
A BYLAW OF THE TOWN OF ELK POINT, IN THE PROVINCE OF ALBERTA ,
AUTHORIZING THE COUNCIL TO REGULATE BUSINESS DEALING WITH
SECONDHAND GOODS.

Under the authority and pursuant to the provisions of the
Municipal Government Act, being Chapter M-26 of the Revised
Statutes of Alberta, 1980, with amendments thereto and under
Sections 224 and 225 thereof, the Municipal Council of the
Town of Elk Point, duly assembled, enacts as follows:

1. In this By-Law, unless the context otherwise requires:
 - a) "Secondhand Dealer" includes every person who has his place of business within the Town of Elk Point and who purchases, sells, or exchanges or in any way deals in goods, wares, merchandise, effects, articles or things of any kind or nature, which have been worn, used or purchased by some person to be worn, used, all commonly known as secondhand goods or antiques and hereinafter referred to as second-hand goods.
2. No secondhand dealer shall acquire any secondhand goods from any person unless:
 - a) The latter person is sixteen (16) years of age or over;
 - b) The latter person does not appear to be under the influence of alcohol or drugs.
3. No secondhand dealer shall acquire secondhand goods as herein defined except on a legal business day during business hours.
4. a) No secondhand dealer shall alter, repair, dispose of or in any way part with possession of secondhand goods acquired in the course of this business until seven (7) days from the date of acquisition have elapsed and during this seven (7) day period the secondhand dealer shall keep the secondhand goods on the licensed premises and separate and apart from the other merchandise so that they may be examined at any time during business hours by the Royal Canadian Mounted Police who may be assisted by some private citizen, who is there in order to assist in locating and/or identifying goods reported stolen or suspected of being stolen.
5. a) Every secondhand dealer shall keep a secondhand dealer's register consisting of a book in which the dealer shall record information about goods that he has acquired together with a description of the person from whom the goods were acquired and such record shall be completed as soon as the transaction has taken place.
 - b) Records in the secondhand dealer's register shall be in the English language and shall be in ink and shall be written plainly.
 - c) Every secondhand dealer shall enter in the register the following information:
 - i) the hour of each purchase, sale or exchange.
 - ii) the amount paid for the article.

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iii) a brief description of the article including serial number and maker's name, if any, and if the serial number has been removed or is missing a special note of this fact shall be made.

iv) the Christian name, middle initial, surname, address, social insurance number and a detailed description of the person from whom the second-hand goods were acquired including color of eyes, sex, height, weight, age, build, complexion and color of hair.

v) the numbers from two forms of identification from the following which confirm the name and address given: social insurance number, operator's license, birth certificate, credit card or any other form of identification which would be acceptable by a chartered bank for the purpose of identifying a person for cashing a cheque.

d) Every person who destroys, alters, mutilates or falsifies any secondhand dealer's register is guilty of an offence against this by-law.

e) Every secondhand dealer shall keep his register open to inspection by members of the Royal Canadian Mounted Police at all times during business hours.

f) Every secondhand dealer shall allow a member of the Royal Canadian Mounted Police to remove his register for inspection at Police Headquarters if for use in court. The secondhand dealer shall not be held liable for neglect in failing to enter purchases, or exchanges made while the register is so absent from his premises provided he makes the necessary entries immediately upon return of the register from noted s he made at the time of any purchase or exchange completed while the register was absent.

6. No secondhand dealer shall display any goods, ware or merchandise except upon property owned or controlled by the licensee, not upon any sidewalk, street or boulevard and all such goods, wares or merchandise shall be within property maintained in accordance with town bylaws; the foregoing shall not be deemed to prevent display of goods in a vestibule or corridor that forms part of the original design of any building now lawfully erected in accordance with town bylaws but in no case shall the merchandise be so displayed as to obstruct safe and ready ingress or egress to or from the building.

7. In addition to the foregoing provisions of this Section, all persons including merchants or dealers who take goods wares, merchandise or other effects for sale or exchange, whether the same be taken as incidental to their business or otherwise, shall furnish to any member of the Royal Canadian Mounted Police upon request, full information with regard to any such goods, wares, merchandise or other effects.

8. Any secondhand dealer who contravenes any section of this by-law, shall be guilty of an offence and liable on summary conviction to a fine of \$100.00 and further, the license to operate a secondhand basis shall be revoked, and shall not be reinstated unless by the authority of the Council of the Town of Elk Point.

THIS by-law shall come into effect upon the final passing thereof.

READ a first time in Council this 12 day of JUNE, 1984

READ a second time in Council this 25 day of JULY, 1984

READ a third time in Council this 27 day of AUGUST, 1984


MAYOR


MUNICIPAL ADMINISTRATOR