

Pawnbrokers By-law

L-7 - Enacted - March 5, 2007

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London
CANADA

Bill No. 111
2007

By-law L-7

A by-law to provide for licensing the
business of a pawnbroker.

WHEREAS it is provided in the *Pawnbrokers Act, R.S.O., 1990* that no person shall carry on the business of a pawnbroker without a licence;

AND WHEREAS pursuant to sections 10 and 151 of the *Municipal Act, 2001* S.O. 2001 a municipality may pass by-laws with respect to business licensing;

AND WHEREAS it is deemed appropriate to continue to licence the business of a pawnbroker in the City of London in accordance with the *Municipal Act, 2001*, S.O. 2001 and the *Pawnbrokers Act, R.S.O., 1990*;

THEREFORE, the Municipal Council of The Corporation of the City of London enacts as follows:

PAWNBROKERS BY-LAW

Part 1 DEFINITIONS

1.1 Definitions

Unless otherwise specifically defined in any Part of this by-law:

Board of Control - defined

"Board of Control" shall mean the Board of Control of The Corporation of the City of London.

City Clerk - defined

"City Clerk" shall mean the Clerk of The Corporation of the City of London or a person delegated by him for the purposes of this by-law.

City Treasurer - defined

"City Treasurer" shall mean the Treasurer of The Corporation of the City of London or a person delegated by him for the purposes of this by-law.

Corporation - defined

"Corporation" shall mean The Corporation of the City of London.

Council - defined

"Council" shall mean the Council of The Corporation of the City of London.

Pawnbroker - defined

"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 thereon and who otherwise conducts himself in accordance with the provisions and requirements of the *Pawnbrokers Act*.

Part 2 GENERAL PROVISIONS

2.1 Administration - by City Clerk - functions - delegation

The administration of this by-law is assigned to the City Clerk who may delegate the performance of his functions under this by-law from time to time as occasion requires.

2.2 Operation - without licence - prohibited

In the City of London, no person shall carry on the business of a pawnbroker without holding a current valid licence for such business issued under the provisions of this by-law.

2.3 Licence - displayed - conspicuous - on premises

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.

2.4 Application - issued by Clerk - form - prescribed

Applications for all licences issued under the provisions of this by-law shall be made to the City Clerk on forms to be provided by him.

2.5 Application - information - fee - security deposit

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:

- (a) payment of the prescribed licence fee as set out in Schedule "A" of this by-law;
- (b) security in the amount of \$2,000 to the Municipality in a form satisfactory to the City Treasurer; and
- (c) any other document or information as may be required by this by-law.

2.5.1 Renewal application – information – fee

Every application for a renewal of 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:

- (a) payment of the prescribed renewal licence fee as set out in Schedule "A" of this by-law; and
- (b) any other document or information as may be required by this by-law.

2.5.2 Renewal Fee – 2006 licences

Every applicant for a pawnbroker's licence who was issued a pawnbroker's licence under By-law L-5 for the 2006 year may apply for a renewal of the licence for the 2007 year in accordance with section 2.5.1.

2.6 Application - approval required - various departments

Every application and renewal will be subject to approvals from such municipal or provincial departments or agencies as the City Clerk deems necessary.

2.7 Transfer - licence - prohibited - one location only

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.

2.8 Premises - non-conforming - issue - licence - prohibited

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.

2.9 Issue - renewal - not authority to contravene any law

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.

2.10 Term - expiry - annual

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.

2.11 Expiry - December 31st - unless specified

All licences shall expire 11:59 p.m. on December 31 of the year for which they were issued, or on any other date specified in the licence.

2.12 Fee - licence - Schedule `A'

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.

2.13 Address - change - notice to Clerk - within 6 days

Every licensee shall notify the City Clerk within 6 days of any change in his business or home address.

2.14 Licence – administrative fee – licence refused or withdrawn

All licence fees are non-refundable if the application is refused for any reason or is withdrawn by the applicant prior to the issuance of a licence.

**Part 3
SUSPENSION - REVOCATION**

3.1 Board of Control - authority - conditions

The Board of Control may:

- (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;
- (c) if a subsequent report is filed by any department or agency specified in section 2.6 of this by-law which indicates that a licence holder no longer complies with any of the provisions of this by-law;

suspend or revoke the licence.

3.2 Notice - to licensee - other interested parties

Where the Board of Control 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, civic departments, boards, commissions, authorities or agencies as appear to have an interest in the proposal.

3.3 Notice - contents - information requirements

The notice under section 3.2 of this by-law shall:

- (a) contain the reason for the proposed suspension or revocation;
- (b) specify the time and place of the meeting of the Board of Control at which the proposed suspension or revocation will be considered;
- (c) 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, the Board of Control may proceed to consider the proposal; and
- (d) 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.

3.4 Suspension - interim - in public interest

Where the Board of Control proposes to suspend or revoke a licence issued under this by-law, the Board may, where the Board considers it to be necessary in the public interest, immediately suspend the licence for a period not exceeding 15 days.

3.5 Suspension - interim - extension

The Board of Control may, at the meeting mentioned in section 3.3 (b) of this by-law, extend the interim suspension until the Board disposes of the proposed suspension or revocation.

3.6 Suspension - interim - notice - consent

The notice mentioned in section 3.2 of this by-law shall inform the holder of the licence of any interim suspension and of the authority of the Board under sections 3.4 and 3.5 of this by-law.

Part 4

BOARD OF CONTROL - PROCEEDINGS

4.1 Opportunity to be heard - licensee

The Board of Control shall afford the holder of the licence an opportunity, at the meeting, of making submissions about the proposal.

4.2 Opportunity to be heard - interested parties

The Board of Control shall afford any person, civic department, board, commission, authority or agency given notice under section 3.2 of this by-law and in attendance at the meeting, an opportunity to make submissions about the proposal.

4.3 Meeting - closed - confidential submissions

The Board of Control may close all or any portion of the meeting to the public and, subject to section 4.1 of this by-law, to the holder of the licence, for the propose of receiving and considering submissions of a confidential nature.

4.4 Submissions - given due consideration

The Board of Control shall give due consideration to the submissions made to it.

4.5 Decision - by resolution - as considered proper

The Board of Control shall, by resolution, take such action to suspend or revoke the licence, or not to suspend or revoke the licence, as the Board of Control considers proper in the circumstances.

4.6 Decision - to City Clerk - licensee - other

The Board of Control shall give notice of its decision to the City Clerk, the licence holder and any person, civic department, board, commission, authority or agency in attendance at the

meeting, together with the reason for its decision.

4.7 Votes - equality - result

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 the Board of Control against the suspension or revocation of the licence.

4.8 Decision - immediate effect

A decision of the Board of Control suspending or revoking a licence or permit takes effect immediately.

**Part 5
ENFORCEMENT**

5.1 Fine - for contravention

Every person who contravenes this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

**Part 6
REPEAL - ENACTMENT**

6.1 By-law - previous

By-law L-5 - and all its amendment are hereby repealed.

6.2 Effective Date

This by-law comes into force the day it is passed.

PASSED IN OPEN Council on March 5, 2007.

Anne Marie DeCicco-Best
Mayor

Kevin Bain
City Clerk

SCHEDULE "A" TO BY-LAW L-7

CITY OF LONDON 2007 LICENCE FEE FOR PAWNBROKERS

Effective March 5, 2007

<u>Licence Category</u>	<u>Initial Licence Fee</u>	<u>Renewal Licence Fee</u>
Pawnbroker	\$410.00	\$160