

CHAPTER 5.28 ~~Article I~~ PAWNBROKERS, CASH FOR GOLD STORES, SECONDHAND DEALERS, EXCHANGE DEALERS, AND JUNK DEALERS

Article I. General Provisions

5.28.010 Purpose and Intent.

The City Council of the City of Stockton desires to fairly and impartially regulate retail transactions of Pawnbrokers, Cash for Gold stores, Exchange Dealers and Secondhand Dealers for the purpose of:

1. Identifying stolen property unintentionally received by the regulated parties; and
2. Detecting regulated parties intentionally transacting business in stolen property.

5.28.010-020 Definitions.

For purposes of this chapter, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

A. “Cash for Gold Stores” means any person who engages in the retail purchase and resale of precious metals.

“Exchange Dealer” means and includes every person who engages in or conducts the business of accepting secondhand articles in full or partial payment for any other article or articles carried as stock in trade by such person, and shall include the acceptance of any article in full or partial payment for an rebuilt or remanufactured article of similar or different nature. This definition shall not apply to dealers whose principal or primary business is retailing or wholesaling new merchandise.

B. _____

C. “License” means a license issued by the State of California Department of Justice to operate as either a pawnbroker or secondhand dealer within a specific jurisdiction.

D. “Pawnbroker” means a person, other than banks, trust companies or bond brokers who may otherwise be regulated by law and authorized to deal in commercial papers, shares of stock, bonds and other certificates of value, who

keeps a loan office or pawn shop and is engaged in conducting, managing or carrying on the business of loaning money, for herself/himself/itself or for any other person, upon receipt of personal property, including jewelry and precious stones, other personal security, pawns or pledges, or the business of purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors or their assignees, at prices agreed upon at or before the time of such purchase. A pawnbroker is also a secondhand dealer but a secondhand dealer is not necessarily a pawnbroker.

~~and includes every person who keeps a place of business where personal property is received on which money is advanced with the right or privilege granted to the person to whom the money is advanced to reclaim such property upon the repayment of said money so advanced, together with all legal charges incident thereto.~~

E. The term "Pawnshop" means any room, store or place in which business or activity described under the definition of pawnbroker, is carried on or conducted,

~~shall include every person, firm or corporation other than banks, savings and loan institutions, and similar organization otherwise regulated by law who engages in, or carries on the business of receiving jewelry, watches, precious stones, valuables, firearms, clothing or personal property, or any other article or articles in pledge for loans, or as security, or in pawn for the repayment of moneys, and exacts interest for such loans.~~

F. "Permit" means a permit issued by the police chief pursuant to this chapter to operate as either a pawnbroker, cash for gold store, exchange dealer or secondhand dealer within the City of Stockton.

G. "Person" means any person, individual, group, firm, association, partnership, corporation, company, sole proprietorship, or any other legal entity.

H. "Police Chief" means the chief of police of the City of Stockton and his or her designee.

H. "Secondhand dealer" shall have the same meaning as that term is defined in California Business and Professions Code Section 21626 and includes cash for Gold Stores and Exchange Dealers. A "secondhand dealer" does not include a coin dealer or participants at gun shows or events, as defined in Section 478.100 of Title 27 of the Code of Federal Regulations, as amended from time to time, or any successor provision of law or regulation. ~~(Ord. 015-07 C.S. § 2; prior code § 6-091)~~

5.28.030 Permit Required- Compliance with other laws.

- A. Unless exempt pursuant to Section 5.28.040, it is unlawful for any person to engage in or conduct a cash for gold, pawnbroker or secondhand dealer business as defined in Section 5.28.020 without a permit. (Ord. 015-07 C.S. § 2; prior code § 6-092)
- B. Neither the obtaining of a permit nor compliance with the operating standards provided in this chapter shall obviate the need for, or excuse any noncompliance with, the zoning code, building code, fire code, or any other additional permit requirement or standard made applicable to cash for gold, pawnbroker or secondhand dealer businesses under any other provision of this code or state or federal law.

