

ORDINANCE 1364

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 5.32 IN OF TITLE 5, REQUIRING PAWNBROKERS OR PAWNSHOPS TO USE AN APPROVED, FUNCTIONING AND COMPATIBLE REPORTING PROGRAM; ADDING NEW SECTION 5.32.125 REQUIRING TRANSMITTAL OF DAILY REPORTS; DELETING SECTIONS 5.32.140 AND 5.32.150; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Chapter 5.32 of Title 5, of the Payette Municipal Code is hereby amended as follows:

**Chapter 5.32
PAWNBROKERS OR PAWNSHOPS**

- 5.32.010: DEFINITIONS:
 - 5.32.020: LICENSE REQUIRED:
 - 5.32.030: APPLICATION FOR LICENSE:
 - 5.32.040: ISSUANCE OF LICENSES:
 - 5.32.050: INVESTIGATION BY CHIEF OF POLICE OR HIS/HER DESIGNEE:
 - 5.32.060: BOND:
 - 5.32.070: LICENSE REQUIREMENTS:
 - 5.32.080: NONUSE AND TRANSFER OF LICENSE:
 - 5.32.090: POSTING:
 - 5.32.100: FORFEITURE OF PAWN:
 - 5.32.110: PAWN TICKET TO BE FURNISHED:
 - 5.32.120: PAWNBROKER LICENSEE TO KEEP DETAILED RECORDS AND PROVIDE CHIEF OF POLICE WITH COPY:
 - 5.32.125: TRANSMITTAL OF DAILY REPORTS REQUIRED:
 - 5.32.130: RECEIPT FOR PAYMENT TO BE FURNISHED:
 - ~~5.32.140: SEPARATE PAWN TICKET FOR EACH ITEM:~~
 - ~~5.32.150: REPORT FURNISHED CHIEF OF POLICE:~~
 - 5.32.160: PERSONS FROM WHOM PAWN-MERCHANDIZE MAY NOT BE TAKEN:
 - 5.32.170: NO EMPLOYEES UNDER EIGHTEEN YEARS OF AGE:
 - 5.32.180: ACTS OF EMPLOYEES:
 - 5.32.190: SAFEKEEPING OF PLEDGES:
 - 5.32.200: EMPLOYEE REGISTRATION:
 - 5.32.210: REVOCATION OF LICENSE:
 - 5.32.220: LOCATION:
 - 5.32.230: PENALTY:
- 5.32.010: DEFINITIONS:

For the purposes of this Chapter, the following definitions will apply:

- A. Chief of Police. Chief of the Payette Police Department or his/her designee.
- B. Pawnbroker/Licensee. Any person, firm, association, partners, co-partnership or corporation within the city who loans money on deposit of personal property or deals in the purchase or possession of personal property or Secondhand Property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property or Secondhand Property by taking any security interest therein, and takes or receives such personal property or Secondhand Property into his/her possession is declared to be a pawnbroker.

5.32.020: LICENSE REQUIRED:

It shall be unlawful for any person to conduct or transact a Ppawnbroker business or pawnshop in the city without first having applied and procured a city ~~pawnbroker's~~ license therefore as provided in this chapter.

5.32.030: APPLICATION FOR LICENSE:

The application shall state the name of the person, and in case of a partnership, firm, association, co-partnership or corporation, the names of all of the partners in such partnership; corporation; or of the directors, officers ~~and~~ or stockholders of such firm, association, co-partnership or corporation; also the place, street and number where such business is to be carried on, and it shall specify the amount of capital proposed to be used by the applicant in such business.

5.32.040: ISSUANCE OF LICENSES:

A. No ~~pawnholder's~~ license issued under this Chapter shall be issued to any person, corporation, co-partnership, firm, partnership or association other than the real and actual proprietor and owner of the business for which it is issued.

B. No license shall be issued to nor shall any renewal of a license be approved until the applicant has installed and can demonstrate that it has a functioning electronic reporting program which is approved by the Chief of Police or his/her designee, is compatible with City technology systems, and can

store and electronically transmit to the City the information which is required by this Chapter.

5.32.050: INVESTIGATION BY CHIEF OF POLICE OR HIS/HER DESINGEE:

All applications for ~~pawnholder's~~ licenses issued under this Chapter or renewals thereof shall be presented to the city council at a regular meeting thereof. No application shall be acted upon until the expiration of ten (10) days after a solicitation for a recommendation for or against the application from the ~~e~~Chief of ~~p~~Police or his/her designee; provided, however, that the city council shall not be bound by the ~~e~~Chief's or his/her designee's recommendation.

5.32.060: BOND:

The applicant shall file with the application, and in the event the license is granted, shall maintain throughout the period of time the license is in existence or valid, a bond running to the city, conditioned for the faithful observance of all provisions of this chapter respecting pawnbrokers, during the continuance of such license, and any renewal thereof. This bond shall be in the sum of five thousand dollars (\$5,000.00) with a qualified surety company.

5.32.070: LICENSE 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 and the amount of capital employed. Such license shall entitle the person receiving it only to do business at the place designated in such license.

