

ORDINANCE 728

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 5.32 OF THE LACEY MUNICIPAL CODE RELATING TO THE LICENSING AND REGULATION OF PAWNBROKERS AND SECONDHAND DEALERS WITHIN THE CITY AND PROVIDING PENALTIES FOR VIOLATION OF SAID CHAPTER

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 5.32 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 5.32PAWNBROKERS AND SECONDHAND DEALERSSections:

- 5.32.010 Definitions.
- 5.32.020 License required--Fees.
- 5.32.030 License application.
- 5.32.040 Issuance of license.
- 5.32.050 Denial of license.
- 5.32.060 Appeal from denial of license.
- 5.32.070 Duty to record transactions.
- 5.32.080 Access to records.
- 5.32.090 Reports.
- 5.32.100 Pawn tickets.
- 5.32.110 Rates of interest and redemption.
- 5.32.120 Violations--Penalty.

5.32.010 Definitions. For the purpose of this chapter, the following definitions shall apply:

(1) "Pawnbroker" means every person engaged in whole or in part in the business of loaning money on the security of pledges, deposits or conditional sales of personal property.

(2) "Secondhand dealer" means every person engaged in whole or in part in the business of buying or selling secondhand personal property, metal junk, or melted metals; provided, this chapter shall not be construed to apply to dealers who may accept a secondhand article in exchange for a new article of the same character or to bona fide registered charitable or nonprofit organizations or to those persons regulated by RCW Chapter 46.70. (Ord. 370 (part), 1975).

5.32.020 License required--Fees. No person shall engage in any of the businesses defined in Section 5.32.010 hereof, without procuring a special license therefor. The yearly license fees for such businesses shall be established by resolution of the city council. Each license shall be issued for the current calendar year only, the license fee may be prorated for those quarters remaining. Licenses issued in accordance with this chapter shall not be transferable. (Ord. 666 §15, 1982; Ord. 571 §1, 1980; Ord. 370 (part), 1975).

5.32.030 License application. Before any license shall be granted as provided for herein, the applicant shall file with the city clerk/treasurer an application in writing for each license, containing the name in full of the applicant, the location where the business is to be conducted, the nature of the business to be conducted, and the place of residence and nature of business or employment of the applicant during the preceding five years, together with the license fee required under Section 5.32.020. (Ord. 370 (part), 1975).

5.32.040 Issuance of license. Prior to the issuance of a license under this chapter, the city clerk/treasurer shall refer the application to the chief of police, who shall investigate the character of the applicant. The chief of police shall advise the city clerk/treasurer in writing of the results of his investigation within thirty days after the application is filed. If upon receipt of the report by the chief of police the city clerk/treasurer determines that the applicant is of a law-abiding character and that the place of business is in the proper zone for the conduct of such business, the city clerk/treasurer shall issue the license. (Ord. 370 (part), 1975).

5.32.050 Denial of license. Should the city clerk/treasurer find on the basis of the report of the chief of police that the applicant is not of a law-abiding character or that the business location is not within the proper zone for the conduct of such business, the city clerk/treasurer shall deny the application for the license. At the expiration of ten days from the date of denial of the license application, the city clerk/treasurer shall refund to the applicant fifty percent of the license application fee. (Ord. 370 (part), 1975).

5.32.060 Appeal from denial of license. An applicant whose application for license has been denied under this chapter shall have the right to appeal to the city council by filing a notice of appeal with the city clerk/treasurer within ten days after the denial has been entered. (Ord. 370 (part), 1975).

5.32.070 Duty to record transactions. It shall be the duty of every pawnbroker and secondhand dealer doing business in the city to maintain in the dealer's place of business a book or other permanent record in which shall be legibly written in the English language, at the time of each loan, purchase or sale, a record thereof containing:

- A. The date of the transaction;
- B. The name of the person or employee conducting the same;

C. The name, signature, sex, age, street and house number, color of hair and eyes, race, height and weight of the person with whom the transaction is had;

D. The name and street and house number of the owner of the property bought or received in pledge;

E. A description of the property bought or received in pledge, which, in the case of watches, shall contain the name of the maker and the number of both the works and the case, and in the case of jewelry, shall contain a description of all letters and marks inscribed thereon; provided, that when the article bought or received is furniture, or the contents of any house or room actually inspected on the premises, a general record of the transaction shall be sufficient;

F. The price paid or the amount loaned;

G. The number of any pawn ticket issued therefor.

Provided, however, that secondhand dealers shall not be required to make and maintain the records required by this section for secondhand articles with a reasonable value of less than twenty-five dollars. (Ord. 677 §1, 1983; Ord. 370 (part), 1975).

5.32.080 Access to records. The records provided for by Section 5.32.070, and the property purchased or received in pledge, shall be open for inspection during the ordinary hours of business by law enforcement officers. (Ord. 370 (part), 1975).

5.32.090 Reports. Every pawnbroker and secondhand dealer doing business in the city shall before noon of each day furnish the chief of police on forms approved by him, a full, true and correct transcript of the record required by Section 5.32.070 of transactions had on the previous day, if any, it being the intent of this section that Saturday's business may be reported on Monday. If the pawnbroker or secondhand dealer has good cause to believe that any of the property in his possession has been previously lost or stolen, he shall immediately report such fact to the chief of police, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him. (Ord. 370 (part), 1975).

5.32.100 Pawn tickets. Every pawnbroker doing business in the city shall issue numbered pawn tickets for all goods or property received by him as pledges for loans, which tickets shall be considered receipts for such goods or property. Tags shall be attached to all such goods or property and upon each tag shall be written in legible figures a number which shall correspond to the number on the pawn ticket issued for such article or articles. (Ord. 370 (part), 1975).

5.32.110 Rates of interest and redemption period. Any pawnbroker doing business in the city shall be subject to the rates of interest and redemption period set forth in RCW Section 19.60.060, and such RCW Section 19.60.060 is hereby incorporated by reference. (Ord. 370 (part), 1975).

5.32.120 Violations--Penalty. Every pawnbroker or secondhand dealer doing business in the city, and every clerk, agent or employee of such pawnbroker or secondhand dealer, who shall:

- (1) Fail to make an entry of any material matter in his book or record kept as provided for in Section 5.32.070 hereof; or
- (2) Make any false entry therein; or
- (3) Falsify, obliterate, destroy or remove from his place of business such book or record; or
- (4) Refuse to allow the members of law enforcement agencies to inspect the same, or any goods in his possession, during the ordinary hours of business; or
- (5) Report any material matter falsely to the chief of police; or
- (6) Shall fail to furnish the chief of police with a full, true and correct transcript as provided in Section 5.32.090; or
- (7) Fail to report forthwith to the chief of police the possession of any property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him; or
- (8) Remove, or allow to be removed from his place of business, except upon redemption by the owner thereof, any property received, within four days after the receipt thereof shall have been reported to the chief of police; or
- (9) Receive any property from any person under the age of eighteen years, any common drunkard, any habitual user of narcotic drugs, any habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen property, whether such person be acting in his own behalf or as the agent of another; or
- (10) Do business in the city as a pawnbroker or secondhand dealer without first procuring a valid license therefor pursuant to this chapter after the expiration of thirty-five days from the effective date of this chapter; shall be guilty of a misdemeanor. (Ord. 370 (part), 1975).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 5.32 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON this 28th day of March, 1985.

CITY COUNCIL

By *Bob Row*
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

Posted: March 29, 1985