

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW 2003-52

LICENSING: (R.1.2.16) being a by-law to license pawnbrokers.

WHEREAS Part IV of the *Municipal Act*, 2001 S.O. 2001, c.25, said Part IV being entitled "Licensing and Registration" sets out the conditions precedent to a municipality licensing a business;

AND WHEREAS s. 150(2) of the *Municipal Act* sets out three purposes for which a municipality may license a business, those purposes being health and safety, nuisance or consumer protection or a combination of all three;

AND WHEREAS after a review carried out by the City Finance Department, including the City Clerk's Department, Police Services and the Legal Department it was determined that for the purpose of consumer protection it was necessary to license pawnbrokers; **[Amended by By-law 2019-230]**

AND WHEREAS the consumer protection that is provided to the consumers is that the owners or operators of the pawnbroker establishments have to carefully document all articles in their possession and further the licensing by-law allows for the police examination of the articles in the possession of the owners and operators;

AND WHEREAS the requirement for the documenting of the property and for the police examination allows Police Services of the City of Sault Ste. Marie to determine whether any of the goods in the possession of the pawnbrokers have been identified as stolen property;

~~AND WHEREAS the proposed annual fee for each pawnbroker licence is proposed to be \$250.00;~~ **[Amended by By-law 2020-107]**

AND WHEREAS the types of allowable costs for licence fees are set out in s. 150(10) of the said *Municipal Act*, those costs being the costs associated with preparation of the by-law, inspections related to the by-law, enforcement of the by-law against the person operating without a licence, prosecution and court proceedings, and reciprocal licensing arrangements;

AND WHEREAS four pawnbrokers licences were issued during 2002;

AND WHEREAS the costs of the Legal Department in preparing, reviewing and circulating this by-law for comments, and circulating it after it has been considered by Council are estimated to be \$300.00;

AND WHEREAS the costs of advertising the public meeting to be held to consider the passing of the by-law along with preparing the notice and arranging for it to be placed in the local newspaper are estimated to be \$100.00;

AND WHEREAS the costs of the City Clerk's Department in issuing pawnbrokers licences are estimated to be \$240.00 (estimated at one hour per licence application including review of the application, preparation and issuance of the licence X \$60.00 per hour); **[Amended by By-law 2019-230]**

AND WHEREAS the costs of the Police Services inspections of the various pawnbrokers is estimated to be at least \$2,000.00 per year for the local establishments;

AND WHEREAS the above-noted costs total \$2,640.00;

AND WHEREAS a notice of the public meeting for consideration of this by-law was given in accordance with s. 150(4) of the *Municipal Act*;

NOW THEREFORE THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to the *Pawnbrokers Act*, R.S.O. 1990, c. P.6, **ENACTS** as follows:

1. DEFINITIONS

The definitions provided in Section 1 of the *Pawnbrokers Act*, R.S.O. 1990, c.P.6 apply to this by-law.

2. SECURITY

Pursuant to Section 6 of the said Act, every pawnbroker shall, before receiving a licence, give to The Corporation of the City of Sault Ste. Marie security to the satisfaction of the Commissioner of Finance and Treasurer in the sum of \$2,000.00 for the observance by the pawnbroker of the provisions of the Act.

3. LICENCE FEE

Fees are as set out in the Annual User Fee By-law as updated from time to time. **[AMENDED BY BY-LAW 2019-177]**

3A. LICENCE LATE FEE

A Licence taken out after January of each subsequent year by any person operating or carrying on or engaging in an pawnbroker business as set out in this by-law shall be subject to an additional "Late Licence" fee as set out in the Annual User Fee By-law as amended from time to time unless evidence tender by the person shows they stopped operating for more than twelve (12) months since the issuance of the last licence to them under this by-law. **[amended by By-law 2020-107]**

3B. LOST LICENCE

Upon the City Clerk, or their designate, being satisfied that a Licence has been lost and that the Applicant for a new Licence form has made a diligent search therefor and is making application for a new Licence form in good faith, and if such Applicant undertakes in writing to the City Clerk, or their designate, to surrender the lost Licence form to them if found, the Clerk, or their designate, may issue a duplicate Licence to such applicant which shall consist of a true copy of the original Licence upon which the word "duplicate" is endorsed over the signature of the Clerk, or their designate. The fee for a lost licence issued under this provision of this by-law shall be as set out in the Annual User Fee By-law as amended from time to time. **[amended by By-law 2020-107]**

4. TERM OF LICENCE

Each licence issued under this by-law shall be valid for the calendar year for which it was issued and shall be renewable in January of each subsequent year.

