

**SCHEDULE 18**  
**to City of Guelph By-law Number (2009)-18855**  
**[Added By By-law (2019)-20376]**

**SECOND-HAND GOODS AND SALVAGE GOODS**

The provisions of this Schedule shall apply in respect of Businesses which sell Second-hand Goods and Businesses which sell Salvage Goods.

**INTERPRETATION**

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:

“JEWELLERY” includes jewellery made of precious metal, with or without precious or semi-precious stones, watches, and precious metal;

“SALVAGE GOODS” means any destroyed, deteriorated or damaged goods or property and any part thereof, and includes such items as metal, old damaged or inoperable automobiles, automobile parts, old, damaged or inoperable major appliances, bicycles, junk or other similar material;

“SALVAGE YARD” means the Premises where a Salvage Goods Business is carried on, and includes all land, buildings and structures used for wrecking, dismantling, storing or selling salvage and includes an automobile wrecking yard, salvage shop or premise where salvage is purchased, sold, processed or otherwise dealt with pursuant to a trade, calling, business or occupation;

“SECOND-HAND GOODS” includes Goods listed in Appendix “A” to this Schedule that have been previously owned or used by one or more Persons and which are transferred to a Second-hand Goods Licensee for resale; and

“TRANSACTION REGISTER” means a record of Second-hand Goods acquired by a Second-hand Goods Licensee or a record of Salvage Goods acquired by a Salvage Goods Licensee.

**LICENCEES**

2. No Person other than a Second-hand Goods Licensee may carry on a Business involving the Sale of Second-hand Goods.
3. Notwithstanding the generality of the foregoing, a Second-hand Goods Business Licence is not required for:
- a) The Sale of Goods solely for charitable purposes;
  - b) A garage sale, such as the Sale of Goods from a residential premise where the Sale lasts for no more than 2 calendar days and occurs no more than two times per year, and where the vendor is either the user of the Goods sold, or is a resident of one of several neighbourhood or residential Building households conducting a Sale of Goods used by the members of those households;
  - c) The Renting out of Goods purchased new and Rented out as part of a Goods Rental Business; or
  - d) The Sale of Goods as part of a Pawnbroker Business
4. No Person other than a Salvage Goods Licensee may carry on a Business involving the Sale of Salvage Goods.
5. Every Second-hand Goods Licensee and every Salvage Goods Licensee shall instruct the Licensee’s applicable individual representatives, including employees, about the provisions of this By-law, and shall ensure that all such representatives comply with all applicable By-law provisions.

**SCHEDULE 18**  
**to City of Guelph By-law Number (2009)-18855**  
**[Added By By-law (2019)-20376]**  
**Page 2**

**TERMS OF LICENSES**

6. Notwithstanding Sections 14 and 15 of this By-law, every Second-hand Goods Business Licence and every Salvage Goods Business License will commence on October 1<sup>st</sup> and expire on September 30<sup>th</sup> of the applicable year.

**HOURS OF OPERATION**

7. No Second-hand Goods Licensee and no Salvage Goods Licensee shall carry on Business or be open to the public after 11:00 p.m. or before 7:00 a.m. on any day.

**AQUISITION OF SECOND-HAND GOODS OR SALVAGE GOODS**

8. Upon acquisition of an item of Second-hand Goods, every Second-hand Goods Licensee shall ensure that a label or marking, that will connect the item with the corresponding Transaction Register entry for the item, is affixed to the item.
9. No Second-hand Goods Licensee or Salvage Goods Licensee shall acquire any Second-hand Goods or Salvage Goods directly or indirectly from:
- a) Any individual under the age of eighteen years;
  - b) Any individual appearing to be under the influence of alcohol or drugs; or
  - c) Any individual not presenting at least two pieces of current identification, of the following types, provided that at least one of them is integrated with a photograph of the individual:
    - i. One of the documents included in the definition of "Identification" in section 1 of this By-law,
    - ii. Non-Canadian passport issued by the government of origin,
    - iii. B.Y.I.D. ("Bring Your Identification") card issued by the Liquor Control Board of Ontario,
    - iv. Certificate of Indian Status issued by the Government of Canada, or
    - v. Conditions Release Card issued by Correctional Services of Canada.
10. Every Second-hand Goods Licensee who is also licensed to carry on Business as a Pawnbroker shall keep all Goods obtained in the course of Business as a Second-hand Goods Licensee physically separate from Goods left in pawn.
11. No Second-hand Goods Licensee or Salvage Goods Licensee shall acquire, from any Person, any item of Second-hand Goods or Salvage Goods if the serial number on such item has been obliterated or mutilated, without first giving notice in writing to the Issuer of Licenses, at least twenty-four hours prior to such intended acquisition.

