

**THE CORPORATION OF THE CITY OF BELLEVILLE
BY-LAW NUMBER 2012-154**

**A BY-LAW TO AMEND BY-LAW NUMBER 2006-140 BEING A BY-LAW TO
LICENCE, REGULATE AND GOVERN CERTAIN BUSINESSES**

WHEREAS it is deemed expedient to amend the City of Belleville Business Licensing By-law No. 2006-140 to include licensing and regulation for dealers in second hand goods;

NOW THEREFORE the Municipal Council of the Corporation of the City of Belleville enacts as follows:

1. By-law 2006-140 shall be cited as the Business Licensing By-law;
2. Section 1 of By-law No. 2006-140 is amended by adding the following definitions in correct alphabetical order;

“Antique” means any second hand goods whose value, in whole or in part, is derived from its age or historical association;

“Antique Dealer” means any person whose regular business consists of the retailing of Antique goods;

“Officer” means a person appointed by Council as a Municipal By-law Enforcement Officer, a Police Officer, or other individual duly appointed for the purpose of enforcing this by-law;

“Premises” means any shop, store, or other place where a secondhand dealer carries on the business of secondhand dealing;

“Property” means goods, chattels, wares, merchandise, articles, or things;

“Purchase” means to buy, barter, deal in, take in exchange, take in part payment, acquire, acquire on consignment, or receive;

“Salvage” means any destroyed, deteriorated or damaged goods or property, or any part thereof, including but not limited to metal, damaged or inoperable vehicles (unlicensed through Province), vehicle parts and bicycles;

“Salvage Yard” means any place where the business of selling salvage is carried on, and includes any place upon which salvage is collected for the purposes of resale;

“Secondhand Dealer” means a person who carries on the business of retailing used or secondhand property, or who operates a secondhand dealer’s premises, and includes a person who owns or operates a salvage yard;

“Seller” means a person, firm or corporation who sells or otherwise disposes of property to the secondhand dealer;

3. Section 4.7 of By-law 2006-140, General Regulations, is amended by replacing the existing wording with the following:

4.7 No person holding a licence issued pursuant to this by-law shall:

- (a) Fail to display the licence in a conspicuous place in or on premises
- (b) Fail to display the licence in a conspicuous place in or on vehicle
- (c) Fail to carry the licence on the person while conducting a licensed activity
- (d) Fail to produce licence for inspection upon request
- (e) Fail to produce photo identification upon request
- (f) Obstruct, hinder or interfere with a licensing officer conducting an inspection
- (g) Fail to allow an authorized employee or agent of the City to inspect his or her place of business to determine whether the provisions of this by-law are being complied with
- (h) Fail to keep any and all records required to be kept under the provisions of this by-law

4. Section 12.0 and Section 12.1 of By-law 2006-140 is amended by replacing the existing wording with the following:

12.0 ENFORCEMENT AND RIGHT OF ENTRY

12.1 The provisions of this By-law may be enforced by a Municipal By-law Enforcement Officer, Police Officer or other individual duly appointed for the purpose of enforcing this by-law.

12.2 An Officer may at all reasonable times enter upon any premises other than dwellings to enforce this by-law or to ascertain whether the provisions of the by-law are being observed.

5. Section 13 of By-law 2006-140 is amended by replacing the existing wording with the following:

13.0 PENALTIES

13.1 Any person who contravenes any provision of this Bylaw is, upon conviction, guilty of an offence and shall be liable to such penalties prescribed by the Provincial Offences Act, R.S.O. 1990. C.P.33. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.

13.2 Any person who contravenes any provision of this by-law is guilty of an offence and shall be liable to the following penalties pursuant to the Municipal Act, 2001, S.O. 2001, C.25, as amended;

(a) any person, other than a corporation, convicted under this by-law is liable:

(i) upon a first conviction, to a minimum fine of \$100.00 and a maximum fine of not more than \$5,000.00;

(ii) upon a subsequent conviction, to a minimum fine of \$500.00 and a maximum fine of not more than \$10,000.00.

(b) any corporation convicted under this by-law is liable:

(i) upon a first conviction, to a minimum fine of \$100.00 and a maximum fine of not more than \$10,000.00; and

(ii) upon any subsequent conviction, to a minimum fine of \$1,000.00 and a maximum fine of not more than \$25,000.00.

13.3 Where a person contravenes any provision of this by-law, each day or part of a day that the contravention continues is a separate offence.

6. Section 15 of By-law 2006-140 is amended by adding the following section:

15.4 That all other By-laws or portions thereof that are inconsistent with this By-law are hereby rescinded.

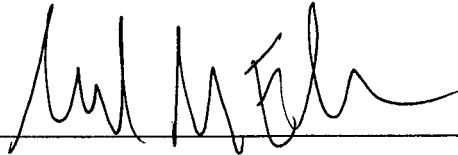
7. Schedule "K" as attached to this Amending By-law shall be inserted into the schedules for the Business Licensing By-law.

