

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 Tax and Licence Division, Police Services and the Legal Department it was determined that for the purpose of consumer protection it was necessary to license pawnbrokers;

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;

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 Tax and Licence Division of the Finance 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);

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**

An annual fee of \$250.00 shall be paid for each licence issued under this by-law.

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.

5. **APPLICATION FOR LICENCE**

Every application for a licence to carry on business as a pawnbroker shall be made to the Tax and Licence Division 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.

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*.

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 P. IRVING

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