



THE CORPORATION OF THE CITY OF PORT COQUITLAM

BYLAW NO. 3740

A Bylaw to Regulate the Buying and Selling of Scrap Metal.

Whereas the Community Charter empowers Council to regulate the conduct of business;

And whereas Council considers it necessary to regulate the business of buying and selling scrap metal in the City of Port Coquitlam;

Now therefore the Council of the Corporation of the City of Port Coquitlam, in open meeting assembled, enacts as follows:

Citation

1. This Bylaw may be cited as “Scrap Metal Dealer Bylaw, 2010, No. 3740.”

Interpretation

2. In this Bylaw:

Business Day means any calendar day, including any holiday, during which a Scrap Metal Dealer is open for business to one or more members of the public;

Bylaw Enforcement Officer means a person appointed to the position of Bylaw Enforcement Officer for the City and includes the Manager of Bylaw Services;

City means the City of Port Coquitlam;

Commercial Transaction means a transaction whereby the Scrap Metal Dealer pays the Seller by cheque drawn on an account in the name of the Scrap Metal Dealer at a financial institution, and which cheque is mailed by the Scrap Metal Dealer to the address indicated by the Seller and the payment includes applicable taxes as a component of the total;

Council means the Council of the City of Port Coquitlam;

Goods Information means, in reference to a Scrap Metal Dealer:

- (i) the price paid for the Scrap Metal including:

- (a) the method of payment;
 - (b) the weight and type of metal purchased; and
 - (c) the applicable tax registration number of the Seller.
- (ii) the precise date and time of purchase of the Scrap Metal; and
 - (iii) identifiable or distinguishing marks on the Scrap Metal including, where applicable, identification of the item as selected scrap metal;

Non-Commercial Transaction means any transaction by the Scrap Metal Dealer that is not a commercial transaction;

Picture Identification means one or more of the following, not more than five years old, that includes a photograph of the bearer:

- (i) valid driver's licence issued by a Canadian province or territory; or any state within the United States of America;
- (ii) valid Provincial identity card;
- (iii) valid passport issued by a legitimate government;
- (iv) certificate of Indian status issued by the Government of Canada;
- (v) certificate of Canadian citizenship issued by the Government of Canada; or
- (vi) conditional release card issued by the Correctional Services Canada,

Police means the Officer in Charge of the Coquitlam Detachment of the RCMP and includes his or her designate;

Registers means the Scrap Metal Dealer's Goods Information Register and the Scrap Metal Dealer's Seller Information Register as referred to in this Bylaw and where this bylaw stipulates that a Scrap Metal Dealer has an obligation in connection with a register, the reference is to the registers which the Scrap Metal Dealer is obliged, under this Bylaw, to establish and maintain;

Reported Stolen means that the item(s) had been reported as taken without colour of right by the true owner thereof to an RCMP detachment or municipal police department, and that particular police agency has delivered a report of the complaint to the premises of the particular Scrap Metal Dealer;

Scrap Metal means Scrap Metal Ferrous, Scrap Metal Nonferrous, and Selected Scrap Metal, but does not include used cans or containers for food, beverages, paint, domestic or household products normally recycled to avoid waste;

Scrap Metal Dealer means any person licensed pursuant to the Business Bylaw, as amended from time to time, to carry on the business of selling, purchasing, or otherwise dealing in Scrap Metal;

Scrap Metal Nonferrous means a metal or alloy that is free of iron or comparatively so, including but not limited to:

- (i) copper, including brass and bronze;
- (ii) aluminum, excepting recyclable beverage cans and food containers;
- (iii) zinc;
- (iv) magnesium;
- (v) lead; and
- (vi) nickel.

Scrap Metal Ferrous means new or used items made principally of iron, steel, or tin, and includes items of Scrap Metal outside the definitions of Scrap Metal Nonferrous and Selected Scrap Metal;

Selected Scrap Metal means:

- (i) Scrap Metal which bears any markings of, or is unique to public utilities or similar businesses distributing through piping or wiring, electricity, telephone services or cable television signals. Without limiting the generality of the foregoing, this includes metal items marked with any of the following words “British Columbia Hydro”, “British Columbia Transmission Corporation”, “Telus”, “Shaw” or “Rogers”;
- (ii) extruded aluminum of the type used by corporations or similar businesses which provide display signs;
- (iii) civic street and traffic signs, manhole lids, catch basin grates, water valve lids, and any other items marked with the name of a municipal corporation;
- (iv) grave markers;

- (v) aluminum ladders bearing any identifying markings from a public agency, municipality, regional district, school district, or similar corporation;
- (vi) new production scrap or new materials that are part of a manufacturing process that are being sold by an individual and not by a company;
- (vii) full sized new materials, such as those used in construction, or components of construction equipment and construction tools;
- (viii) stainless steel;
- (ix) wire that has been burned; or
- (x) materials that have been Reported Stolen.