5.32.080: NONUSE AND TRANSFER OF LICENSE:

If a ~~pawnbroker~~ licensee does not conduct said business for a period of ninety (90) days, the license shall be null and void. ~~Pawnbroker's~~ Licenses shall not be transferable to any other person, except by a majority vote of the city council, and the filing of an application and a new bond 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 to attempt to do business, under a license transferred to him/her without such approval of the city council.

5.32.090: POSTING:

It shall be unlawful for any person to conduct or transact a ~~pawnbroker~~ business in the city, as related to this chapter, unless he shall keep posted in a conspicuous place in the place of business the license certificate therefore, and a copy of the ordinance codified in this chapter relating to ~~pawnbrokers~~ the licensee.

5.32.100: FORFEITURE OF PAWN:

No ~~goods, articles or things~~ items acquired or purchased by any ~~pawnbroker~~ licensee shall be sold or otherwise disposed of for a period of five (5) working days after the same is so purchased. The ~~pawnbroker~~ licensee shall retain in his/her possession every pledge or pawn for thirty (30) days after the sum loaned thereon becomes due, or for thirty (30) days after the last payment of interest, or part of the principal, whichever time period is greater. After a loan is in default the ~~pawnbroker~~ licensee may refuse to accept any payment less than the entire principal and interest due. (Ord. 955, 1985)

5.32.110: PAWN TICKET TO BE FURNISHED:

A. Each ~~pawnbroker~~ licensee shall furnish to the pledger a printed receipt clearly showing the amount loaned with a specific, detailed description of the pledged property pawned or received, date of receipt thereof, time for redemption, and the name of the pledgee. The reverse side of said receipt shall be marked in such a manner that the amounts of principal and interest and any other charges paid by the person securing the loan can be clearly designated thereon. Each payment shall be entered upon the reverse side of said receipt and shall designate how much of the payment is being credited to principal, how much to interest, and how much to any other charges, with the date of said payments shown thereon. The ~~pawnbroker~~ licensee shall affix to each ~~article or thing~~ item a tag upon which shall be inscribed a number, of legible characters which shall correspond to the number on the pawn ticket and be entered in the ~~book~~ records required to be kept by the provisions of this chapter. The ~~pawnbroker~~ licensee shall furnish all information required to be given to borrowers by state and federal law. The following information shall appear in bold print on the front of each pawn ticket required to be given the pledger:

WARNING

If you have borrowed money from the pawnbroker/licensee, and if you fail to make any payment when it is due, the pawnbroker/licensee, 30 days after default in making any payment may keep or sell any property you have deposited, and you will lose your rights to the property.

B. Every licensee shall prepare and deliver to the pledger at the time of the pledge a separate pawn ticket for each and every item pledged.

5.32.120: PAWNBROKER LICENSEE TO KEEP DETAILED RECORDS AND PROVIDE CHIEF OF POLICE WITH COPY:

A. Every ~~pawnbroker~~ licensee shall ~~make~~ maintain in his/her place of business a permanent electronic record, through software compatible with the city's technology systems, an permanent accurate record in both electronic form and ~~typed or~~ legibly printed in ink in the English language at the time of taking any personal property or Secondhand property of any kind into custody or possession, whether as security for a loan or received or purchased for resale, which shall provide an accurate description of the property and the person from whom it was received. The licensee shall be responsible for ensuring that each person entering into a transaction provides a current driver's license or other identification card issued by any state, federal, or local government which includes a photograph in order to verify the person's identity. All such descriptions of property shall include, ~~whenever possible,~~

1. The nature and date of the transaction, and number identifying it.
2. The name and/or employee identification number of the person conducting the transaction on behalf of the licensee.
3. Type and identifying number of the personal identification used by the person with whom the transaction was made.
4. ~~the brand name, model, and serial number~~ Complete description of the property pledged, bought, or consigned, including as applicable, brand name; serial number; model number by name; any initials or engravings or other identifying marks; size, pattern, and type of jewelry, including color and cut information of any stones; type of firearm, its caliber, barrel length, and type of action.~~and~~

5. All such descriptions of persons with whom the transaction is made shall include the last, first, and middle name, the current address, the date of birth, the height, the gender, the weight, ~~and the~~ social security number, driver's license number ~~or~~ and motor vehicle license plate number of the person described.

~~B. All such records shall be made in duplicate and on forms approved by the chief of police and the duplicate copy shall be furnished to any city police officer upon request of such officer.~~ All paper and computer records of property received and transactions made shall be open to, and made available for, inspection by the city's law enforcement personnel during the licensee's normal business hours. Any property described in the records shall be open to inspection by any city law enforcement personnel during regular business hours. Any property which is determined to have been stolen shall be returned to city law enforcement personnel for return to the lawful owners.

