

THE CORPORATION OF THE CITY OF NANAIMO B. C.

BY- LAW No... 302.

A By- Law.

For the purpose of Licensing and Regulating Second- Hand Stores, Junk Stores or shops, and persons Firms or Corporations, keeping the same.

The Municipal Council of The Corporation of the City of Nanaimo, enacts as follows;-

1. This By-Law may be cited as the "Second-hand and Junk Stores By-Law No 302 1917 "

INTERPRETATION.

2. In the construction of this By-Law the following terms shall, without restricting the generality or limiting the meaning thereof but, in addition thereto, mean and include the definitions following; unless it be otherwise herein provided, or there is something in the context or provisions indicating a different meaning or calling for a different construction.

"Second-hand Goods" means and shall include any goods, chattels wares or merchandise, and all personal property, that has been used and any goods, chattels, wares or merchandise, and all personal property, whether new or old, that is offered or delivered to any second-hand store, junk store or shop, or to the persons keeping or maintaining any such store or shop, his servant or agent, for the purpose of selling, exchanging or bartering the same.

"Junk" means and shall include worn cut or discarded goods, chattels, wares or merchandise, or any personal property, whether the same may or may not be put to any use, including (without, however, limiting the generality of the foregoing words) Old rope, bottles, sacks chain metal or scrap metal of all kinds, whether parts of machinery or not, and whether the same shall have originally been the whole or part of any metallic personal property whatsoever, and whether in the form of pipe or any other form or shape whatever.

"Second-hand dealer" means and shall include every person, firm or corporation who owns, keeps or maintains a store, shop, in which second-hand goods or junk, or both, are kept or offered for sale, or from, or in which Second-hand goods, or junk or both are sold purchased or bartered.

"Police Officer" means and shall include the Chief of Police, any police officer of the City of Nanaimo, or any other person having the authority of a police officer in the City of Nanaimo.

"City Treasurer" means the Treasurer of the City of Nanaimo.

"Municipal Council" means the Municipal Council of the Corporation of the City of Nanaimo.

"Person" shall include a body corporate.

L I C E N S E S .

3. All licenses under this by-law shall be granted, renewed, cancelled, or refused, as the case may be, by the Municipal Council.

4. No person shall keep or maintain a second-hand shop or junk store, or shop, or carry on the business of a second-hand dealer, in any store, shop or premises, without first applying for, and obtaining a license therefor, under and pursuant to the provisions of this By-Law.

5. Every person desirous of obtaining a license under the provisions of this By-Law shall apply therefor to the Municipal Council by written application, signed by the applicant, which application shall be forwarded to the Municipal Council, after the applicant shall have complied with Section 6 of this By-Law. Such application shall be in form "A" in the schedule of this By-Law (with such variations, if any, as the circumstances shall require) and shall contain the following particulars.

(a) Name of the applicant, with place of residence, length of residence in the Municipality, or County of Nanaimo, and nationality.

(b) Place of location of shop.

(c) Business or trade name (if any).

(d) If the applicant is a partnership the applicant shall state the name and address of each partner, with place of residence, length of residence in the Municipality, and nationality of each, and also a statement as to whether or not such partnership is registered under the Partnership

Act, and if the applicant is a body corporate, the registered name and the registry office, with the names of the Directors and Manager or Managers thereof.

6. Every person desirous of applying for a license under this By-Law, before forwarding an application therefor as required by Section 5 of this By-Law to the Municipal Council, shall first produce such application properly made out and signed to the City Treasurer, and shall at the time of such production pay to the City Treasurer the sum of \$5.00, which sum is hereby fixed as the license fee for every such license issued under this By-Law for the period (or unexpired portion thereof) provided by Section 8 hereof, and shall require the City Treasurer (who is hereby directed accordingly) to thereupon endorse on the said application a receipt for the said license fee of \$5.00 and give the applicant an official receipt therefor, and return the same application to the applicant, In the event of such application being refused by the Municipal Council, such license shall be refunded to the applicant on demand.