Seller means an individual, firm or corporation who sells or otherwise disposes of Property to a Scrap Metal Dealer;

Seller Information means:

- (i) the full name, current residence or street address, telephone number, and birth date of the person from whom the Scrap Metal was purchased by the Scrap Metal Dealer;
- (ii) confirmation of the identify of the Seller by way of Picture Identification bearing the signature of the Seller, together with a complete description of the Picture Identification and name of the authority that issued it;
- (iii) the Seller's stated source of the Scrap Metal;
- (iv) the make, model, colour and provincial vehicle licence plate number of any motor vehicle used by the Seller to deliver the Scrap Metal to the Scrap Metal Dealer's premises including if applicable, taxi cab company name, taxi cab number and provincial vehicle licence plate number; and
- (v) in a case where the Seller is not the owner of the Scrap Metal, the full name, street address, telephone number and if applicable, the applicable tax registration number of that owner,

Transaction means any process including a purchase, barter or trade by which Scrap Metal comes into the possession of a Scrap Metal Dealer; and

Transaction Report means a report of transactions submitted to the Police in the form specified in this bylaw.

Maintenance and Use of Dealer's Goods Information Register

3. Every Scrap Metal Dealer must establish and maintain a record to be called the Scrap Metal Dealer's Goods Information Register, of all Scrap Metal Nonferrous and Selected Scrap Metal transacted by the Scrap Metal Dealer.
4. Immediately after the transaction of any Scrap Metal Nonferrous or Selected Scrap Metal, every Scrap Metal Dealer must set out in the Goods Information Register in chronological order by date of purchase, in the English language, a record of the transaction that must include the Goods Information.
5. Every Scrap Metal Dealer must:
 - (a) maintain the Goods Information Register electronically or manually;
 - (b) record all information in the Goods Information Register;
 - (c) transmit to the Police by facsimile a report of the daily transactions in the Goods Information Register at the end of each Business Day; and
 - (d) before the close of each Business Day, print out a hard copy of all electronic information recorded during the course of the day, and maintain all such hard copies as a manual version of the Goods Information Register.
6. If the Scrap Metal Dealer is temporarily unable, for good reason, to record or transmit information electronically, he or she must maintain the Goods Information Register in legible handwriting in ink, using the form attached to this bylaw as Schedule A, until electronically recording it so that no omissions or delays or gaps in record keeping or reporting may occur.

Maintenance and Use of Dealer's Seller Information Register

7. Every Scrap Metal Dealer must establish and maintain a record to be called the Scrap Metal Dealer's Seller Information Register respecting all transactions of Scrap Metal Nonferrous and Selected Scrap Metal by the Scrap Metal Dealer.
8. Immediately after the transaction of any Scrap Metal Nonferrous or Selected Scrap Metal, every Scrap Metal Dealer must set out in the Seller Information Register in chronological order by date of transaction in the English language a record of the transaction that must include the Seller Information.
9. Every Scrap Metal Dealer must:
 - (a) maintain the Seller Information Register electronically or manually;
 - (b) record all information in the Seller Information Register; and

- (c) before the close of each Business Day, print out a hard copy of all electronic information recorded during the course of the day, and maintain all such hard copies as a manual version of the Seller Information Register.
- 10.** If the Scrap Metal Dealer is temporarily unable, for good reason, to record information electronically, he or she must maintain the Seller Information Register in legible handwriting in ink, using the form attached to this bylaw as Schedule B, until electronically recording it so that no omissions or delays or gaps in record keeping or reporting may occur.