5.28.040 Exemption from the permit requirement.

The following are exempt from the permit requirement pursuant to this chapter. This exemption does not relieve these businesses from complying with all other applicable laws, including but not limited to, the provisions listed in the definition of secondhand dealer in Section 5.28.020 above, all operational standards contained in Article II, and all other laws related to crime and nuisance.

A. ~~In the event that the applicant or applicants are members of a~~ religious, charitable, public service clubs, or nonprofit organizations~~s~~ conducting the a periodic sale of goods, wares or merchandise as set forth in the definition of secondhand dealer in Section 5.28.0120, the applicant or applicants shall comply with the provisions of the definition of secondhand dealer in Section 5.28.010; provided, however, that the said applicant or applicants shall not be required to furnish all the names of all the members of the said organization, but shall be required to furnish the names of the principal officers of the said organization, but shall not be required to furnish fingerprints of the applicant as required in Sections 5.28.030 and 5.28.040. (Ord. 015-07 C.S. § 2; prior code § 6-092.3)

B. Any person whose principal business is not the buying and selling or receiving pledges of used or secondhand articles, when such person receives office equipment, scales or musical instruments from any governmental subdivision or manufacturing business or professional concern known to the secondhand dealer which concern has used said article or articles in its business.

Article II. Operations

5.28.050 Application of article.

This article is intended to implement minimum standards applicable to the operation of all pawnbrokers, cash for gold stores, and secondhand dealer establishments whether or not such establishments are subject to the permit requirement of Article I. Nothing in this article shall limit the city's authority to impose and enforce permit conditions under Section 5.28.030, requiring pawnbroker, cash for gold, and secondhand dealer establishments to comply with operating standards that are more strict, comprehensive, or onerous than the minimum standards imposed by this article.

5.28.060 Days and Hours of Operation.

- A. It is unlawful for any person conducting or maintaining the business of a pawnbroker, cash for gold store, secondhand dealer, or exchange dealer, or any agent or employee thereof, to keep or cause to be kept, such a place of business open on any of the following holidays, or, the day that holiday is officially observed: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. On any other day, said business shall operate only between the hours of seven a.m. and nine p.m.; provided, however, that on Saturdays and days preceding the aforesaid holidays, such business may be kept open until eleven p.m.
- B. Any person engaged in conducting any business other than those set forth in Section A above, on the same premises as such business, or in conjunction with the same, shall notwithstanding, close the place of such other business at the same time and in the same manner as herein provided. No person shall be engaged in any occupation at such place of business or businesses, or remain therein, during any such time such place of business or businesses is by this section required to be closed. ~~No person engaged in, conducting, managing or carrying on any business defined in Section 5.28.010 hereof shall accept any pledge of, or loan money upon personal property, or purchase or receive any goods, wares, merchandise or any article or thing, between 9:00 p.m. and 8:00 a.m. of any day from Monday to Friday, inclusive; between 9:00 p.m. Saturday and 8:00 a.m. of the following Monday, on any of the following holidays, or, the day that is officially observed as the said holiday: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. (Ord. 015-07 C.S. § 2; prior code § 6-099)~~

5.28.070 Display of permit.

Every permit issued pursuant to this chapter shall be conspicuously displayed so that it may be easily seen by any person on the premises.

5.28.080 Permit non-transferable; Change of Address or Contact information.

Any permit issued pursuant to this chapter is valid only at the address and for the person specified therein and is not transferable to any other person. Change of the establishment address requires the pawnbroker, cash for gold store, exchange dealer or secondhand dealer to notify the City of Stockton Police Department in writing ten (10) calendar days prior to the establishment moving to its new location. Failure to notify the Stockton Police Department of the change of address shall render any permit issued pursuant to this chapter void and any operation of a pawnbroker or secondhand dealer establishment unlawful.