7. Every applicant for a license under this By-Law shall be forwarded to the Municipal Council by the applicant, by leaving the same with the Clerk of the Municipality, after having the same properly endorsed by the City Treasurer pursuant to Section 6 hereof, and it shall be the duty of the said Clerk not to receive, but to reject the same unless such application shall comply with all the formal requirements of this By-Law.

8. The Municipal Council upon receiving an application for a license pursuant to this By-Law shall consider the same and shall not grant a license to an applicant who is not in the opinion of the Municipal Council a fit and proper person, to receive a license, but if satisfied that the applicant is a fit and proper person to receive a license the said Municipal Council shall grant and shall direct the City Treasurer to issue a license to the applicant, which license if granted, shall be for a period of not longer than six (6) months, and shall be granted and issued so as to terminate on the 15th of July or the 15th of January next, following the issue thereof.

9.. A license issued by the Municipal Council, under the provisions of this By-Law shall be in the form "B" in the schedule to this By-Law, and shall be signed by the City Treasurer.

10. Every person who shall have a valid, unexpired and unsuspended license issued under and pursuant to the provisions of this By-Law, shall, on the expiration of the period for which the same was issued, be entitled to have another license granted and issued to him for the next six (6) months following, upon such person forwarding to the City Treasurer the sum of \$5.00 and an application in form "C" of this By-Law.

11. Every license issued pursuant to this By-Law shall be granted and issued only to the person or persons, and for the premises mentioned in such license, and shall not be transferred or transferable from one person to another, or from one premises to another without the leave of the Municipal Council first having been obtained, and every person who shall keep or maintain a second-hand shop or junk store or junk shop or carry on the business of a second-hand dealer on a license transferred to him without the consent of the Municipal Council or in premises other than those mentioned in such license shall be deemed guilty of a contravention of Section 4 of this By-Law.

12. The Municipal Council upon proof that any licensed second-hand dealer has been convicted of a breach of this By-Law, or any offence against any Provincial or Dominion Statute having the force of law within the City of Nanaimo, may revoke and terminate such license, or suspend the same for such time as the said Municipal Council shall think fit.

13. No license shall be issued to any person under this By-Law who shall have heretofore been licensed under this By-Law, but whose license shall have been revoked and terminated absolutely under the provisions of Section 12 of this By-Law, within the space of six (6) months next after such revocation and termination of such license.

14. Every licensed second-hand dealer shall keep on the premises mentioned in such license, a book in which such licensee shall enter in legible writing in ink, the following matters and things in respect of all second-hand goods or junk purchased or received by him, his servant or agent or received into the premises, in respect of which such dealer is licensed, whether such second-hand goods or junk are received into such

premises by way of purchase, barter, or otherwise howsoever.

- (a) Each article purchased, taken in barter or received with description thereon, and any descriptive mark, number, or name which may be thereon.
- (b) The name, residence and description of the person from whom such second hand goods or junk was purchased, taken in barter or received.
- (c) The price paid for such second-hand goods or junk, or in the event of barter, or received in any other way or for any other consideration given therefor or given in barter.
- (d) The hour such article was purchased, taken in barter or received, together with the day and date.

15. Every licensed second-hand dealer shall immediately at the time of and before completing any and every transaction whereby goods or junk are bought, acquired or received, by him from any person or customer, enter each and every such article in a book, and in the manner required by Section 14 of this By-law, and shall also before making any payment, or giving any consideration for any such goods or junk, require and cause such person or customer to sign his name, signature and full address in such book, in a space which shall be reserved for such purchase opposite or immediately following each and every such entry.

16. Every licensed second-hand dealer shall, upon demand in that behalf made by any police officer, forthwith produce and show to such officer the book provided to be kept by Section 14 of this By-law, and shall permit such officer to examine, copy or take extracts from the same.

17. Every licensed second-hand dealer shall, at the end of each and every business day, make out, sign and deliver a true and accurate report to the Chief of Police of all articles purchased, taken in barter or received, throughout such business day, by him, his servant, or his agent, into the premises of which he shall be licensed, setting out in such report a true copy of all entries made in the book provided to be kept by section 14 of this By-law. Such report shall be in form "D" in the schedule to this By-law and such report shall be delivered to the Chief of Police not later than 9-30 O'clock in the forenoon of the day following.

