

ORDINANCE NO. 955

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ENACTING A NEW CHAPTER OF THE PAYETTE MUNICIPAL CODE TO PROVIDE FOR THE REGULATION AND LICENSING OF PAWNBROKERS OR PAWN-SHOPS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be it Ordained by the Mayor and Council of the City of Payette, Idaho:

Title 5 of the Payette Municipal Code is hereby amended by enacting a new Chapter, to read as follows:

- 5.32.010 Definition. Any person within the City of Payette 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 any security interest therein, and takes or receives such personal property into his possession is hereby declared to be a pawnbroker.
- 5.32.020 License Required. It shall be unlawful for any person to conduct or transact a pawnbroker business or pawnshop in the City of Payette without first having applied and procured a city pawnbroker's license therefore as herein-after provided.
- 5.32.030 Application for License. The application shall state the name of the person, and in case of a partnership or corporation, the names of all of the partners in such partnership; corporation; 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 it shall specify the amount of capital proposed to be used by the applicant in such business.
- 5.32.040 Issuance of Licenses. No pawnbroker's license shall be issued to any person, corporation, co-partnership, or association other than the real and actual proprietor and owner of the business for which it is issued.
- 5.32.050 Investigation by Chief of Police. All applications for pawnholder's licenses 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 chief of police, provided, however, that the city council shall not be bound by the chief'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 ordinance respecting pawnbrokers, during the continuance of such license, and any renewal thereof. This bond shall be in the sum of five thousand dollars, with a qualified surety company.
- 5.32.070 License Requirements. The license issued under this ordinance 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 does not conduct said business for a period of ninety 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 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 unless he shall keep posted in a conspicuous place in the place of business the license certificate therefor, and a copy of this ordinance relating to pawnbrokers.
- 5.32.100 Forfeiture of Pawn. No goods, articles or things acquired or purchased by any pawnbroker shall be sold or otherwise disposed of for a period of five (5) working days after the same is so purchased. The pawnbroker shall retain in his 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 may refuse to accept any payment less than the entire principal and interest due.
- 5.32.110 Pawn Ticket to be Furnished. Each pawnbroker shall furnish to the pledgor 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 shall affix to each article or thing 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 required to be kept by the provisions of this chapter. The pawnbroker 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 pledgor:

WARNING

If you have borrowed money from the pawnbroker, and if you fail to make any payment when it is due, the pawnbroker, 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.

- 5.32.120 Pawnbroker to Keep Detailed Records and Provide Chief of Police with Copy. Every pawnbroker shall make an accurate record typed or legibly printed in ink in the English language at the time of taking any personal 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. All such descriptions of property shall include, whenever possible, the brand name, model, and serial number and all such descriptions of persons shall include the last, first, and middle name, the current address, the date of birth, the height, the weight, and either the social security number, driver's license number or motor vehicle license plate number of the person described. 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 of Payette police officer upon request of such officer. No entry on such record shall be altered, erased, obliterated, or defaced, and all property described in the record shall be open to the inspection of any City of Payette police officer during reasonable hours.
- 5.32.130 Receipt for Payment to be Furnished. Upon redemption of any pledge, the pawnbroker shall furnish to the pledgor 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 pledgor 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

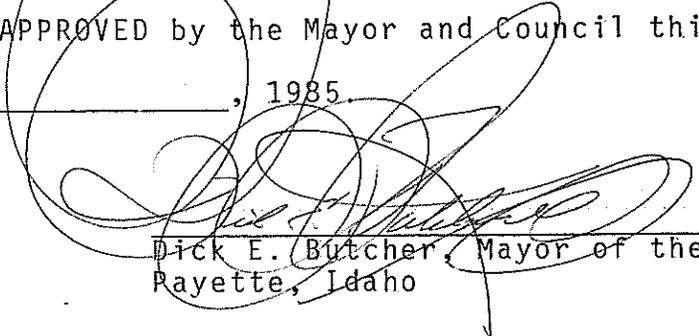
for any pawnbroker to fail to deliver to the chief of police once each week and at other times when requested by said officer a legible, complete and accurate copy of the record required to be kept by pawnbrokers pursuant to section of this Chapter.

- 5.32.160 Persons from Whom Pawn May Not be Taken. It shall be unlawful for any pawnbroker, or his employee knowingly or without reasonable inquiry to receive any goods or things in pawn, pledge or for resale from a person who is intoxicated, under the influence of drugs, insane or under the age of eighteen years.
- 5.32.170 No Employees Under Eighteen Years of Age. It shall be unlawful for any pawnbroker to employ any person under the age of eighteen years to receive any pledge or make any loan.
- 5.32.170 Acts of Employees. The holder of a pawnbroker's license shall be responsible for any and all acts of his agents or employees, and for any violation by them of the provisions of this Chapter.
- 5.32.180 Safekeeping of Pledges. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of all goods or things received in pawn, pledge or for resale, and shall have sufficient insurance on the property held on such goods or things, for the benefit of pledgors, in case of destruction by fire or other hazard.
- 5.32.190 Employee Registration. Every employee of a pawnshop shall register his name and address with the police department of the city and shall have had his 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 shall include all persons working in a pawnbroker's shop and all owners, all stockholders, if the owner is a corporation, all partners, and any other person who receives income in any manner from the operation of said pawnshop.
- 5.32.200 Revocation of License. The city council, upon notice and opportunity for hearing, may revoke any pawnbroker's license for violation(s) of the provisions of this Chapter.
- 5.32.210 Location. No pawnbroker's license shall be issued for any location in which such business is not permitted by the ordinances of the city.
- 5.32.220 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. Each day that such violation occurs or continues shall be deemed a separate offense.

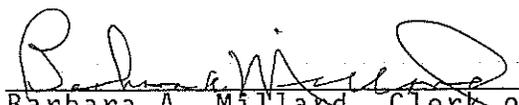
Repeal. All prior ordinances or provisions thereof which conflict with this ordinance are hereby repealed to the extent of such conflict.

Severability. If any section or provision of this ordinance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining sections or provisions, or the validity of any section or provision held invalid if said section or provision may be validly applied in any other manner or circumstance. That this ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED and APPROVED by the Mayor and Council this 4th day of February, 1985.


Dick E. Butcher, Mayor of the City of
Payette, Idaho

ATTEST:


Barbara A. Millard, Clerk of
the City of Payette, Idaho.