**TRANSACTION REGISTER**

12. No Second-hand Goods Licensee and no Salvage Goods Licensee shall carry on Business or be open to the public after 11:00 p.m. or before 7:00 a.m. on any day.

**SCHEDULE 18**  
**to City of Guelph By-law Number (2009)-18855**  
**[Added By By-law (2019)-20376]**  
**Page 3**

13. Every Second-hand Goods Licensee and every Salvage Goods Licensee shall ensure that the Licensee's Transaction Register is updated with a new, separate entry immediately upon the acquisition of each Goods item, whether such acquisition is by way of purchase, exchange or any other method of acquisition.
14. Every Second-hand Goods Licensee and every Salvage Goods Licensee shall ensure that each entry in the Transaction Register contains:
  - a) A sequential acquisition number;
  - b) The day, month and year of the acquisition;
  - c) Description and identification particulars of the item reasonably sufficient to identify it, such as make, model, manufacturer, serial number, markings or other identifying features; by way of example, the description and identification of a music recording would include the name of the artist and the title of the music, and, for collector items, the description and identification would include the exact number of collector items received, and the date and description of each one, or, if more than ten collector items are received, the date and description of the ten most valuable ones;
  - d) A description of what was provided by the Licensee in acquiring the item, such as the amount of money paid or the Goods provided in exchange; and
  - e) The name of the individual who acted on behalf of the Licensee in acquiring the item.
15. Every Second-hand Goods Licensee and every Salvage Goods Licensee shall ensure that the Licensee's Transaction Register is:
  - a) Clearly legible;
  - b) Written in the English or French language; and
  - c) In either paper format (such as a ledger or book) or electronic format (such as a computer data file or cash register record) as approved by the Issuer of Licenses.
16. Every Second-hand Goods Licensee and every Salvage Goods Licensee shall ensure that the Transaction Register is not destroyed, erased or mutilated, but is retained for at least 18 months in respect of each entry.
17. Every Second-hand Goods Licensee shall provide to the Issuer of Licenses, in a format approved by the Issuer of Licenses, a copy of the description and identification particulars of each Second-hand Goods item from the Transaction Register, either electronically to a website or other facility approved by the Issuer of Licences, on a daily basis, or in paper form to the Issuer of Licenses on a weekly basis.

**RETENTION OF SECOND-HAND GOODS**

18. Every Second-hand Goods Licensee shall, upon receipt of Second-hand Goods, retain them, without alteration, repair, smelting, dismantling or modification, at the Second-hand Goods Licensee's Business Premises at which the Goods were received, throughout the applicable retention period, and shall keep them in a separate location from Goods previously acquired. If the Second-hand Goods Licensee carries on Business by travelling from place to place within the City, buying or collecting Second-hand Goods, the Licensee shall advise the Issuer of Licences of the location where these Goods are kept.