5.28.090 Record of Transactions.

- A. Every person managing, maintaining or conducting the business of any pawnbroker, cash for gold store, exchange dealer or secondhand dealer, in the city shall keep, or cause to be kept, at the store or place of business, a record of each transaction.
- B. The record shall include a description of such article received or delivered in such transaction sufficient to identify the same, including serial number and all particular or prominent marks of identification that may be found on such property, the signature, address, age, sex, residence, legible thumbprint, identification card information and accurate description of the vendor or person receiving, delivering, or transferring the property or who is otherwise dealt with, the amount of money paid or received in such transaction, the rate of interest, if any, and the date and hour of the transaction. This record must be kept on a form approved by the California Department of Justice, written legibly in English and in ink
- C. At the time of each transaction, the person from whom the property is being received must present a valid identification card. If the identification card is not valid, then it must have been issued within the last five years.

5.28.100 Record of transactions to Chief of Police.

- A. Every person engaged in any of the businesses described in Section 5.28.090 shall be required, at the time of taking or receiving any article in the business for which he or she is so licensed, to place the description of the article or thing pledged, received, or taken, on the face of a form approved by the California Department of Justice and shall within 24 hours (excluding Sundays and holidays) in the case of pawnbrokers and secondhand jewelry dealers and 48 hours (excluding Sundays and holidays) in the case of secondhand dealers, after buying, purchasing or otherwise receiving such goods, wares and merchandise, including radios

for use in or upon automobiles, make out and deliver to the Chief of Police, or authorized agent, the original copy of the transaction filled out on the form authorized by the California Department of Justice. The form may also be submitted electronically at the discretion of the business owner.

B. Each business shall retain a copy of all transactions for a period of three (3) years from the date of the transaction.

5.28.110 Inspections and Reports.

A. The record of transactions required by the provisions contained within Section 5.28.090 shall be open for inspection by the Police Department at any time during business hours, and the Police Department shall also have the right to thoroughly inspect the premises, store or place where the business so recorded is being conducted at any time in search of any lost or stolen property, or to compare the entries kept in such records with the articles located on such premises or place of business. All persons in charge of such business, and the agents and employees thereof, shall render to the Police Department such assistance as may be reasonably necessary to enable it in such inspection or search. The person in charge of such business shall provide the Police Department, each day excepting holidays, a copy of said record of transactions.

B. Any alteration of any copies of the record of transactions as set out in Section 5.28.090 shall be unlawful.

C. It is unlawful for any pawnbroker, cash for gold store, exchange dealer, or secondhand dealer located in the city to make any purchase, exchange, pledge, pawn, or other transfer of possession of any article unless the same is recorded as set out in Section 5.28.090.

5.28.120 Receipt Books.

A. Every person maintaining or conducting the business of a pawnbroker, cash for gold store, exchange dealer, or secondhand dealer in the City of Stockton shall keep or cause to be kept, at the store or place of business, receipt books as hereinafter described. Such books shall be kept in addition to the record of transactions required by Section 5.28.090, and shall consist of duplicate sheets of white paper not less than four by seven inches in size and bearing consecutive numbers. One of each of said duplicate pages shall be so perforated as to enable its removal.

B. One of the aforesaid books shall be kept for the recording of, and the receipting for, sales, and there shall be printed at the top of the perforated

sheet, in colored type, not less than three-eighths of an inch in height, the following words: "This is a sale and not a pledge."

C. One of the aforesaid books shall be kept for recording of, and the receipting for, pledges, and there shall be printed at the top of the perforate sheet, in colored type, not less than three-eighths of an inch in height, the following words: "This is a pledge and not a sale."

5.28.130 Customer Receipts.

A. It is unlawful for pawnbrokers, cash for gold stores, exchange dealers or secondhand dealers to make any purchase, exchange, pledge, pawn, or other transfer of possession of any article, unless the same is recorded in one of the receipt books required by Section 5.28.120, setting forth the name and address of the pawnbroker, a description in the English language of the article involved in such transaction, the date of the sale, the name of the customer with whom such transaction is made, the rate of interest charged, if any, the term of redemption, if any, and the same shall be signed by the pawnbroker or his or her agent making such transaction. The perforated sheet, which shall be the original duplicate, shall, after being filled out as herein provided, be delivered to the person with whom the transaction is made. The duplicate thereof shall be kept by the pawnbroker for a period of at least two years next following the date of the transaction, and shall, during such time, be available at all times during business hours for inspection by the Stockton Police Department.

