

## CHAPTER 2

**PAWNBROKERS**

## SECTION:

- 3-2-1: Definition
- 3-2-2: License
- 3-2-3: Records
- 3-2-4: Pledges
- 3-2-5: Receipt For Payment
- 3-2-6: Weekly Report
- 3-2-7: Filing Of Reports; Inspection
- 3-2-8: Restrictions On Taking Pawn
- 3-2-9: Employees
- 3-2-10: Stolen Property
- 3-2-11: Revocation Of License
- 3-2-12: Penalty

3-2-1:               **DEFINITION:** Any person within the county who loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property into his possession, is hereby declared to be a "pawnbroker". (Ord. 86-2, 5-12-1986)

3-2-2:               **LICENSE:**

A.     Required: It shall be unlawful for any person to conduct or transact a pawnbroker business or pawnshop in the county without first having procured a county license therefor as hereinafter provided. (Ord. 86-2, 5-12-1986)

B.     Application For License:

1. Content: The application shall state the name of the person, and, in case of a firm or corporation, the names of all the partners in such firm, or of the directors, officers and stockholders of such corporation; also the place, street and number where such business is to be carried on,

and shall specify the amount of capital proposed to be used by the applicant in such business.

2. Fee: At the time of filing such petition, the applicant shall deposit fifty dollars (\$50.00) for one quarter of a year's fee with the treasurer of the county for the license applied for. This sum of money shall be refunded to the applicant in case the license petitioned for shall not be granted. (Ord. 92-1-1, 1-27-1992)

- C. Issuance: No such license shall be issued to any person, corporation, or association other than the real and actual proprietor of the business and place of business for which it is issued.
- D. Location: No pawnbroker's license shall be issued in any location in which such business is not permitted by the zoning ordinances of the county or applicable city ordinance. (Ord. 86-2, 5-12-1986)
- E. Investigation By Sheriff: All applications for pawnbrokers' licenses or renewals thereof shall be presented to the county treasurer. No application shall be acted upon until a recommendation to the county treasurer for or against the application is received from the sheriff, which recommendation shall be made within thirty (30) days of the filing of the application. The county treasurer shall not be bound by the sheriff's recommendation.
- F. Requirements: The license issued under this chapter shall state the name of the person to whom issued, the place of business and street number where such business is located. Such license shall entitle the person receiving it to do business at the place designated in such license for one quarter from the date of the license. The license may be renewed each quarter for one year by payment of a fifty dollar (\$50.00) renewal fee each quarter. Applicant may at its option prepay the year's fees by paying two hundred dollars (\$200.00) to the treasurer at the time of making application. (Ord. 92-1-1, 1-27-1992)
- G. Nonuse And Transfer: If a pawnbroker shall not conduct such business for a period of ninety (90) days, the license shall be null and void. Pawnbrokers' licenses shall not be transferable to any other person, except by a majority vote of the county commissioners, and the filing of an application by the person to whom such license is, or may be, transferred or assigned. It shall be unlawful for any person to do business, or attempt to do business, under a license transferred to him without such approval of the county commissioners. (Ord. 92-1-1, 1-27-1992; amd. 2003 Code)

- H. Posting: It shall be unlawful for any person to conduct or transact a pawnbroker business in the county unless he shall keep posted in a conspicuous place in the place of business the license certificate therefor. (Ord. 86-2, 5-12-1986)

3-2-3: **RECORDS:** Every pawnbroker shall keep a bound record book in which shall be entered and legibly written in ink, at the time of each loan or receipt of personal property, an accurate account and description of the goods, articles or things pawned, or received, the amount of money loaned or advanced thereon, the number of the pawn ticket given to the pledgor, the time, both day and hour, of pawning or receiving such goods, articles or things, and the name, residence, social security number, and sex of the person pawning or delivering the goods, articles or things. No entry made in such book shall be erased, obliterated or defaced. The book, as well as every article or thing pawned, pledged or deposited, shall at all reasonable times be open to inspection and copying by the sheriff or any office directed by the sheriff. (Ord. 86-2, 5-12-1986)