**SCHEDULE 18**  
**to City of Guelph By-law Number (2009)-18855**  
**[Added By By-law (2019)-20376]**  
**Page 4**

19. The retention period will not apply to Second-hand Goods which were obtained:
- a) Directly from a public utility or other government body;
  - b) Directly from another Second-hand Goods Licensee, where the purchasing Licensee has received a receipt from the selling Licensee, certifying that the Goods have already been retained for the retention period required under this Schedule;
  - c) Directly from an estate or estate auction, where the acquiring Second-hand Goods Licensee has obtained a document from the solicitor, executor, or other authorized representative of the estate, verifying the origin of the Goods; or
  - d) By a Second-hand Goods Licensee whose principal Business is the sale of new Goods and who deals in Second-hand Goods only as trade-ins, the value of which is then applied against the purchase price of new Goods – and subsequently selling such used Goods as traded Goods. This exemption does not apply to Second-hand Goods which are not acquired as a trade-in but rather are purchased outright by the Second-hand Goods Licensee.
20. Every Second-hand Goods Licensee who acquires any Second-hand Goods, other than Jewellery, shall retain them for at least 30 calendar days after the date of acquisition.
21. Every Second-hand Goods Licensee who acquires Jewellery shall retain it for at least 60 calendar days after the date of acquisition.
22. Every Second-hand Goods Licensee who forwards the Transaction Register to the Issuer of Licences electronically on a daily basis may request the Issuer of Licences to provide written authority for the reduction of the ordinary 30 calendar day retention period to 14 calendar days. If the Issuer of Licences provides such authority, then the Licensee may apply the authorized 14 calendar day retention period.
23. Any Second-hand Goods Licensee may dispose of Goods, except for Jewellery, before the expiration of the usual 30 calendar days, upon receiving authorization in writing from the Issuer of Licences to sell Second-hand Goods specified in the authorization after the retention period specified in the authorization.

**STOLEN GOODS**

24. An Officer may, during regular business hours, without notice, inspect any Premises at which a Second-hand Goods Business or Salvage Goods Business is carried on, to determine if any Goods located there are stolen. An Officer may, for such inspection, bring along such other Person or Persons who may be of assistance in identifying potentially stolen Second-hand Goods.
25. If an Officer has a reasonable suspicion that Goods acquired by a Second-hand Licensee may be connected to stolen Goods, the Officer may request to see the Licensee's applicable Transaction Register, and the Licensee shall immediately produce the Transaction Register.
26. For the purpose of completing an investigation, the Issuer of Licences or an Officer may request that a Second-hand Goods item, suspected of having been stolen, be retained for an additional period of time beyond the retention period otherwise applicable, and, when so requested, the

**SCHEDULE 18**  
**to City of Guelph By-law Number (2009)-18855**  
**[Added By By-law (2019)-20376]**  
**Page 5**

Second-hand Goods Licensee shall ensure that the said Goods item is not sold, exchanged, altered, repaired, smelted, dismantled, modified or disposed of, or, in any way, parted with, until after the expiration of the additional period of time, but in any event the additional period of time shall not exceed 14 calendar days.

27. If an Officer has reasonable grounds to believe that certain designated Second-hand Goods are stolen Goods, the Officer shall, upon providing a receipt to the Second-hand Goods Licensee, be permitted to remove said Goods for the purposes of criminal investigation. Such seized Goods shall be returned to the Second-hand Goods Licensee within 60 calendar days unless further detention is approved by the Licensee or authorized by a court order.

**STOLEN GOODS**

28. Every Salvage Goods Licensee shall maintain the Licensee's Salvage Yard in a neat and clean condition and in good repair.
29. If Salvage Goods are stored or displayed outdoors at a Salvage Yard, that Salvage Goods Licensee shall ensure that such Goods:
- a) Are located inside a fence, surrounding the Salvage Yard, that meets all applicable City requirements, including those in respect of the fence's construction, nature, height, location and condition; and
  - b) Are not piled higher than the fence surrounding the Salvage Yard.

**SCHEDULE 18**  
**APPENDIX "A"**  
**to City of Guelph By-law Number (2009)-18855**  
**[Added By By-law (2019)-20376]**  
**Page 6**

**GOODS DESIGNATED AS "SECOND-HAND GOODS"**

- Items bearing a distinctive manufacturer's number or mark, except for large major household appliances;
- Bicycles;
- Collector items, such as coins, collector cards, paper currency, stamps, and medals;
- Electrical tools and equipment;
- Jewellery;
- Valuable figurines;
- Firearms;
- Musical instruments and accessories;
- Computers, computer accessories, computer games, and video games;
- Vinyl records, audio tapes, video tapes, compact disc recordings, video cassettes and DVD's;
- Photographic equipment, including cameras and video recorders;
- Radios, stereos and components (including automotive), and cell phones;
- Televisions, video cassette-recorders and players, and DVD players; and
- Sports equipment, including but not limited to golf clubs, roller blades, snow boards, hockey equipment, skiing equipment and tennis equipment.