



THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE

BY-LAW NO. 3100

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE to regulate Pawnbrokers, pursuant to the provisions of The Municipal Act C.C.S.M. Chap. M225.

WHEREAS Section 232(1)(b) & (n) of The Municipal Act, L.M. 1996, c.58 provides as follows:

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (n) businesses, business activities and persons engaged in business;

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE IN SESSION DULY ASSEMBLED, HEREBY ENACTS A BY-LAW AS FOLLOWS:

1. TITLE

This By-Law may be referred to as "The Pawnbroker's By-Law".

2. DEFINITIONS

- a) "Auctioneer" means any person who sells or offers for sale any real or personal property by public or private auction;
- b) "CAO" means the Chief Administrative Officer of the Rural Municipality of Portage la Prairie
- c) "License Inspector" means the R.C.M.P., CAO, or any duly authorized person acting on behalf of the CAO;
- d) "Pawnbroker" means a person who exercises the trade of receiving or taking by way of pledge any goods for the repayment of money lent thereon, and includes a pawnbroker business;
- e) "Police Officer" means any member of the R.C.M.P.
- f) "R.C.M.P." means the Royal Canadian Mounted Police;
- g) "Rural Municipality" means the Rural Municipality of Portage la Prairie;

3. PAWNBROKERS

a) Every Pawnbroker shall:

- i) have a sign with his name and the word "Pawnbroker" in large legible characters thereon placed over the door outside the shop or other place used by him for carrying on his business;
- ii) at all times keep posted in a conspicuous position on his premises so as to be easily seen and read by persons pledging goods, on a card or sign having printed or painted thereon the interest to be paid on the loan, or the terms of the repurchase agreement;

- iii) before 12:00 hours on Monday of each week, make out, sign and deliver to the R.C.M.P. a ledger containing a true and correct written statement of all goods and articles received on deposit or by way of pledge during the preceding week, which statement shall include a true and correct copy of the entries made in the book during the stated period; or
- iv) before 12:00 hours on Monday of each week, by electronic reporting to the R.C.M.P through "Business Watch International";
- v) undertake a transaction only with a person from whom goods, articles or things are received who provides, at the time of the transaction:
 - a) one piece of current photograph identification such as a valid Manitoba Driver's License, a Manitoba Liquor Control Commission Photo Identification Card, or any other comparable item of personal identification containing a photograph, address and signature; or
 - b) a legible inked right thumb impression along with one piece of non-photograph identification such as a Birth Certificate, Manitoba Health Registration Card, a Provincial Social Assistance Identification Card or Credit Card.
- vi) In the event a person chooses to provide an inked thumb impression as identification, provide each employee with training on proper method of obtaining inked thumb impressions as designated by the R.C.M.P.
- vii) record every pawn, pledge or purchase:
 - a) by keeping for two years a record book with pre-numbered pages in which shall be clearly written in ink in numerical order, at the time of each transaction:
 - i) an accurate account and description of the goods, articles or things included in the transaction; and
 - ii) the serial number or a statement of any distinctive marks on those goods; and
 - iii) the date and time of the transaction; and
 - iv) the rate of interest to be paid on the loan or the terms of the repurchase agreement; and
 - v) the name, address, and a detailed description of the person the transaction is conducted with.
 - b) all articles taken in pawn shall be tagged with a number corresponding to the record number in the record book;
 - c) no entry made in the book shall be erased, obliterated or defaced and no leaves shall be torn out or removed;
- viii) at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a memorandum or note signed by the Pawnbroker, containing the substance of the entry required to be made in the record book. No charge shall be made or received by any Pawnbroker for any such entry, memorandum or note;
- ix) keep the record book, as well as every article or thing pawned or pledged, open at all reasonable times to the inspection of any License Inspector;
- ix) permit the person who pawned the goods or the person for whom they were pawned, or either person's legal representative or agent to inspect the record of sale of goods by auction;
- x) at all reasonable times produce all records of transactions and identification as referred to in sub clauses 4(a)(iv) and 4(a)(vi), as well as any article or thing

pawned, pledged or purchased for the inspection of any Police Officer or License Inspector.

b) No Pawnbroker shall:

- i) receive on deposit or pledge any goods, article or thing outside of regular posted business hours;
- ii) 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, or the ownership of which is in or which is claimed by such person or which may be in the possession or under control of such person;
- iii) solely because of the non-production of the note, refuse to deliver pledged goods or articles to the person entitled thereto upon payment of the amount lawfully owing thereon;
- iv) permit to be redeemed or removed from the place of business any property received on deposit or pledge, except for redemption by the owner, for a period of 30 days after entry in the record book, unless such removal is directed by the R.C.M.P.;
- v) employ any person under the age of 18 years;
- vi) take any article in pawn from any person who appears to be under the influence of alcohol or drugs or under the age of 18 years;
- vii) carry on the trade of Auctioneer.

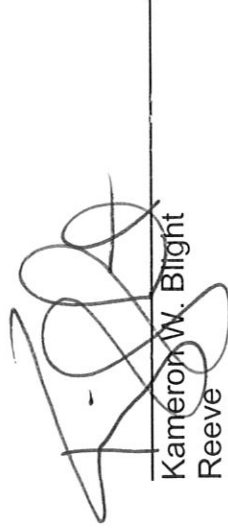
OFFENCES AND PENALTIES

- c) Any Person who violates, contravenes, disobeys or refuses, omits, neglects, fails to observe, obey or comply with any or all provisions of this By-law is guilty of an offence and is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 3 months, or to both such fine and such imprisonment.
- d) Pursuant to Section 249 of The Municipal Act where such contravention, refusal, neglect, omission, or failure to obey or observe continues for more than one day, the Person is guilty of a separate offence for each day that it continues.

FORCE AND EFFECT

This by-law shall come into force and be effective the day following receipt of third reading.

DONE AND PASSED by the Council of The Rural Municipality of Portage la Prairie at Portage la Prairie, duly assembled at Portage la Prairie, in the Province of Manitoba this 9th day of December, A.D. 2014.



Kameron W. Bright
Reeve



Dary Hrehirchuk, CMMA
Chief Administrative Officer

Given First Reading the 12th day of November, 2014.

Given Second Reading the 9th day of December, 2014.

Read a third time this 9th day of December, 2014.