B. Any alteration of such duplicate sheet shall constitute a misdemeanor.

5.28.140 No permits to Minors.

No permit shall be issued for any pawnbroker, cash for gold store, exchange dealer or secondhand dealer business if the applicant is under eighteen (18) years of age, or if the applicant is a firm, partnership or corporation, if any member of such firm or partnership is under eighteen (18) years of age.

5.28.150 Purchase from minors and servants.

It is unlawful for any person maintaining or conducting the business of any pawnbroker, cash for gold store, exchange dealer, or secondhand dealer, or any agent or employee thereof, to purchase or take goods or articles or things offered to him or her by any minor, or knowingly purchase or take such goods, articles or things from any servant or apprentice without first ascertaining that such article or thing is the property of the person delivering the same, or that such servant or apprentice has the authority from the owner to deliver or sell such property. The word "minor" shall mean any person described in Section

6500 of the Family Code who is not an emancipated minor as provided for in section 7002 of the Family Code.

5.28.160 Declaration of Legal Status.

It is unlawful for any person maintaining or conducting the business of pawnbroker, cash for gold store, exchange dealer, or secondhand dealer, or any agent or employee thereof, to purchase or take goods or articles or things offered to him or her by any person under the age of eighteen (18) years of age who claims legal status as an emancipated minor pursuant to Family Code Section 7002, unless such person shall have executed and delivered to said cash for gold store, pawnbroker or secondhand dealer, or any agent or employee thereof, a certificate substantially as follows:

I hereby declare under penalty of perjury that the following is true and correct (1) I have entered into a valid marriage, whether or not the marriage has been dissolved; (2) I am on active duty with the armed forces of the United States; or (3) I have received a declaration of emancipation pursuant to Family Code Section 7122.

Executed at Stockton, California

Dated:

Signed:

5.28.170 Merchandise to be held.

All articles purchased, received, exchanged, pledged, pawned, or otherwise taken into possession by any person maintaining or operating the business of pawnbroker, cash for gold store, exchange dealer or secondhand dealer, or the employee or agent thereof, the retention of which is not otherwise provided for by law, shall, except as hereinafter otherwise provided, be held for a period of thirty (30) days before being placed on exhibition, sold, exchanged, removed from the place of business where it was received or delivered to any person, or otherwise disposed of; provided, however, that any such article may be delivered or returned at any time to the true owner thereof or his or her authorized agent; provided further, any furniture, household furnishings, files, desks, chairs, safes, or other office equipment need not be held for more than five (5) days pursuant to the provisions of this section.

5.28.180 Hold Order

The Police Department may place a hold-order upon property acquired by a pawnbroker, cash for gold store, exchange dealer or secondhand dealer, in the

course of his or her business for a period of ninety (90) days and, upon release of such property, may require the dealer to keep a record of the disposition of such property. It is unlawful for any such dealer to dispose of any property contrary to any hold-order issued by a member of the Police Department.

5.28.190 Identification of customers in certain establishments.

It is unlawful for any person in the city to pledge, pawn, sell, exchange or otherwise transfer property to a pawnbroker, cash for gold store, exchange dealer or secondhand dealer, under any fictitious or assumed name or address or under any name other than his or her true and legal name and address.

5.28.200 Articles to be identified by tags.

It shall be the duty of each pawnbroker, cash for gold store, exchange dealer, and secondhand dealer to attach to each article so received, a tag, or other device, containing sufficient information so that the article described and recorded in the bound book may be readily identified.

5.28.210 Intoxicated persons.

It is unlawful for any person engaged in the businesses described in this chapter, or his/her/its manager, agent or employee, to take or receive any goods, articles or things from any person who is in an intoxicated state or condition, or from any person who is a suspected or known thief, or associate of thieves, or a suspected or known receiver of stolen property, or from any persons he/she/it may reasonably suspect to be contained in any of the foregoing categories.