Preservation and Inspection of Registers

- 11.** A Scrap Metal Dealer must:
- (a) not amend, obliterate or erase any entry in the Registers or remove any page from the Registers either wholly or partially or electronically or manually;
 - (b) not permit, allow or suffer any other person to amend, obliterate or erase any entry in the Registers, or remove any page from the Register either wholly or partially or electronically or manually;
 - (c) immediately report to the City's Bylaw Enforcement Officer any amendment, obliteration, or erasure of an entry in the Registers or the removal of the Registers or any part thereof from the premises of the Scrap Metal Dealer;
 - (d) take steps to ensure that information recorded in the Registers is reasonably secure from access, collection, use, disclosure, or disposal; and
 - (e) maintain on the Scrap Metal Dealer's premises, all records pertaining to each Non-Commercial Transaction purchase of Scrap Metal Nonferrous and Selected Scrap Metal including any written invoice, cancelled cheques and Registers, for a period of 24 months following the transaction.
- 12.** On request by the Police, Bylaw Enforcement Officer or any person authorized to act on behalf of the Police or Bylaw Enforcement Officer, a Scrap Metal Dealer must:
- (a) produce the Goods Information Register for inspection on the premises of the Scrap Metal Dealer;
 - (b) provide the Goods Information Register to the Police for inspection on premises other than those of the Scrap Metal Dealer or for use as evidence in court or other proceedings;

- (c) immediately upon return of the Goods Information Register removed from the premises under this section or otherwise, record in the Register, in chronological order, every purchase by the Scrap Metal Dealer of Scrap Metal Nonferrous or of Selected Scrap Metal, that occurred during the absence of the Goods Information Register; and
- (d) permit the Police and the Bylaw Enforcement Officer to inspect:
 - (i) the premises of the Scrap Metal Dealer and any Scrap Metal Nonferrous and Selected Scrap Metal thereon; and
 - (ii) any Scrap Metal Nonferrous and Selected Scrap Metal purchased or held by the Scrap Metal Dealer.

13. Every Scrap Metal Dealer must:

- (a) subject to removal of the Goods Information Register pursuant to section 12(b), or to directions by a court of competent jurisdiction, keep on the business premises of the Scrap Metal Dealer the Registers, or any portion of the Registers, that contains any record made or required to be made within the previous 24 months;
- (b) keep, within the Province of British Columbia, each record entered on the Registers for a period of seven (7) years following the date the record was made; and
- (c) if the business of the Scrap Metal Dealer is sold, leased, assigned, transferred or disposed of to any person, transfer possession of the entire Registers to the person who bought, leased, took assignment or transfer of the business or to whom the business was otherwise disposed.

14. A person who receives a Register pursuant to section 13(c) must comply with this Bylaw in relation to securing and maintaining the Registers, and for producing or providing the Register to the Police or Bylaw Enforcement Officer.

Display of Name

15. Every Scrap Metal Dealer shall place and maintain his or her name and address on:

- (a) the front of the premises at which he or she carries on business; and
- (b) both sides of any vehicle or vessel used in connection with such business.

Premises, Hours, Markings, Minors

16. A Scrap Metal Dealer must not:

- (a) purchase, sell, or keep Scrap Metal Nonferrous or Selected Scrap Metal except at the premises designated in the Scrap Metal Dealer's business licence;
- (b) transact Scrap Metal Nonferrous or Selected Scrap Metal from any person between 7:00 p.m. of any calendar day and 7:00 a.m. of the next calendar day;
- (c) purchase or take in Scrap Metal Nonferrous or Selected Scrap Metal of which any serial number or other identifying marks appear to have been wholly or partially obliterated, tampered with or removed;
- (d) transact any Scrap Metal Nonferrous or Selected Scrap Metal from a person:
 - (i) under the age of 18 years; or
 - (ii) who appears to be intoxicated by alcohol or drugs.

Retention and Management of Goods

17. During the applicable period established in section 18, every Scrap Metal Dealer, with respect to each Non-Commercial Transaction purchase of Scrap Metal Nonferrous must:

- (a) clearly and individually tag each purchase by date and transaction identifier, and clearly and physically separate it from other Scrap Metal Nonferrous and Selected Scrap Metal in the dealer's premises;
- (b) not alter, repair, dispose of, or in any way part with possession of the Scrap Metal Nonferrous, or remove it from the premises of the Scrap Metal Dealer; and
- (c) not permit, allow or suffer any other person to alter, repair, dispose of the item, or in any way part with possession of it, or remove it from the premises of the Scrap Metal Dealer.

18. In relation to a Non-Commercial Transaction purchase of Scrap Metal Nonferrous every Scrap Metal Dealer must comply with the requirements of section 17 for at least 7 days after the date that a transaction has been recorded electronically or manually in the Register.

19. The time periods established in section 18 do not apply to a Commercial Transaction purchase of Scrap Metal Nonferrous by a Scrap Metal Dealer.

