

ORDINANCE 185

AN ORDINANCE TO REVISE AND AMEND ORDINANCE 117. AN ORDINANCE DEFINING AND REGULATING PAWN SHOPS AND PAWNBROKERS.

BE IT ORDAINED by the City Council of the City of Box Elder, Pennington County, South Dakota, to amend and revise Ordinance 117 as follows:

A "pawnbroker" shall mean any person, firm or corporation who:

- (1) Engages in the business of lending money on the deposit or pledge personal property, other than choses in action, securities or evidence indebtedness; or
- (2) Purchases personal property with an expressed or implied agreement or understanding to sell it back at a stipulated price.

Any pawnbroker may effect the purchase of secondhand personal property for resale purpose under the terms of this chapter by acquiring any pawn ticket of his own issue by transfer.

SECTION I LICENSE REQUIRED; FEE

It shall be unlawful for any person, firm or corporation to engage in the business of a pawnbroker without first obtaining a license from the City Finance Office. The application for such license shall contain all pertinent information required by Section IV. Any person applying for a pawnbroker's license must, before their application will be considered, come to the Box Elder City Police Department and furnish adequate identification. The annual license fee for a pawnbroker shall be \$ 100.00.

No license under this chapter shall be issued to any person who has been convicted of a felony; No license under this chapter shall be issued to any corporation with one or more officers or directors of which have been convicted of a felony.

SECTION II. BOND

Each pawnbroker doing business in the City shall furnish a good and sufficient bond, with a surety to be approved by the City Council, in the sum of \$ 1,000.00 conditioned for the faithful observance of this section and conditioned for the safe keeping or return of all articles held in pledge of such pawnbroker.

SECTION III. SEPARATE LICENSE AND BOND FOR EACH PLACE OF BUSINESS.

Any person, firm or corporation conducting several or

separate places of business shall pay the appropriate license fees and procure the appropriate licenses and bond for each place of business. The above mentioned proprietor's license shall be sufficient for all clerks, agents and employees engaged at the place named in the license.

SECTION IV. RECORDS REQUIRED

Every pawnbroker shall keep books or records of pawn tickets where he shall accurately and legibly enter, in ink, in the English language, at the time of purchasing or receiving any personal property, and after requiring and observing identification from the person seeking to pawn the property, the following information:

(1) The name of the person from whom the property is purchased or received, his place of residence and his date of birth.

(2) A detailed and accurate description of each article.

(3) The date of transaction.

(4) The amount necessary for redemption.

(5) The date when the article is to be redeemed.

(6) Any mortgage or bill of sale taken or receipt of pawn ticket given .

(7) The article's serial number and model number, if any.

Every pawnbroker shall also record the date of disposition or redemption of said article or any part or portion thereof. Said disposition report shall be located in the same book and at the same place where the receiving records of said article are located.

Any person who fails to keep such records or fails to make the required entries therein, or shall intentionally or knowingly make any false or unintelligible entry, or any entry which he has reason to believe is untrue, or who shall fail to make the inquiries necessary to enable him to make such entries on any of them, or who shall fail to produce his records when requested by an officer having authority to examine it, or who shall destroy or willfully permit such records to be destroyed or lost, shall be guilty of a misdemeanor.

SECTION V. INSPECTION OF RECORDS OR LICENSE AND PLEDGED PROPERTY

The book or records required by Section IV. shall be opened to inspection by City, Police officers during reasonable business hours. The Pawnbroker shall produce and show any article pledged in connection with any loan.

The license required by Section I for pawnbrokers shall at all times be on display in a conspicuous place and available for inspection by any City Police officer during reasonable business hours.

SECTION VI. PAWN TICKETS

At the time of receiving a pledge and upon the subsequent renewal of any loan, the pawnbroker shall deliver to the pledger or his agent a pawn ticket; where upon the pawn tickets shall be correspondingly serially numbered, and shall contain the following information; The name and address of the pawnbroker; a generic description of the pledge with such particular details to description noted whenever possible in order to distinguish the article or articles; the date of the transaction; the amount, duration, and terms of the loan. The pawnbroker may insert on the pawn ticket any other terms, conditions, and information that are not inconsistent with the provisions of this section.

All pawn tickets shall be issued in triplicate with the original being issued to the pledger or his agent, at the time of receiving a pledge or upon the subsequent renewal of any loan. The pawnbroker shall retain one copy of each pawn ticket for his records and deliver the remaining copy of each pawn ticket to the Chief of Police, or his designee, regularly as directed by the Chief of Police.