18. No licensed second-hand dealer shall buy, take in barter or receive into his premises any second-hand goods or junk from:-

- (a) Any person apparently under the age of 18 years or
- (b) Any person apparently under the influence of liquor.

19. No licensed second-hand dealer shall sell or otherwise dispose of any second-hand goods or junk acquired, purchased or received by him into his premises within the space of two days from the time of having acquired, purchased or received the same.

20. This By-Law shall not apply to book sellers, or to the buying or selling or exchanging of second-hand books, papers, and magazines.

P E N A L T Y C L A U S E .

21. Every person who shall fail to observe or shall contravene any of the provisions of this By-Law shall be guilty of an offence and shall be liable on summary conviction, to forfeit and pay at the discretion of the convicting Judge, Justice, Justices, or Magistrate a fine or penalty not exceeding One Hundred Dollars (\$100.00), in addition to costs, for each such offence, [and in default of payment thereof, forthwith it shall be lawful for such Judge, Justice, Justices, or Magistrate, convicting as aforesaid, by warrant under the hand and seal of such Justice or Magistrate (or in case two or more Justices act together therein, then under the hand and seal of one of them) to cause such fine or penalty and costs, or costs only, to be levied by distress and sale of the goods and chattels of the offender, and in case of there being no distress found out of which such fine or penalty and costs can be levied, such Judge, Justice, Justices, or Magistrate may commit the offender to the common Jail or Lock-up House, there to be imprisoned for any time in the discretion of the convicting Judge, Justice, Justices, or Magistrate, not exceeding sixty (60) days, and with or without hard labour, unless such penalty and costs, including the costs of the committal and conveyance to the common Jail or Lock-up House are sooner paid.]

Passed by the Municipal Council of The Corporation of the City of Nanaimo on the 20th day of August 1917.

Reconsidered and finally adopted by the Municipal Council of the Corporation of the City of Nanaimo on the 27th day of August 1917.

A. L. Patray
 City Clerk.

Th. J. McKenzie
 Mayor.

SCHEDULE.

Form "A"

APPLICATION FOR A LICENSE.

I (or We) the undersigned hereby apply for a license as a Second- Hand Dealer under and pursuant to the provisions of the Second-hand and Junk Store By-Law No 302 1917.

(A)

Name of each Applicant.	Place of Residence of each.	Length of Residence of each in City or County of Nanaimo.	Nationality of each.
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(B) Place of location of shop

(C) Business or trade name (if any)
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Signature.....

F O R M " B "

Second -hand and junk store^s By-Law No 302 1917

City of Nanaimo,

L I C E N S E .

This is to certify that..... is licensed as a Second-hand Dealer under the provisions of the above By-Law, for premises know as No..... Street Nanaimo B. C. under the business or trade name of for the period up to and including the 15th day of 19..

City Treasurer.

F O R M " C "

Second Hand and Junk Store By-Law.

Application for renewal.

19...

City Treasurer ,

Nanaimo B. C.

The undersigned requests a renewal of his license under the above By-Law for the premises No..... Street..... Nanaimo B. C. for the period of six months up to and including the 15th day of 191.

Signature of Applicant.....

Business or trade name.....

F O R M "D"

Report.

Nanaimo B. C. 19...

Report to the Chief of Police of the City of Nanaimo of all second-hand goods or junk purchased or received throughout the... day of.... 19..... This report must be made up accurately and must be delivered to the Chief of Police before 9-30 a.m. of the following day.

- Name.....
- Address.....
- Apparent Age.....
- Apparent Height.....
- Build.....
- Apparent weight.....
- Complexion.....
- Clothing worn.....
- Description of Article..
- Hour purchased.....
- Price paid or other consideration.....
- Name, Initial, Engraving, and mark....
- Number of movement if a watch.....
- Number of case if a watch.....

I hereby certify that the above report is a true full and accurate report of all second-hand goods and junk purchased or received by me into my licensed premises on the above date, and that I neither bought or received into my licensed premises on the above date any further or other second-hand goods or junk than those above set out.

Licensee signs here.....