- 20.** It shall be unlawful for a Scrap Metal Dealer to purchase Selected Scrap Metal, unless the Selected Scrap Metal is delivered to the Scrap Metal Dealer's premises in a vehicle clearly marked as that of the corporation or similar business surrendering the Selected Scrap Metal, and the Seller also:
- (a) has identification showing employment with that entity or appointment as an agent of the Seller or under written contract with the owner of the Selected Scrap Metal; and
 - (b) has an originally signed letter, on that entity's usual letterhead, authorizing the identified person to sell Selected Scrap Metal to a Scrap Metal Dealer.

In such cases, purchase of the Selected Scrap Metal shall be made only by way of Commercial Transaction.

- 21.** A Scrap Metal Dealer who, before expiry of the applicable time period established in section 18 wishes to sell or otherwise dispose of Scrap Metal Nonferrous at an earlier time may deliver a written request to the Police, who may, in writing, waive the applicable time period on such conditions as the Police consider appropriate and necessary in the circumstances.

Mixed Businesses

- 22.** A person who holds a licence for both a Scrap Metal Dealer and a further business must clearly and physically separate all Scrap Metal purchased from other goods and inventory.

Exemptions

- 23.** This bylaw shall not apply to purchases of Scrap Metal Ferrous.
- 24.** This bylaw shall not apply to a person:
- (a) who only purchases, sells or collects recyclable materials for the sole purpose of recycling. Recyclable materials include bottles, cans, plastics, glass, cardboard, paper or other recyclable materials but shall not include Scrap Metal that is not part of a can or food container; or
 - (b) buying, selling or collecting a used motor vehicle that has been, or will be crushed for the purpose of recycling it.

Offence

- 25.** Any person who refuses to allow any Police Officer or Bylaw Enforcement Officer to inspect such place, premises or thing associated with the carrying on of a business regulated by this bylaw shall be guilty of an infraction of this bylaw.

26. Any person who violates any provision of this bylaw, or who allows or permits any act or thing to be done in violation of any provision of this bylaw, or who neglects to or refrains from doing anything required to be done by any provision of this bylaw, is guilty of an offence against this bylaw and each day that a violation continues to exist is deemed to be a separate offence against the bylaw.

Penalty

27. Any person who commits an offence contrary to the provisions of this bylaw is liable on summary conviction to a penalty of not less than \$1,000 (one thousand dollars) and not more than \$10,000 (ten thousand dollars), in addition to the costs of the prosecution.
28. Pursuant to the authority granted by the *Community Charter*, the Council may, after a hearing and for reasonable cause, cancel, suspend or refuse to issue a business licence to a business regulated by this bylaw.

Severability

29. If any section, subsection or sub-subsection of this bylaw is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of the bylaw.

Interpretation

30. Headings are included in this bylaw for convenience only, and are fully subject to section 11 of the *Interpretation Act*.

Read a first time by the Municipal Council this 13th day of September, 2010.

Read a second time by the Municipal Council this 13th day of September, 2010.

Read a third time by the Municipal Council this 13th day of September, 2010.

Public Input Opportunity held this 12th day of October, 2010.

Adopted by the Municipal Council of the Corporation of the City of Port Coquitlam this 12th day of October, 2010.

GREG MOORE
Mayor

SUSAN RAUH
Corporate Officer

SCHEDULE "A"

SCRAP METAL DEALER GOODS INFORMATION REGISTER

TRANSACTION REPORT

Date:	Time:	Transaction Number:
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Complete Description of Type, Composition and weight of purchase					
Material type	Weight	Material type	Weight	Material type	Weight
No. 1 Copper		Stainless			
No. 2 Copper					
Aluminum					
Aluminum					
Brass					
Radiators				Total Weight (lbs):	
Stainless				Total Price Paid:	\$
				Paid By <input type="checkbox"/> Cheque <input type="checkbox"/> Cash	

Record identifiable or distinguishing marks or selected scrap metal

Method of Payment
Cash
Cheque
Tax# if a Commercial Transaction

Prepared By:	
Signature:	

SCHEDULE "B"

SCRAP METAL DEALER SELLER INFORMATION REGISTER

Date:	Time:	Transaction Number:
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Seller Information	
Name:	Phone #:
Home Address:	Date of Birth:
	Description of Picture ID :
	Seller's Signature:

Owner Information if different from above	
Name:	Phone #:
Address:	Tax Number:

Vehicle Information	
Make:	Taxicab Company Name:
Model:	Taxi Cab Number:
Colour:	Licence Plate #:
Licence Plate #	

Prepared By:	
Signature:	