

## DISTRICT OF MAPLE RIDGE

### BYLAW NO. 6772 – 2010

A bylaw to regulate dealings in scrap metal

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WHEREAS Council considers it necessary to regulate the business of purchasing scrap metal in the District of Maple Ridge;

AND WHEREAS the District has given notice of Council's intention to adopt this bylaw and has provided an opportunity for persons who consider themselves affected by this bylaw to make submissions to Council pursuant to s. 59 of the *Community Charter*, and Council is satisfied that reasonable notice has been provided;

NOW THEREFORE the Council of the Corporation of the District of Maple Ridge in open meeting assembled enacts as follows:

#### CITATION

1. This bylaw may be cited as "Maple Ridge Scrap Metal Dealer Regulation Bylaw No. 6772-2010".

#### 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 any Bylaw Enforcement Officer or Licence Inspector appointed by the Council to enforce District bylaws;

"District" means the Corporation of the District of Maple Ridge;

"Commercial Transaction" means a Transaction whereby a Scrap Metal Dealer pays a 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 HST as a component of the total;

"Council" means the Council of the Corporation of the District of Maple Ridge;

"Goods Information" means the following information about a Transaction:

- (i) the price or other consideration paid for the Scrap Metal;
- (ii) the method of payment;
- (iii) the weight and type of Scrap Metal;

- (iv) the precise date and time of the Transaction;
- (v) identifiable or distinguishing marks on the Scrap Metal including, where applicable, identification of the item as Selected Scrap Metal; and
- (vi) the origin of the Scrap Metal;

“Licence Inspector” means the District's Director of Licences, Permits and Bylaws and any authorized designate;

“Non-Commercial Transaction” means any Transaction by a Scrap Metal Dealer that is not a Commercial Transaction;

“Picture Identification” means one or more of the following, provided that it is not more than five years old and 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 the Government of Canada or by a government of a foreign state recognized by Canada;
- (iv) valid certificate of Indian status issued by the Government of Canada;
- (v) valid certificate of Canadian citizenship issued by the Government of Canada;  
or
- (vi) valid conditional release card issued by Correctional Services Canada;

“Police” means the Officer in Charge at the Maple Ridge RCMP Detachment and includes his or her designate;

"Purchase" includes buy, take in barter or trade, and receive;

“Registers” means the Goods Information register and the Seller Information register as referred to in this bylaw;

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

“Scrap Metal Dealer” means a person who carries on the business of Purchasing 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) aluminium, excepting those with the phrase “beverage can”;
- (iii) zinc;
- (iv) magnesium;
- (v) lead;
- (vi) nickel;

“Scrap Metal Ferrous” means used items made principally of iron, steel, or tin other than Selected Scrap Metal;

“Selected Scrap Metal” means used metal items which bear any markings of, or are unique to any of the following:

- (i) public utilities distributing through piping or wiring, electricity, telephone services or cable television signals, including but not limited to items marked with any of the following words “British Columbia Hydro”, “British Columbia Transmission Corporation”, “Telus”, “Shaw” or “Rogers”;
- (ii) extruded aluminium of the type used in 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 local government;
- (iv) grave markers;
- (v) aluminium ladders bearing any identifying markings from a public agency, local government, school district, similar corporation or corporation the shares of which trade on any stock exchange;
- (vi) materials identified in a report or bulletin delivered to a Scrap Metal Dealer by a municipal police department or R.C.M.P. detachment as having been reported stolen;
- (vii) wire that has been burned;

“Seller” means a person who sells or otherwise disposes of Scrap Metal to a Scrap Metal Dealer;

“Seller Information” means:

- (i) the full name, current address and telephone number 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 , together with a complete description of the Picture Identification and the name of the authority that issued it;

- (iii) in a case where the Seller is not the owner of the Scrap Metal, the full name, street address, telephone number and if applicable, HST registration number of that owner.

“Transaction” means any process by which Scrap Metal comes into the possession of a Scrap Metal Dealer, including a Purchase from a Seller.

## **MAINTENANCE AND USE OF GOODS INFORMATION REGISTER**

### **Requirements**

- 3. Every Scrap Metal Dealer must establish and maintain a record, to be called the Goods Information Register, of all his or her Transactions involving Scrap Metal Nonferrous or Selected Scrap Metal.

### **Transaction Entry**

- 4. Immediately after a Transaction involving any Scrap Metal Nonferrous or Selected Scrap Metal, a Scrap Metal Dealer must set out in the Goods Information Register in chronological date order,, in the English language, the Goods Information for that Transaction.

