

MUNICIPALITY OF LEAMINGTON

BY-LAW NO. 291-01

Being a by-law to provide for the  
licensing of pawnbrokers.

WHEREAS pursuant to the provisions of the Pawnbrokers Act, R.S.O. c.P.6,  
a Municipal Council may pass by-laws for the licensing of pawnbrokers;

AND WHEREAS it is deemed advisable to enact a by-law to regulate the  
business of pawnbrokers within Leamington.

NOW THEREFORE the Council of The Corporation of the Municipality of Leamington  
enacts as follows:

1. In this by-law:
  - (1) "Municipal Clerk" shall mean the Clerk of The Corporation of the Municipality of Leamington or a person delegated by him for the purposes of this by-law.
  - (2) "Municipal Treasurer" shall mean the Treasurer of The Corporation of the Municipality of Leamington or a person delegated by him for the purposes of this by-law.
  - (3) "Corporation" shall mean The Corporation of the Municipality of Leamington.
  - (4) "Council" shall mean the Council of The Corporation of the Municipality of Leamington.
  - (5) "Pawnbroker" shall mean a person who carries on the business of taking by way of pawn or pledge any article for the repayment of money lent thereon.
2. The administration of this by-law is assigned to the Municipal Clerk who may delegate the performance of functions assigned to the Clerk under this by-law from time to time as occasion requires.
3. No person shall carry on the business of a pawnbroker within the Municipality of Leamington without holding a current valid licence for such business issued under the provisions of this by-law.
4. Unless otherwise specifically provided for in this by-law, all licences issued pursuant to the provisions of this by-law shall be displayed in a conspicuous place in or on the premises where a pawnbroker is carrying on the business of a pawnbroker.
5. Applications for all licences issued under the provisions of this by-law shall be made to the Municipal Clerk on forms to be provided by him.
6. Every applicant for a pawnbroker's licence shall provide in full, at the time the application is submitted, all of the information requested on the application form as well as:
  - (1) payment of the prescribed licence fee;
  - (2) Security in the amount of \$2,000 to the Municipality in a form satisfactory to the Municipal Treasurer;
  - (3) Any other document or information as may be required by this by-law.

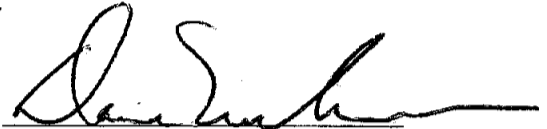
7. Every application will be subject to approvals from such municipal or provincial departments or agencies as the Municipal Clerk deems necessary.
8. A licence issued under the provisions of this by-law shall not be transferable and is valid only in respect of the person or of the premises named therein, except that where two or more persons carry on business as pawnbrokers in partnership in one shop, only one licence is necessary.
9. No licence shall be issued to any person in respect of any premises in which the carrying on or operation of the trade, calling, business or occupation for which the application is being made is in contravention of any by-law of the Corporation.
10. The issuance or renewal of a licence is not intended and shall not be construed as permission or consent by the Corporation for the holder of the licence to contravene or to fail to observe or comply with any law of Canada or of Ontario or with any by-law of the Corporation.
11. A licence issued under the provisions of this by-law shall be valid for the year for which it was issued only, or for any portion thereof as specified in the licence.
12. All licences shall expire on December 31 of the year for which they were issued, or on any other date specified in the licence.
13. The fee for a licence required pursuant to the provisions of this by-law shall be in accordance with Schedule 'A' of this by-law.
14. Every licensee shall notify the Municipal Clerk within 6 days of any change in his business or home address.
15. Every issuance is conditional for a period of 90 days following the date on which the licence is issued pending verification of the application for issuance of the licence.
16. Every pawnbroker shall submit the names and resident address of every employee of the business prior to the employee commencing work.
17. Every pawnbroker shall install and maintain a video camera/surveillance system satisfactory to the Municipal Clerk and retain the video tapes for a period of 30 days.
18. Council may suspend or revoke a pawnbroker licence:
  - (a) for any reason that would disentitle the holder to a licence if he were an applicant;
  - (b) where the holder of the licence is in breach of a condition of the licence or of this by-law or has been convicted of an offence pursuant to the Pawnbrokers Act.
19. Where Council proposes to suspend or revoke a licence issued under this by-law, it shall give notice of its proposal to the holder of the licence affected and to such other persons as appear to have an interest in the proposal.

20. The notice under Section 19 of this by-law shall:
  - (1) contain the reason for the proposed suspension or revocation;
  - (2) specify the time and place of the meeting of Council at which the proposed suspension or revocation will be considered;
  - (3) inform the holder of the licence that he is entitled to attend the meeting and make submissions about the proposal and that, in his absence, Council may proceed to consider the proposal; and
  - (4) afford the holder of the licence a reasonable opportunity, before the meeting, to show or achieve compliance with all lawful requirements for the retention of the licence.
21. Where Council proposes to suspend or revoke a licence issued under this by-law, the Council may, where the Council considers it to be necessary in the public interest, immediately suspend the licence for a period not exceeding 15 days.
22. Council may, at the meeting mentioned in Section 20 of this by-law, extend the interim suspension until the Board disposes of the proposed suspension or revocation.
23. The notice mentioned in Section 19 of this by-law shall inform the holder of the licence of any interim suspension and of the authority of the Council under Sections 21 and 22 of this by-law.
24. Council shall afford the holder of the licence an opportunity, at the meeting, of making submissions about the proposal.
25. Council shall afford any person given notice under Section 19 of this by-law and in attendance at the meeting, an opportunity to make submissions about the proposal.
26. Council may close all or any portion of the meeting to the public and, subject to Section 23 of this by-law, to the holder of the licence, for the propose of receiving and considering submissions of a confidential nature.
27. Council shall give due consideration to the submissions made to it.
28. Council shall, by resolution, take such action to suspend or revoke the licence, or not to suspend or revoke the licence, as Council considers proper in the circumstances.
29. Council shall give notice of its decision to the Municipal Clerk, the licence holder and any person in attendance at the meeting, together with the reason for its decision.
30. Any motion made at the meeting respecting the suspension or revocation of a licence on which there is an equality of votes shall be deemed to be decided by Council against the suspension or revocation of the licence.
31. A decision of Council suspending or revoking a licence or permit takes effect immediately.

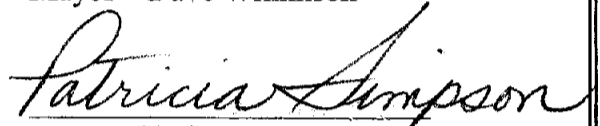
32. Every person who contravenes or fails to comply with this by-law is guilty of an offence and upon conviction is liable to a fine as provided in the Pawnbrokers Act.
33. This by-law comes into force immediately upon enactment by Council.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY

ENACTED THIS 15<sup>th</sup> DAY OF OCTOBER, 2001.



Mayor – Dave Wilkinson



Deputy Clerk – Patricia Simpson

**SCHEDULE A**

Licence Category

Fee

Pawnbroker

\$100.00