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ORDINANCE NO. 2320

AN ORDINANCE adding a new chapter 5.50 to the Camas Municipal Code for the issuance of pawnbroker and secondhand dealers licenses; establishing a license fee; and imposing a penalty for violations.

WHEREAS, pawnbrokers and secondhand dealers engage in transactions relating to the pledge and/or sale of personal property; and,

WHEREAS, pawnbroker and secondhand dealer businesses provide a means by which those with criminal intent may sell stolen personal property; and,

WHEREAS, to facilitate the ultimate recovery of stolen personal property, a system of record keeping by the pawnbroker or secondhand dealer should be established, with access to the same by the City of Camas Police Department; and,

WHEREAS, given the potential for the transaction of sales in stolen personal property, standards should be established relating to the receipt of a pawnbrokers license for the operation of said business; and,

WHEREAS, the City of Camas currently has no standards for licensing or monitoring pawnbroker or secondhand dealer business;

WHEREFORE, THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

There is hereby added to the Camas Municipal Code a new chapter 5.50 to be entitled "Pawnbroker and Secondhand Dealers", to provide as follows:

**5.50.010. Definitions.** "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.

"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.

"Secondhand property" means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, used books, and clothing of a resale value of \$75.00 or less, except furs; provided, however, that such terms shall not be construed to include the business of operating a public garage, a shop for the repair of motor vehicles, a boat repair shop, or the business of dealing used or secondhand motor vehicles or boats or used parts or accessories thereof.

**5.50.020. License Required—Expiration and Fee.**

(a) It is unlawful for any person to engage in the business of pawnbroking or act as a secondhand dealer in the City of Camas without first obtaining a license pursuant to the provisions of this chapter. Each license shall be for a two-year period to expire on December 31<sup>st</sup> of the second year from issuance. The license fee for a pawnbroking business shall be \$ 100.00.

(b) All applications for issuance of a pawnbroker or secondhand dealer's license shall be made to and filed with the City Clerk on forms furnished for such purpose, and shall be accompanied by the required fee. An initial or renewal application shall be referred to the Chief of Police for

investigation, report and recommendation. Within thirty days after receipt of a copy of the application, the Chief of Police shall render a written recommendation to the city clerk as to approval or denial of the application for license or renewal thereof.

(c) The City Clerk shall deny an initial or renewed pawnbroker's license to any applicant, or any other person with any interest in the application for, or holder of such license, if such licensee:

1. Has been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten years;
2. Has obtained a pawnbroker or secondhand dealer license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
3. Has had any license revoked pursuant to this chapter;
4. Makes a misrepresentation of, or fails to disclose, any material fact to the City;
5. Has failed to timely pay its pawnbroker or secondhand dealer license fee pursuant to this chapter;
6. Has failed to display a pawnbroker or secondhand dealer license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity.

**5.50.030. Record Book.** It shall be the duty of any pawnbroker or secondhand dealer doing business in the City to maintain in his or her place of business a book or other permanent record in which is legibly written in the English language, at the time of each loan, purchase or sale, the record thereof containing:

1. The date of the transaction;
2. The name of the person or employee conducting the transaction;
3. The name, age, street and house number of the person with whom the transaction is had;
4. The name, street and house number of the owner of the property bought or received in pledge;
5. The street and house number of the place from which the property bought or received in pledge was last removed;
6. A description of the property received in the pledge, which shall include the name of the maker of such property or manufacturer thereof and the serial number, if the article has such marks on it, or any other inscription or identifying marks; 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 is sufficient;
7. The price paid or the amount loaned;
8. The names, street and house numbers of all persons witnessing the transaction.

**5.50.040. Inspection of Records and Goods.** Such record, and all goods received, shall at all times during the ordinary hours of business be open to the inspection of the chief of police or any police officer of the City of Camas, under his order, and no entry made in said report shall be erased or in any manner obliterated or defaced. Records shall be maintained and kept available for a period of three years from the date of the transaction or any part of such transaction.

**5.50.050. Report to Chief of Police.** Every pawnbroker and secondhand dealer in the City shall before noon on Monday, furnish to the chief of police, at his office, on such forms as he may provide therefor, a full, true and correct transcript, in the English language, a record of all transactions had in the previous week, and if such pawnbroker or secondhand dealer shall have reason or cause to believe that any property in his possession has been previously lost or stolen, he shall forthwith 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. This information may be transmitted to the chief of police or his designee electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police.

**5.50.060. Retention of Property—Inspection.** No property bought or received in pledge by any pawnbroker or secondhand dealer shall be removed from his or her place of business, except

when redeemed by the owner thereof, within 15 days after the receipt thereof has been reported to the chief of police as provided in Section 5.50.050.

**5.50.070. Prohibited Transactions.** No pawnbroker shall receive any goods or property from any person under the age of twenty-one (21) years, or without requiring the submission of photographic identification of said person, or from any person under the influence of intoxicating liquor, or from any person known to the pawnbroker as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten years, whether such person be acting in his own behalf or as agent of another, or in any other circumstance whereby the transaction violates the laws of the State of Washington. No pawnbroking transactions or any part of such transactions shall be carried on or conducted on any day before 8:30 a.m. or after 7:00 p.m.; nor on Sunday or on New Year's Day, President's Day, Declaration of Independence Day, Labor Day, Thanksgiving Day, Christmas Day, or any other day recognized by the City as an official closing day; provided, however, that such establishment may remain open for carrying on the business of retail merchandising at any time on any day of the week unless prohibited by law.

**5.50.080. Termination of Business.** Whenever any person, firm or corporation engaged in business as a pawnbroker ceases, terminates or winds up such business, such intention shall be publicized by an advertisement in a daily newspaper published in the Clark County area, and such business shall be continued for a period of not less than 120 days from the date of such publication, during which period no additional loans shall be made; provided, however, that this section shall not apply where such business is sold in its entirety to a pawnbroker duly licensed pursuant to the provisions of this chapter, in which case a written list of all outstanding loans for which redemption periods have not expired shall be furnished to the chief of police prior to the actual date of the sale of such business.

**5.50.090. Number of Licenses to be Granted.** The number of licenses issued for pawnbrokers shall be limited to a number of such establishments in the City of Camas based on a ratio of one pawnbroker establishment per 10,000 inhabitants of the City or fractional part thereof.

**5.50.100. Violation—Penalty.** Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a gross misdemeanor, under RCW Chapter 9A.20, and in addition hereto, any person found in violation of any provisions of this chapter shall have his license granted hereunder revoked for not less than 30 days for the first violation; not less than 90 days for the second violation; and upon a third violation, in any one calendar year, the pawnbroker's or secondhand dealer's license shall be permanently canceled.

Section II

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 24<sup>th</sup> day of June, 2002.

SIGNED: [Signature]  
Mayor

ATTEST: [Signature]  
Clerk

APPROVED as to form:  
[Signature]  
City Attorney