THIS BY-LAW SHALL COME INTO FORCE AND TAKE EFFECT IMMEDIATELY ON AND AFTER THE PASSING THEREOF.

Read a first time this 24th day of **September 2012**.

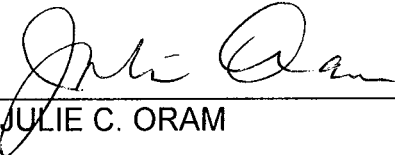
Read a second time this 24th day of **September 2012**.

Read a third time this 24th day of **September 2012**.



NEIL R. ELLIS

MAYOR



JULIE C. ORAM

CITY CLERK

SCHEDULE K

SECONDHAND DEALER

- Applicable to: Every Secondhand dealer.
- Exemptions: The requirement to obtain a Secondhand Dealer licence does not apply to:
1. Any registered charitable organization;
 2. Individual or community associations that hold a sale of personal household effects that are owned by the individual or persons who are members of the association provided that:
 - a) The sale is for a period of no longer that two (2) days, and
 - b) No more than two (2) sales are held by that individual or association in a single calendar year.
 3. Persons engaged in the sale of secondhand or used motor vehicles;
 4. Persons whose merchandise is restricted to second hand clothing;
 5. Such other circumstances as the Licensing Officer may deem appropriate for exemption.
- Purpose: Consumer protection, nuisance control
- Annual Licence Fee: \$500.00 – New application
\$150.00 - Renewal application
- Application Circulated to: Planning and Zoning Department
Belleville Police Services
- Special Conditions: In addition to the General Regulations set out in this by-law, the following special conditions apply:
1. Any person who is a secondhand dealer as required by this by-law shall at all times comply with the by-laws of the City of Belleville and any contravention of any by-laws may be grounds for the revocation of the licence by the City of Belleville.
 2. An application shall specify the types of goods and services to be sold or promoted.
 3. Every person applying for a Secondhand Dealer licence as required by this by-law shall submit with the application a Police Record Check.

4. Any licence issued under the provisions of this by-law shall be valid on the date or dates stated on the licence.
5. No secondhand dealer shall purchase, take in exchange, or receive any article or thing from:
 - a) Any person under the age of eighteen (18) years, or
 - b) Any person appearing to be under the influence of alcohol or drugs.
6. No secondhand dealer shall fail to ensure that a seller presents two (2) pieces of identification, one of which shall be one of the following types of identification provided that is integrated with a photograph of the seller:
 - a) Valid driver's licence;
 - b) Passport issued by the government of origin;
 - c) Identification card issued by the Liquor Control Board of Ontario;
 - d) Certificate of Indian Status issued by the government;
 - e) Conditional Release Identification Card issued by Correctional Services of Canada;
 - f) Valid Canadian permanent resident card.
7. Every secondhand dealer shall ensure that before purchasing or taking in exchange any property, a record is made in a ledger book in chronological order with the entries transcribed in ink in a clear and legible manner or in a recording system approved by the Belleville Police Services:
 - a) The name, residence or street address, and birth date of the seller from whom the secondhand dealer, or any employee of the dealer, purchased the property;
 - b) Confirmation of the identity of the seller by way of picture identification including a complete description of the identification and name of the authority who issued it;
 - c) A complete description of the property including the make, model, and serial number;
 - d) The price paid for the property or a description of the item exchanged for the property;
 - e) The precise date and hour of purchasing the property; and
 - f) Identifiable or distinguishing marks on the property.
8. Every secondhand dealer shall ensure that no secondhand good purchased or taken in exchange is sold, exchanged, altered, melted, repaired, disposed of, or in any way parted with until after the expiration of thirty (30) days from the date of obtaining exclusive ownership of the said good, and during the said period the good so obtained shall be kept apart from goods, previously purchased or taken in exchange and shall be subject to

- an inspection at any time during business hours by an officer who may be accompanied by such other person or persons as may be necessary for the identification of goods reported or suspected of having been stolen.
9. Despite Section 8, for the purpose of completing an investigation, an Officer may request that a secondhand good suspected of having been stolen be retained for an additional period of time beyond the thirty (30) days and, when so requested, the secondhand dealer shall ensure that the said good is not sold, exchanged, altered, melted, repaired, disposed of or in any way parted with until after the expiration of the additional period of time, but in any event the additional period of time shall not exceed fourteen (14) days.
 10. Despite Section 8, a secondhand dealer may dispose of any good purchased or taken in exchange before the expiration of thirty (30) days from the date of obtaining exclusive ownership of the said good provided that an Officer has authorized in writing the release of such good.
 11. The Chief of Police and any other Police Officer, may at all reasonable times, inspect any premises used for the carrying on of any business in respect of which any person has or is required to have a licence under this by-law, and may inspect the books, records, or other documents of or relating to such business, and no person who has or is required to have a licence under this by-law, shall obstruct or hinder the making of the inspection aforesaid, or cause or permit the same to be obstructed or hindered.