### **Maintenance and Reporting**

- 5. Every Scrap Metal Dealer must:
  - (a) maintain the Goods Information Register electronically in a form approved by the District;
  - (b) record all information in the Goods Information Register electronically;
  - (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.

### **Handwritten Entries**

- 6. If a Scrap Metal Dealer is temporarily unable to record or transmit information in the Goods Information Register electronically, he or she must:
  - (a) maintain the Goods Information Register in legible handwriting in ink, in the English language, using the form attached to this bylaw as Schedule “A”, until electronic recording and transmission is again available so that no omissions or delays or gaps in electronic record keeping or reporting occur; and
  - (b) when electronic recording and transmission is available, immediately record and transmit to the Police electronic entries for all Transactions in the Goods Information Register not previously recorded or transmitted to the Police.

## **MAINTENANCE AND USE OF SELLER INFORMATION REGISTER**

### **Requirements**

7. Every Scrap Metal Dealer must establish and maintain a record, to be called the Seller Information Register, of all his or her Transactions involving Scrap Metal Nonferrous or Selected Scrap Metal.

### **Transaction Entry**

8. Immediately after a Transaction involving any Scrap Metal Nonferrous or Selected Scrap Metal, a Scrap Metal Dealer must set out in the Seller Information Register in chronological date order, in the English language, the Seller Information for that Transaction.

### **Maintenance and Reporting**

9. Every Scrap Metal Dealer must:
  - (a) maintain the Seller Information Register electronically in a form approved by the District;
  - (b) record all information in the Seller Information Register electronically; 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.

### **Handwritten Entries**

10. If the Scrap Metal Dealer is temporarily unable, for good reason, to record information in the Seller Information Register electronically, he or she must:
  - (a) maintain the Seller Information Register in legible handwriting in ink, in the English language, using the form attached to this Bylaw as Schedule "B", until electronic recording is again available so that no omissions or delays or gaps in record keeping occur; and
  - (b) when electronic recording is available, immediately record all Transactions not previously recorded in the electronic Seller Information Registry.

## **MAINTENANCE AND INSPECTION OF REGISTERS**

### **Maintenance**

11. A Scrap Metal Dealer must:
  - (a) not amend, obliterate or erase any entry in the Registers;
  - (b) remove any page from the Registers either wholly or partially or electronically or manually;

- (c) not permit, allow or suffer any other person to amend, obliterate or erase any entry in the Registers;
- (d) not permit, allow or suffer any other person to remove any page from the Register either wholly or partially or electronically or manually;
- (e) immediately report to the Licence Inspector 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;
- (f) take all reasonably necessary steps to ensure that information recorded in the Registers is secure from unlawful access, collection, use, disclosure, or disposal; and
- (g) maintain on the Scrap Metal Dealer's premises, all records pertaining to each Transaction involving Scrap Metal Nonferrous and Selected Scrap Metal including any written invoice, cancelled cheques and the Registers, for a period of 24 months following the Transaction.

### **Inspection Requirements**

12. On request by a Bylaw Enforcement Officer, Licence Inspector or any person authorized to act on behalf of a Bylaw Enforcement Officer or Licence Inspector, a Scrap Metal Dealer must produce the Registers for inspection on the premises of the Scrap Metal Dealer.

### **Time Periods**

13. Every Scrap Metal Dealer must:
  - (a) keep on the 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 in 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.

### **Transfer of Register**

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.

## **DISPLAY OF NAME**

### **Requirements**

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

- (a) the front of the business premises in a conspicuous, unobstructed location; and
- (b) both sides of any vehicle or vessel used in connection with such business.

### **PREMISES, HOURS, MARKINGS, MINORS**

#### **Requirements**

16. A Scrap Metal Dealer must not conduct any Transaction involving Scrap Metal Nonferrous or Selected Scrap Metal:
- (a) except at the premises designated in the Scrap Metal Dealer's business licence;
  - (b) with any person between 7:00 p.m. of any Business Day and 7:00 a.m. of the next Business Day;
  - (c) of which any serial number or other identifying marks on the Scrap Metal Nonferrous or Selected Scrap Metal appear to have been wholly or partially obliterated, tampered with or removed;
  - (d) with a person:
    - (i) under the age of 19 years; or
    - (ii) who appears to be intoxicated by alcohol or drugs.