Article III. Issuance, Renewal, Suspension and Revocation

~~—“Secondhand dealer” means and includes every person who engages in, or conducts, the business of buying, selling or exchanging, whether as a separate business or in connection with other businesses, secondhand or rebuilt typewriters, adding and calculating machines, secondhand bicycles, bicycle accessories, scales, clothing, tools, harnesses, surgical, dental or drawing instruments, firearms, table model or auto radios, musical instruments other than pianos, household appliances other than stoves, refrigerators and washing machines, or any similar secondhand article or articles or things, excepting, however, secondhand jewelry dealers, secondhand automobile dealers and~~

~~junk dealers, nor shall it pertain to automobile wrecking establishments or book sales.~~

~~“Secondhand jewelry dealer” means and includes every person who engages in, or conducts the business of buying, selling or exchanging the following used or old articles: gold, silver, platinum, or articles of platinum, silverware, secondhand jewelry, watches or other precious metals or stones. The term secondhand jewelry dealer shall include every person engaged in said business, whether as a separate business, or in connection with other businesses. (Ord. 015-07 C.S. S 2; prior code S 6-091)~~

~~5.28.020 License to engage in pawnbrokers or secondhand dealer business.~~5.28.220 Issuance.

A. Before any permit or permits to engage in any of the businesses defined in this chapter is granted, the applicant shall file with the Chief of Police, a written application, signed by the applicant under oath, setting forth the following:

1. The exact nature of the business or businesses to be carried on;
2. The name of the applicant, together with all persons to be directly or indirectly interested in the conducting of said business or businesses should a license or licenses be granted, including all members of any firm or partnership;
3. The location of the proposed business or businesses for which the license or licenses is sought;
4. Whether or not any permit or license heretofore granted to the applicant or any members of the proposed firm or partnership has been revoked or suspended, and if so, the circumstances of such revocation or suspension;
5. Such further information bearing on the moral character and financial responsibility of the applicant as the Chief of Police may require as reasonably bearing on the qualifications of an applicant to engage in the businesses herein named.
6. The signatures of three residents of the City of Stockton, certifying to the good moral character and reputation of the person or persons making such application.

B. At the time of the filing of an application, the applicant and all persons to be directly and indirectly interested in the permit if granted, including all members of any firm, partnership, or corporation, shall be fingerprinted at the request of the Police Department. — If any person shall engage in, conduct,

~~manage or carry on at the same time more than one of the businesses defined in Section 5.28.010, such person shall be deemed to be engaged in, conducting, and carrying on each such business separately and apart from the other such business; and such person shall comply in all respects with the provisions set forth herein applicable to each of said businesses and no person shall fail, neglect or refuse so to do. (Ord. 015-07 C.S. § 2; prior code § 6-092)~~

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~~5.28.030 Application for license—Contents.~~

~~Before any license or licenses to engage in any of the businesses herein defined is granted, the applicant shall file with the Chief of Police a written application, signed by the applicant under oath, setting forth the following:~~

~~A. The exact nature of the business or businesses to be carried on;~~

~~B. The name of the applicant, together with all persons to be directly or indirectly interested in the conducting of said business or businesses should a license or licenses be granted, including all members of any firm or partnership;~~

~~C. The location of the proposed business or businesses for which the license or licenses is sought;~~

~~D. Whether or not any permit or license heretofore granted to the applicant or any members of the proposed firm or partnership has been revoked or suspended, and if so, the circumstances of such revocation or suspension;~~

~~E. Such further information bearing on the moral character and financial responsibility of the applicant as the Chief of Police may require as reasonably bearing on the qualifications of an applicant to engage in the businesses herein named. (Ord. 015-07 C.S. § 2; prior code § 6-092.1)~~
In addition to the foregoing information, the applicant who conducts a pawnshop or whose principal business is buying and selling secondhand articles at the time of filing his or her application for a license or licenses shall be fingerprinted by, and his or her record filed in the Stockton Police Department. Upon receipt of the said application, the Chief of Police shall cause an investigation to be made of the qualifications and moral character of the applicant, and if the investigation satisfies the Chief of Police that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or a violation of any narcotics law, and is financially responsible, the Chief of Police shall issue to the applicant the

license or licenses for which an application has been made. (Ord. 015-07 C.S. § 2; prior code § 6-092.2)

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5.28.040 Approval of Chief of Police. 5.28.230 Grounds for Denial.