4A. TRANSFER OF LICENCE

No person shall enjoy a vested right in the continuance of a Licence and upon the issue, renewal, transfer or suspension thereof, the value of a Licence shall be the property of the City. **[amended by By-law 2020-107]**

4B. REVOKING LICENCE

Any Licence issued pursuant to the provisions of this by-law may be revoked or cancelled at any time by the City Clerk or their designate, without notice, subject to the provisions of the Statutory Powers Procedures Act, R.S.O. 1990, c S.22 and the Municipal Act, 2001, S.O. 2001, c. 25:

- i. For any reason that would disentitle the holder of the Licence if he or she were an applicant;
- ii. If the information in the application is false;
- iii. If the operation of the Licencee's business is or will not be carried on in compliance with the law;
- iv. If the conduct of the Licencee is calculated to mislead, deceive, or intimidate the public, or in a manner contrary to the provisions of this by-law.

Upon cancellation or revocation of a Licence, the Licencee shall return to the City Clerk's Office, or their designate, all Licence certificates and licence plates, badges and other indicia issued by the City with reference to such Licence. **[amended by By-law 2020-107]**

5. APPLICATION FOR LICENCE

Every application for a licence to carry on business as a pawnbroker shall be made to the City Clerk's Department of The Corporation of the City of Sault Ste. Marie and each application shall be accompanied by a report from the Chief of Police as to the character of the applicant. **[Amended by By-law 2019-230]**

6. INVENTORY SUBJECT TO INSPECTION

At any time during the business hours of the pawnbroker an officer of the Police Services Board of The Corporation of the City of Sault Ste. Marie is authorized to inspect the inventory of the pawnbroker.

7. PROVISIONS OF PAWNBROKERS ACT

In addition to the requirements of this by-law, the pawnbroker is subject to and shall comply with the requirements of the *Pawnbrokers Act*.

7A. ADMINISTRATION AND ENFORCEMENT

(1) Enforcement Agency

The Sault Ste. Marie Police Service and the City's Municipal By-law Enforcement Officer(s), or a designate, shall be responsible for the enforcement of this by-law.

(2) Inspections and Re-inspections

The Sault Ste. Marie Police Service, a Municipal By-law Enforcement Officer or any person acting under those persons, or any person authorized by the City may at reasonable times during business hours inspect as much of any place or premises carrying on any business in respect of which a person has or is required to have a Licence.

When a re-inspection is required to confirm compliance with the provisions of this by-law a fee in the amount set out in Schedule "A" of this by-law shall be charged.

(3) Offences and Penalties

Any person violating any of the provisions of this by-law shall be subject to a penalty under the Provincial Offences Act, R.S.O. 1990, c. P.33.

For the purposes of this section, a separate violation shall be deemed to have been committed for each and every day during which such violation continues, and conviction in respect of a violation shall not operate as a bar to further prosecution if such violation continues. **[amended by By-law 2020-107]**

7B. GENERAL:

(1) Interpretation

In this by-law, unless the context otherwise requires, words importing the singular member shall include the plural and words importing the masculine shall include the feminine.

(2) Conflict

In the case of a conflict between the provisions of this by-law and any other municipal by-law, the provisions of this by-law shall prevail

(3) Severances

If any section, subsection, sentence, clause, phrase or provision of this bylaw is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the by-law. The City hereby declares that it would have passed this by-law and each section, subsection, sentence, clause, phrase and provision herein, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions be declared invalid. **[amended by By-law 2020-107]**

8. BY-LAW REPEALED

By-law 97-25 is hereby repealed.

9. EFFECTIVE DATE

This by-law takes effect on the day of its final passing.

READ THREE TIMES and **PASSED** in open Council this 17th day of March,
2003.

“JOHN ROWSWELL”
MAYOR – JOHN ROWSWELL

“DONNA IRVING”
CLERK – DONNA IRVING