



## **TOWN OF WINDSOR BYLAW # 45 PAWNBROKERS BYLAW**

### **AUTHORITY**

Pursuant to Sections 172 (1) (i) in the *Nova Scotia Municipal Government Act*, councils are permitted to make bylaws for municipal purposes, requiring that pawnbrokers report all transactions by pawn or purchase. (Chapter 18, of the Act of 1998, as amended 2017).

### **TITLE**

45.01 This bylaw is entitled "Pawnbrokers Bylaw."

### **DEFINITIONS**

45.02 In this Bylaw:

"Pawnbroker" means a person or company which engages in the business of granting credit to individuals for personal, family, or household purposes and who (a) takes and perfects security interests in consumer goods by taking possession of them, or (b) purchases consumer goods under agreement(s) or undertakings, express or implied, that the goods may be repurchased by the sellers.

"Pledged" means an item/thing given as security on a loan and/or for the fulfillment of a contract or the payment of a debt and is liable to forfeiture in the event of failure.

"Purchase" means taking by sale, lease, discount, assignment, negotiation, mortgage, pledge, lien, issue, reissue, gift, or any other consensual transaction creating an interest in property.

### **FOR THE REGULATION OF PAWNBROKERS**

45.03 Every person or company undertaking to do business as a pawnbroker shall, keep exhibited in large legible characters on a sign on the front of the place in which he/she is operating as a pawnbroker, his or her or the operating company name and the word "Pawnbroker".

- 45.04 Every pawnbroker shall keep a book and/or computer-based program, hereinafter called the "Register of Pledges", in which shall be clearly written in ink (or typed), at the time each loan is made, an accurate account and description, in English language, of the goods, articles, and things pawned or pledged, and a statement of any descriptive numbers of marks thereon, the time of pledging the same, the rates of charges to be paid on the loan, and the name and place of residence and a detailed personal description of the person pawning or pledging the goods, articles, or things. No entry made in the book and/or computer-based program shall be erased/deleted, obliterated, or defaced, and no leaves shall be torn out. The pages of the book shall be of such size as the RCMP shall, from time to time, determine and shall be ruled and captioned in the form following:
- No. of Pawn Ticket
  - Amount Loaned
  - Rate of Charge
  - Description of Articles including model and serial numbers
  - Name with the Civic & Mailing Address of the Person(s) Pledging
  - Telephone Number of the Person(s) Pledging
  - Age
  - Height – Ft. in (Approximate)
  - Provincial Identification (i.e. Driver's license, healthcard, etc)
  - Date and time received
  - Particulars of Redemption of Sale
- 45.05 Every pawn broker shall, at the time of each loan or exchange, deliver to the person pawning or pledging any goods, articles, or thing, a memorandum, note, or ticket signed by him/her, containing the substance of the entry required to be made in his Register of Pledges by the last preceding section. No charge shall be made or received by any pawnbroker for any such entry, memorandum, note, or ticket.
- 45.06 The said Register of Pledges, as well as every article or thing pawned or pledged, shall at all reasonable time be open to the inspection of the RCMP or of any member of the Police Force.
- 45.07 Immediately after the redemption or sale of any pawned article, the pawnbroker shall make, or cause to be made an entry in the Register of Pledges showing by whom said articles were redeemed or purchased, the residence, telephone number and description of said person, and the date of such redemption or purchase.
- 45.08 No pawnbroker shall take or receive in pawn or pledge for money loaned, any property, bonds, notes, securities, article, or thing produced or presented by any person under the age of 18 years.
- 45.09 No pawnbroker shall employ any person under the age of 18 years to take pledges in pawn.

- 45.10 No pawnbroker shall take any article in pawn from any person appearing to be intoxicated nor from any person whom he/she knows to be a thief or to have been convicted of larceny or burglary.
- 45.11 No pawnbroker shall undertake or be permitted to carry on the business of an auctioneer.
- 45.12 No pawnbroker shall purchase or take in a pawn ticket issued by any other pawnbroker.
- 45.13 No pawnbroker shall:
- (a) under any pretence purchase, except at public auction, any pledge while in pawn with him/her; or
  - (b) suffer any pledge while in pawn with him/her to be redeemed with a view to persons purchasing it; or
  - (c) make any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof for the purchase, sale or disposition thereof, within the time of redemption; or
  - (d) sell or otherwise dispose of any pledge pawned with him/her except at such time and in such manner as is authorized by this By-law; or
  - (e) take in pawn from any person any naval or military medal, badge, decoration, or order.
- 45.14 Any pledge may be disposed of by the pawnbroker, 30 days from the date on which it was pawned, provided however that such pledge shall continue to be redeemable until it is so disposed of, although the period of redemption has expired.

### Clerk's Annotation for Official By-law Book

Date of first reading of bylaw:	October 23, 2018
Date of advertisement of Notice of Intent to Consider:	October 30, 2018
Date of second reading of bylaw:	November 27, 2018
Date of advertisement of Passage of Bylaw:	December 04, 2018
Date of mailing to Minister a certified copy of Bylaw:	December 05, 2018

I certify that this PAWNBROKERS BYLAW was adopted by Council and published as indicated above.



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Shelleena Thornton  
Municipal Clerk  
Town of Windsor