The Chief of Police may deny an application for any of the following reasons:

- A. The proposed use is in conflict with the City of Stockton Zoning Ordinance;
- B. The proposed use is in conflict with any health, building, building maintenance, or other provision of this code or State law;
- C. Violation of any provision of this division;
- D. Fraud, misrepresentation, or false statements in securing a permit;
- E. Fraud, misrepresentation or false statements made in the course of the applicant's business
- F. Conviction within the preceding five (5) years, of any public offense relating to theft, damage or trespass to property or to the operation of a business;
- G. Conviction by any of the applicants or interested parties for felonies or any crimes involving theft, obtaining money or property by false pretenses, receiving stolen property, extortion, embezzlement, or a violation of any provision of this chapter or any other law regulating pawnbrokers or laws relating to moral turpitude and financial responsibility.

5.28.240

Renewal

- A. An application requesting a renewal of a permit shall include the following:

1. Renewal Fee. A permit issued pursuant to this chapter is invalid unless the appropriate renewal fee has been paid in full and the term of the current permit has not expired.
2. Permit Expires After One Year. The permit issued pursuant to this chapter shall be for one year. Each permittee shall apply for the renewal of the permit and submit the permit fees no later than 30 days prior to expiration of the permit term.
3. A declaration signed under oath that the applicant has, within the last 30 days prior to applying to renew a permit, carefully reviewed this Chapter as well as the State law holding and reporting requirements for tangible personal property as referenced in Section 5.28.090.

B. Expiration of Permit. A permit issued pursuant to this chapter that is not timely renewed shall expire at the end of its term. To reinstate a permit that has expired, or to renew a permit not timely renewed pursuant to Section 5.28.240(A)(2), a person must:

- a. Submit the permit fee plus a reinstatement fee of ten percent of the permit fee.
- b. Submit a signed declaration affirming that the proprietor has not sold and will not sell any merchandise regulated by the provisions of this chapter after the permit expiration date and before the permit is renewed.

C. Action on Permit Renewal Application

The Chief of Police shall make a determination on any renewal application within thirty (30) days of receipt of the application. The Chief of Police shall not grant a renewal if it appears that the applicant is not qualified to conduct or maintain the proposed business, either for moral, financial, or other relevant reasons.

5.28.250 Suspension and Revocation.

In addition to the grounds set forth elsewhere in this chapter, the Chief of Police may suspend or revoke a pawnbroker, cash for gold store, exchange dealer, or secondhand dealer's permit for any ~~In addition to the foregoing information, the applicant who conducts a pawnshop or whose principal business is buying and selling secondhand articles at the time of filing his or her application for a license or licenses shall be fingerprinted by, and his or her record filed in the~~

~~Stockton Police Department. Upon receipt of the said application, the Chief of Police shall cause an investigation to be made of the qualifications and moral character of the applicant, and if the investigation satisfies the Chief of Police that the applicant has not been convicted of a felony, a misdemeanor involving moral turpitude, or a violation of any narcotics law, and is financially responsible, the Chief of Police shall issue to the applicant the license or licenses for which an application has been made. (Ord. 015-07 C.S. § 2; prior code § 6-092.2)~~

of the following:

- A. Demonstrated pattern of violating or failing to comply with the terms and conditions of the permit.
- B. Any act which violates any of the grounds for denial of the permit.
- C. Demonstrated pattern of violating any other provisions of this chapter or any federal, state, local law, or regulation relating to his or her permitted activity.
- D. Demonstrated pattern of engaging in or permitting misconduct substantially related to the qualifications, functions, or duties of the permittee.
- E. Conducting the business in a manner contrary to the peace, health, or safety of the public.
- F. Knowingly making any false, misleading or fraudulent statement of material fact in the application or in any documentation required to be filed in conjunction with said application.
- G. Conviction of a crime involving an attempt to receive stolen property or any other offense involving stolen property. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
- H. If the pawnbroker's, cash for gold stores, exchange dealers, or secondhand dealer's state license has expired or has been suspended or revoked.