No entry on such records shall be altered, erased, obliterated, or defaced. ~~, and all property described in the record shall be open to the inspection of any city police officer during reasonable hours.~~

5.32.125: TRANSMITTAL OF DAILY REPORTS REQUIRED:

Every licensee doing business in the city shall maintain in his/her place of business a complete paper and electronic record as described in this chapter of all transactions conducted either by him/herself or by his/her employees or other staff. A record of each day's transactions shall be transmitted by five o'clock p.m. (5:00 p.m.) the following business day to the Payette Police Department via electronic transfer or through such other method as approved by the Chief of Police or his/her designee.

5.32.130: RECEIPT FOR PAYMENT TO BE FURNISHED:

Upon redemption of any pledge, the ~~pawnbroker~~ licensee shall furnish to the pledger at the time of redemption a written signed receipt indicating the exact amount paid on principal and interest.

~~5.32.140: SEPARATE PAWN TICKET FOR EACH ITEM:~~

~~Every pawnbroker shall prepare and deliver to the pledger at the~~

~~time of the pledge a separate pawn ticket for each and every item pledged.~~

5.32.150: ~~REPORT FURNISHED CHIEF OF POLICE:~~

~~It shall be unlawful for any pawnbroker to fail to deliver to the chief of police once each week and at other times when requested by said officer a legible, complete and accurate copy of the record required to be kept by pawnbrokers pursuant to section 5.32.120 of this chapter.~~

5.32.160: PERSONS FROM WHOM PAWN MERCHANDISE MAY NOT BE TAKEN:

It shall be unlawful for any ~~pawnbroker~~ licensee or his/her employee knowingly or without reasonable inquiry to receive any ~~goods or things~~ items in pawn, pledge or for resale from a person who is intoxicated, under the influence of drugs, insane or under age of eighteen (18) years.

5.32.170: NO EMPLOYEES UNDER EIGHTEEN YEARS OF AGE:

It shall be unlawful for any ~~pawnbroker~~ licensee to employ any person under the age of eighteen (18) years to receive any pledge or make any loan.

5.32.180: ACTS OF EMPLOYEES:

The holder of a ~~pawnbroker's~~ license issued under this Chapter shall be responsible for any and all acts of his/her agents or employees, and for any violation by them of the provisions of this chapter.

5.32.190: SAFEKEEPING OF PLEDGES:

Every ~~pawnbroker~~ licensee licensed under the provisions hereof shall provide a safe place for the keeping of all ~~goods or things~~ items received in pawn, pledge or for resale, and shall have sufficient insurance on the property held on such ~~goods or things,~~ items for the benefit of pledgers, in case of destruction by fire or other hazard.

Each Licensee shall maintain his/her business premises in an orderly fashion; all personal property or Secondhand Property received shall be kept or stored inside a building or behind a sight-obscuring fenced area.

5.32.200: EMPLOYEE REGISTRATION:

Every owner/employee of a pawnshop/licensee shall register his/her name and address with the police department of the city and shall have had his/her thumbprints, fingerprints, and photograph taken and filed with the police department of the city and receive a certificate showing compliance therewith. For the purpose of this section, an employee of a pawnshop/licensee shall include all persons working in ~~a pawnbroker's shop~~ the licensed place of business and all owners, all stockholders, if the owner is a corporation, all partners, firms, associations and any other person who receives income in any manner from the operation of said ~~pawnshop~~ business.

5.32.210: REVOCATION OF LICENSE:

The city council, upon notice and opportunity for hearing, may revoke any ~~pawnbroker's~~ licensee's license for violation(s) of the provisions of this chapter.

5.32.220: LOCATION:

No ~~pawnbroker's~~ license issued under this Chapter shall be issued for any location in which such business is not permitted by the ordinances of the city.

5.32.230: PENALTY:

~~Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed three hundred dollars (\$300.00) or be imprisoned. Any violation of this Ordinance shall be a misdemeanor punishable by fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code § 50-302, as amended.~~ Each day that such violation occurs or continues shall be deemed a separate offense.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

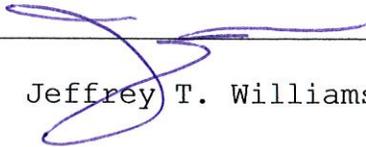
Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

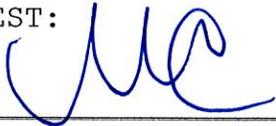
Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 17 day of April, 2012.

CITY OF PAYETTE, IDAHO

by 
Jeffrey T. Williams, Mayor

ATTEST: 
Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1364

Ordinance 1364 is an ordinance of the City Of Payette, Idaho, adopted April 16, 2012. The ordinance may be descriptively known as the Payette City Pawn Brokers Ordinance. Ordinance 1364 amends chapter 5.32 of title 5 and adds new sections which require pawnbrokers or pawnshops to use an approved, functioning and compatible reporting program. New section 5.32.125 also requires pawnbrokers to transmit daily reports of pawned property. The ordinance requires pawnbrokers to make their records available to police officers and requires licensees to keep their businesses in an orderly manner. Ordinance 1364 provides a severability clause, provides for publication by summary, sets an effective date, provides a penalty and establishes a repealer.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1364 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 18th day of April, 2012.



Bert L. Osborn