3-2-4: **PLEDGES:**

- A. Memorandum Of Entry; Pawn Ticket: Every pawnbroker shall, at the time of each loan, deliver to the person pawning or pledging any goods, articles or things, a ticket or receipt listing the property pledged and the amount of the pledge; and no charge shall be made or received by any pawnbroker for any such entry, memorandum or note. (Ord. 86-2, 5-12-1986; amd. 2003 Code)
- B. Safekeeping Of Pledges: Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him. (Ord. 86-2, 5-12-1986)

3-2-5: **RECEIPT FOR PAYMENT:** Upon redemption of any pledge, the pawnbroker shall furnish to the pledgor at his request at the time of redemption a written signed receipt indicating the exact amount paid to redeem the pledge in order that said pledgor may have the benefit of said receipt. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, and shall be legibly written so that the figures thereon are clearly discernible. (Ord. 86-2, 5-12-1986)

3-2-6

3-2-9

3-2-6:                   **WEEKLY REPORT:** Every pawnbroker or pawnshop keeper in the county must, after the close of business each week, make available to the sheriff a full, true and detailed copy of all pawn tickets and the current pages of the record book legibly written, setting forth an exact description of each article or thing pawned or received by such pawnbroker or pawnshop keeper during the period since the last such report. Said tickets and records shall be a full, detailed and correct copy of all entries in the book required to be kept in the immediately preceding section. If no article or thing has been pawned or received, a report must be made to that effect. (Ord. 86-2, 5-12-1986)

3-2-7:                   **FILING OF REPORTS; INSPECTION:** The sheriff shall, upon receipt of such reports, file them in some secure place in his office, and they shall be open to inspection only by the sheriff or any officer directed by the sheriff, or upon any order of court. (Ord. 86-2, 5-12-1986)

3-2-8:                   **RESTRICTIONS ON TAKING PAWN:**

- A.   Incapacitated Or Underage Persons: It shall be unlawful for any pawnbroker, pawnshop keeper, his servant or employee to receive any goods, articles or things in pawn or pledge from a person who is obviously either intoxicated, under the influence of drugs or insane, or from a person who is under the age of sixteen (16) years.
  
- B.   Photographic Identification: It shall be unlawful to take a pledge from any person that does not produce a means of identification bearing a photograph of the person, and it shall be unlawful for the pawnbroker to accept a pledge from a person presenting such identification without comparing the identification to the person presenting it and assuring that the person presenting the photographic identification is the person pictured thereon. (Ord. 86-2, 5-12-1986)

3-2-9:                   **EMPLOYEES:**

- A.   Registration: Every "employee of a pawnshop" as hereinafter defined hired after the effective date hereof shall register his name and address with the sheriff's department of the county and shall have had his thumb prints, fingerprints, and photograph taken and filed with the county and receive a letter showing compliance herewith. For the purpose of this section, an "employee of a pawnshop" shall include all persons working in a pawnbroker's shop and any owner, stockholder if the owner is a

3-2-9

3-2-12

corporation, partner or any other person who receives income in any manner from the operation of said pawnshop.

- B. Acts Of Employees: The holder of a pawnbroker's license shall be responsible for any and all acts of his employees, and for a violation by them of the provisions of this chapter, unless the employee is clearly acting outside the scope of his employment at the time of such act. (Ord. 86-2, 5-12-1986)

3-2-10: **STOLEN PROPERTY:** No charges shall be made for restoring stolen property to its rightful owner. (Ord. 86-2, 5-12-1986)

3-2-11: **REVOCAION OF LICENSE:** The county commissioners may revoke any pawnbroker's license for repeated or serious violations of the provisions of this chapter. Any licensee shall have the opportunity for a hearing before such revocation. (Ord. 86-2, 5-12-1986)

3-2-12: **PENALTY:** Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 86-2, 5-12-1986)