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5.28.050 Exemptions.

~~In the event that the applicant or applicants are members of a religious, charitable, public service club, or nonprofit organization conducting a periodic sale of goods, wares or merchandise as set forth in the definition of secondhand dealer in Section 5.28.010, the applicant or applicants shall comply with the provisions of the definition of secondhand dealer in Section 5.28.010, provided, however, that the said applicant or applicants shall not be required to furnish all the names of all the members of the said organization, but shall be required to furnish the names of the principal officers of the said organization, but shall not be required to furnish fingerprints of the applicant as required in Sections 5.28.030 and 5.28.040. (Ord. 015-07 C.S. § 2; prior code § 6-092.3)~~

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~~5.28.060 Record of transactions:~~

~~Every person managing, maintaining or conducting the business of pawnbroker, secondhand jewelry dealer, or secondhand dealer, as defined herein, in the City, shall keep, or cause to be kept, at the store or place of business, a well bound book containing a record in which shall be legibly entered in the English language, in ink, at the time of every purchase, sale, exchange, pledge, pawn or other transfer of possession of any article, or loan thereon, a description of such article received or delivered in such transaction sufficient to identify the same, including all particular or prominent marks of identification that may be found on such property, the signature, age, sex, residence and accurate description of the vendor or person from whom received, the amount of money paid or received in such transaction, the rate of interest, if any, and the date and hour of the transaction. (Ord. 015-07 C.S. § 2; prior code § 6-093)~~

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~~5.28.070 Articles to be identified by tags:~~

~~It shall be the duty of each pawnbroker, secondhand jewelry dealer or secondhand dealer to attach to each article so received a tag, or other device, containing sufficient information so that the article described and recorded in the bound book may be readily identified. (Ord. 015-07 C.S. § 2; prior code § 6-093.1)~~

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~~5.28.080 Record of transactions to Chief of Police:~~

~~In addition to the keeping of a permanent bound record as herein provided every person engaged in any of the aforesaid businesses shall likewise be required, at the time of taking or receiving any article in the business for~~

~~which he or she is so licensed, to place the description of the article or thing pledged, received, or taken, on the face of a form prescribed by the State Bureau of Criminal Identification and Investigation and shall within 24 hours (excluding Sundays and holidays) in the case of pawnbrokers and secondhand jewelry dealers and 48 hours (excluding Sundays and holidays) in the case of secondhand dealers, after buying, purchasing or otherwise receiving such goods, wares and merchandise, including radios for use in or upon automobiles, make out and deliver to the Chief of Police, or authorized agent, a written report of such purchase and receipt on the face of a form prescribed by the State Bureau of Criminal Identification and Investigation. (Ord. 015-07 C.S. § 2; prior code § 6-094)~~

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~~5.28.090 Record keeping—Exemptions.~~

~~—The requirements of keeping a record as set forth and defined in Sections 5.28.060 and 5.28.080, and the provisions of Section 5.28.110 as hereinafter set forth, shall not be applicable to any person, organization, firm, business or corporation who purchases, receives, sells or exchanges books and other essential school supplies when the said person, organization, firm, business or corporation is located upon the campus or grounds of any public or private school, college or university. (Ord. 015-07 C.S. § 2; prior code § 6-094.1)~~

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~~5.28.100 Inspection of records and goods.~~