SECTION VII. Holding Period; Exceptions

Any person licensed as a pawnbroker, who shall purchase any new or secondhand goods of any individual not engaged in trade, shall keep the same for inspection for ten (10) days before the same are sold, except on written release from the Chief of Police.

SECTION VIII. Pawn Articles To Be Held Forty Days

Every article of any kind or description which is taken in pawn by a pawnbroker shall be held by the pawnbroker for a period of forty (40) days when said item or items are believed to be stolen. During said time the item or items shall not be shown, either for sale or for inspection to any person, other than a duly qualified City, State, or Federal law enforcement officer.

SECTION IX. Effect On Hold Order

The Chief of Police, or any authorized law enforcement officer may, by written order, order a pawnbroker for purpose of further investigation by the Police Department to hold an article. A hold order shall remain in effect for a period of forty (40) days commencing the day on which the hold order is delivered to the pawnbroker. A hold order shall supersede the provision of Sections VII and VIII and no sale or other disposition may be made of said article or articles while such

hold order remains outstanding, unless released by officers issuing the hold order.

SECTION X. Accepting Articles From Other Than Lawful Owner

A pawnbroker who accepts in pledge any article as security for a loan from a pledger who is not the owner thereof, obtains no property in the article, either by reason of maturation of the loan or by transference of the pawn ticket to the pawnbroker by the pledger or holder thereof. Ignorance of the fact that the pledged article was lost or stolen shall not be construed to affect the question of title, and if the pawnbroker shall sell such article to a third person, he shall remain liable to the original owner.

SECTION XI. Unlawful Transactions

It shall be unlawful for any pawnbroker to accept any articles in pawn or purchase any secondhand personal property by acquiring a pawn ticket by transference from any person under eighteen (18) years of age.

SECTION XII. Concealing Articles To Prevent Identification

No pawnbroker shall conceal, secrete or destroy for the purpose of concealing any article purchased or received by him for the purpose of preventing identification thereof by law enforcement officers.

SECTION XIII. Suspension Of License

Any license issued under the provisions of this section may be suspended for a prescribed period, not to exceed sixty (60) days, or revoked in the event of a failure on the part of the license to comply with the provisions of this section. A license may be revoked or suspended by the Common Council only after ten (10) days written notice and a hearing on the alleged violation.

SECTION XIV. Examination Of Premises By Law Enforcement Officer

No pawnbroker or any other person shall refuse, resist, or attempt to prevent any law enforcement officer with or without warrant, from examining the licensed premises occupied by the pawnbroker or other secured premises within the City limits where property is stored, during reasonable business hours for the purpose of discovering stolen property.

SECTION XV. Change In Location Of Licensed Premises.

If during the effective period of a license issued under this chapter a pawnbroker or secondhand dealer changes the location of the licensed premises within the City, such dealer shall inform the City Finance Office of such change of location and shall have the new additional fee charged for changing the

location of the licensed premises.

SECTION XVI

Any person found guilty of a violation of this Ordinance shall be guilty of a Class II Misdemeanor.

BE IT FURTHER ORDAINED, that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and function of the Municipal Government and shall become effective immediately upon passage and publication thereof.

Seal:

Attest:

First Reading: APRIL 22, 1986

Second Reading: 8-20-86

Published: SEPTEMBER 4, 1986


Barbara J. Patenaude
Finance Officer


Sam Boykin Jr.
Mayor

FIRST READING OF ORDINANCE 185 WAS APRIL 22, 1986. ON THE 13TH OF MAY PETERSON MADE A MOTION TO DEFER UNTIL NEXT MEETING TO GIVE REX TIME TO REVIEW. SECOND READING WAS SUPPOSE TO TAKE PLACE ON MAY 27TH BUT CITY ATTORNEY NEEDED MORE TIME TO STUDY. MOTION BY LONEY TO DEFER SECOND READING. SECOND BY PETERSON. UNANIMOUS. ON JUNE 17TH CITY ATTORNEY GAVE HIS RECOMMENDED CHANGES ON ORDINANCE 185 MOTION BY PETERSON TO DEFER UNTIL NEXT MEETING TO GIVE THE COUNCIL TIME TO LOOK OVER THE CHANGES. SECOND BY BERNDT. UNANIMOUS. NOTHING MORE OF ORDINANCE 185.