### **RETENTION AND MANAGEMENT OF SCRAP METAL**

#### **Identification and Possession Requirements**

17. With respect to each Non-Commercial Transaction involving Scrap Metal Nonferrous and with respect to each Transaction involving Selected Scrap Metal, during the applicable period established in section 18, every Scrap Metal Dealer must:
- (a) clearly and individually tag each item by date and Transaction identifier;
  - (b) clearly and physically separate each item from other Scrap Metal Nonferrous and Selected Scrap Metal in the Scrap Metal Dealer's premises;
  - (c) not alter, repair, dispose of, sell or in any way part with possession of the Scrap Metal Nonferrous or Selected Scrap Metal, or remove it from the business premises of the Scrap Metal Dealer; and
  - (d) not permit, allow or suffer any other person to alter, repair, dispose of, sell or in any way part with possession of the item or remove it from the business premises of the Scrap Metal Dealer.

## **Time Period**

18. In relation to each Non-Commercial Transaction involving Scrap Metal Nonferrous and in relation to each Transaction involving Selected Scrap Metal, every Scrap Metal Dealer must comply with the requirements of section 17 for the following periods:
- (a) at least 7 days after the date that a Transaction has been recorded electronically in the Registers; or
  - (b) at least 21 days after the date that a Transaction has been recorded manually in the Registers.

## **Selected Scrap**

19. No Scrap Metal Dealer shall 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 surrendering the Selected Scrap Metal, and the Seller also:
- (a) has identification showing employment with that corporation or appointment as its agent; and
  - (b) has and surrenders an originally signed letter, on that corporation's usual letterhead, specifically describing the Selected Scrap Metal and authorizing its sale to a Scrap Metal Dealer.
20. No Scrap Metal Dealer shall Purchase Selected Scrap Metal except by way of Commercial Transaction.

## **MIXED BUSINESSES**

21. A person who holds a licence for both a Scrap Metal Dealer and an additional business must clearly and physically separate all Scrap Metal from other goods and inventory.

## **EXEMPTIONS**

22. This bylaw does not apply to Transactions involving Scrap Metal Ferrous.
23. This bylaw does not apply to a person who is licensed by the Province of British Columbia to deal in used motor vehicles.

## **OFFENCE**

24. 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**

25. 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.
26. Pursuant to the authority granted in Section 60(4) of the *Community Charter*, Council hereby delegates to the Director of Licences, Permits and Bylaws the authority to for reasonable cause, cancel, suspend or refuse to issue a business licence to businesses regulated by this bylaw.

## **SEVERABILITY AND HEADINGS**

27. 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.
28. Headings are included in this bylaw for convenience only.

READ A FIRST TIME this 8<sup>th</sup> day of November, 2011

READ A SECOND TIME this 8<sup>th</sup> day of November, 2011

READ A THIRD TIME this 8<sup>th</sup> day of November, 2011

ADOPTED this 22<sup>nd</sup> day of November, 2011

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**PRESIDING MEMBER**

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**CORPORATE OFFICER**

# SCHEDULE "A"

## GOODS INFORMATION REGISTER TRANSACTION REPORT

Date:	Time:	Transaction Number:
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RECORD IDENTIFIABLE OR DISTINGUISHING MARKS ON SELECTED SCRAP METAL					
Material Type	Weight	Material Type	Weight	Material Type	Weight
No. 1 Copper		Stainless			
No. 2 Copper					
Aluminium					
Aluminium					
Brass					
Radiators					
Stainless					
				Total Weight (lbs):	
				Total Price Paid	\$

Paid by   ☐ Cheque   ☐ Cash

RECORD IDENTIFIABLE OR DISTINGUISHING MARKS ON SELECTED SCRAP METAL

**SCHEDULE "A" con't**

**GOODS INFORMATION REGISTER TRANSACTION REPORT**

METHOD OF PAYMENT	
Cash	Cheque
HST # (If Commercial Transaction)	

<b>PREPARED BY:</b>
<b>SIGNATURE:</b>

**SCHEDULE "B"**

**SELLER INFORMATION REGISTER**

<b>Date:</b>	<b>Time:</b>	<b>Transaction Number:</b>
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<b>SELLER INFORMATION</b>	
<b>NAME:</b>	<b>PHONE #:</b>
<b>HOME ADDRESS:</b>	<b>DATE OF BIRTH:</b>
	<b>DESCRIPTION OF PICTURE ID:</b>
<b>SELLERS SIGNATURE:</b>	

<b>OWNER INFORMATION IF DIFFERENT FROM ABOVE</b>	
<b>NAME:</b>	<b>PHONE #:</b>
<b>HOME ADDRESS:</b>	<b>HST #:</b>

<b>VEHICLE INFORMATION</b>	
<b>MAKE:</b>	<b>TAXI COMPANY NAME:</b>
<b>MODEL:</b>	<b>TAXI #:</b>
<b>COLOUR:</b>	<b>TAXI LICENCE PLATE #:</b>
<b>LICENCE PLATE #:</b>	

<b>PREPARED BY:</b>
<b>SIGNATURE:</b>