entry must be made at the time the goods are received or immediately thereafter, and shall include:

- A. The date on which and the hour at which the goods are received,
 - B. A full description of the article or articles including:
 - (1) The serial and model number, if any, and
 - (2) The manufacturer's name, if any, and
 - C. In the case of bicycles, the name of the maker and the manufacturer's number therefore shall, in every case, be recorded, if known or ascertainable,
 - D. The name, address, full particulars of identification and description of the person from whom the goods are received,
 - E. If purchased, the price paid therefor, and
 - F. In the case of goods delivered or conveyed by motor vehicle licensed by any Province of Canada or any State of the United States of America, the provincial or state licence number of the motor vehicle delivering or conveying the goods.
- B. Section 545-286 is deleted and the following substituted:

§ 545-286. Inspection of second-hand goods register.

It shall be the duty of the person requiring a licence under the provisions of this chapter to ensure that the Second-Hand Goods Register is not mutilated or destroyed; to deliver, or cause to be delivered, to such place as the Executive Director or his or her designate requires not later than 9:00 in the morning of every weekday, a transcript of the information required to be entered in the Second-Hand Goods Register by § 545-285A, B, C, with relation to the goods received on the previous business day, accurately copied from the register on the blank forms supplied for that purpose; to permit the inspection of the Second-Hand Goods Register for law enforcement purposes by a police officer, or a municipal law enforcement officer employed by the Toronto Police Service at all times during business hours; to permit the inspection of the Second-Hand Goods Register for law enforcement purposes by other law enforcement personnel as may be authorized by the Executive Director, at all times during business hours; and to permit the removal of the Second-Hand Goods Register at any time for inspection for law enforcement purposes by police officers, or municipal law enforcement officers employed by the Toronto Police Service, or by other law enforcement personnel as may be authorized by the Executive Director, or for use in the courts, if necessary. The person licensed shall not be held liable for neglecting to enter goods received while the Second-Hand Goods Register is so absent from his or her premises.

- C. Section 545-287 is deleted and the following substituted:

§ 545-287. Notice of Collection Required.

Every person to whom this article relates shall post, in a location and in a manner approved by the Executive Director, a sign approved by the Executive Director, stating that the name, address, full particulars of identification and description of the person from whom the goods are received is being recorded for the purposes of disclosure, upon request, to the Toronto Police Service and other law enforcement personnel as may be authorized by the Executive Director for use in relation to law enforcement purposes, the legal authority for the collection of this information, as well as the title, business address and business telephone number of an employee of the City authorized by the Executive Director to answer questions about the collection.

- D. Section 545-288 is deleted and the following substituted:

§ 545-288. Suspicions concerning attempts to sell stolen goods to be reported.

Every person to whom this article relates, or any person acting as a servant or agent of any such person, shall upon any person offering to him or her goods or articles of any kind, which he or she has cause to suspect have been stolen or otherwise unlawfully obtained, report the facts known to him or her, including but not limited to, the removal or defacement or apparent tampering with the serial numbers or model numbers, if any, on such goods or articles to the nearest police station or police officer.

- E. Section 545-293 is deleted and the following substituted:

§ 545-293. Register of goods received.

Every person who for hire or gain deals in old gold, other precious metals, in old jewellery or other articles for the purpose of smelting the same and recovering the gold therefrom, shall maintain a book known as "The Old Gold or Old Jewellery Register", in which shall be entered in the English language written in ink in a plain, legible hand, a record of all old gold, other precious metals, old jewellery or other similar articles purchased or taken in exchange. The entry must be made at the time of purchase or exchange or immediately thereafter, and shall include:

- A. The date and hour of the purchase or exchange,
- B. A full description of the old gold or other precious metals or such article or articles,
- C. The price paid therefor,

- D. The name, address and description of the person from whom the purchase or exchange was made, and
- E. In the case of the old gold or other precious metals or such article or articles delivered or conveyed by motor vehicle licensed by any Province of Canada or any State of the United States of America, the provincial or state licence number of the motor vehicle delivering or conveying the goods.
- F. By adding the following as Section 545-293.1 to Chapter 545, Licensing, Article XXIV:

§ 545-293.1. Inspection of the Old Gold or Old Jewellery Register.

It shall be the duty of the person requiring a licence under the provisions of this chapter to ensure that the Old Gold or Old Jewellery Register is not mutilated or destroyed, to deliver, or cause to be delivered, to such place as the Executive Director or his or her designate requires not later than 9:00 in the morning of every weekday, a transcript of the information required to be entered in the register by § 545-293A, B, C, in relation to the goods received on the previous business day, accurately copied from the register on the blank forms supplied for that purpose; to permit the inspection of the Old Gold or Old Jewellery Register for law enforcement purposes by a police officer, or a municipal law enforcement officer employed by the Toronto Police Service at all times during business hours; to permit the inspection of the Old Gold or Old Jewellery Register for law enforcement purposes by other law enforcement personnel as may be authorized by the Executive Director, at all times during business hours; and to permit the removal of the Old Gold or Old Jewellery Register at any time for inspection for law enforcement purposes by police officers, or municipal law enforcement officers employed by the Toronto Police Service, or by other law enforcement personnel as may be authorized by the Executive Director, or for use in the courts, if necessary. The person licensed shall not be held liable for neglecting to enter goods received while the Old Gold or Old Jewellery Register is so absent from his or her premises.

- G. By adding the following as Section 545-293.2 to Chapter 545, Licensing, Article XXIV:

§ 545-293.2. Notice of collection required.

Every person to whom this article relates shall post, in a location and in a manner approved by the Executive Director, a sign approved by the Executive Director, stating that the name, address, full particulars of identification and description of the person from whom the goods are received is being recorded for the purposes of disclosure, upon request, to the Toronto Police Service and other law enforcement personnel as may be authorized by the Executive Director for use in relation to law enforcement purposes, the legal authority for the collection of this

information, as well as the title, business address and business telephone number of an employee of the City authorized by the Executive Director to answer questions about the collection.

- H. By adding the following to Section 545-293.3 to Chapter 545, Licensing, Article XXIV:

§ 545-293.3. Suspicions concerning attempts to sell stolen goods to be reported.

Every person to whom this article relates, or any person acting as a servant or agent of any such person, shall upon any person offering to him or her goods or articles of any kind, which he or she has cause to suspect have been stolen or otherwise unlawfully obtained, report the facts known to him or her to the nearest police station or police officer.

ENACTED AND PASSED this 27th day of August, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)