~~—It is unlawful for any pawnbroker or secondhand dealer, or for any agent or employee of such pawnbroker or secondhand dealer, to fail, refuse or neglect to file a report, as required herein, in the manner, form, at the time and in all respects in accordance with the requirements set forth herein, or, to fail, refuse or neglect to exhibit to the Chief of Police, or to any member of the Police Department of the City, or to any officer authorized by law, immediately upon demand, any such record or report, or any goods, wares and merchandise, including radios for use in or upon automobiles, so purchased or received by such pawnbroker or secondhand dealer, or by any agent or employee of such pawnbroker or secondhand dealer. (Ord. 015-07 C.S. § 2; prior code § 6-095)~~

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~~5.28.110 Goods to be held for thirty days.~~

~~—All articles purchased, received or exchanged, pledged, or otherwise taken into possession, by any person maintaining or operating any of the herein~~

~~enumerated businesses, shall be held for a period of 30 days before being placed on exhibition, sold, exchanged, removed from the place of business where it was received, or delivered to any person, or otherwise disposed of provided; however, that any such article may be delivered or returned at any time to the true owner thereof or authorized agent, provided, however, that any person whose principal business is not the buying and selling or receiving pledges of used or secondhand articles, who keeps a record of his or her vendees and articles sold, need not hold any typewriters, adding or calculating machines, musical instruments or other office equipment for more than five (5) days pursuant to the provisions of this section, and provided further, that the provisions of this section shall not be applicable to the sale of articles of household furniture or appliances. (Ord. 015-07 C.S. § 2; prior code § 6-096)~~

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~~5.28.120 Inapplicable provisions:~~

~~—— The requirements of Sections 5.28.060, 5.28.080 and 5.28.110 hereof shall not be applicable to any person whose principal business is not the buying and selling or receiving pledges of used or secondhand articles, when such person receives office equipment, scales or musical instruments from any governmental subdivision or manufacturing business or professional concern known to the secondhand dealer which concern has used said article or articles in its business. (Ord. 015-07 C.S. § 2; prior code § 6-097)~~

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~~5.28.130 Dealing with intoxicated persons:~~

~~—— It is unlawful for any person licensed hereunder, or his or her manager, agent or employee, to take or receive any goods, articles or things from any person who is in an intoxicated state or condition, or from any person who is a suspected or known thief, or associate of thieves, or a suspected or known receiver of stolen property, or from any persons he may reasonably suspect to be contained in any of the foregoing categories. (Ord. 015-07 C.S. § 2; prior code § 6-098)~~

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~~5.28.140 Hours and holidays:~~

~~—— No person engaged in, conducting, managing or carrying on any business defined in Section 5.28.010 hereof shall accept any pledge of, or loan money upon personal property, or purchase or receive any goods, wares, merchandise or any article or thing, between 9:00 p.m. and 8:00 a.m. of any day from~~

~~Monday to Friday, inclusive; between 9:00 p.m. Saturday and 8:00 a.m. of the following Monday, on any of the following holidays, or, the day that is officially observed as the said holiday: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. (Ord. 015-07 C.S. § 2; prior code § 6-099)~~

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~~5.28.150 Revocation of license.~~

~~—— In the event that an applicant shall violate, or cause, or permit to be violated, any of the provisions set forth herein, or shall conduct or carry on the business in an unlawful manner or shall cause or permit such business to be so conducted or carried on, it shall be the duty of the Chief of Police, and the Chief of Police shall, in addition to the other penalties provided herein revoke the license or licenses issued for conducting or carrying on such business or businesses. If the license or licenses to conduct or carry on any business specified herein shall be revoked, no license or licenses shall be granted such person to conduct or carry on any business specified herein within six (6) months of the date of such revocation. (Ord. 015-07 C.S. § 2; prior code § 6-100)~~

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~~5.28.160 Time limit to obtain license.~~

~~—— Any person who, at the time of the passage of Ordinance No. 2189, is engaged in, or conducts, any business or businesses as herein defined, and who is required by the provisions set forth herein to secure a license or licenses for the conduct of the said business or businesses shall have until August 15, 1949, to prepare and submit to the Chief of Police the necessary applications for the issuance of the required license or licenses, and to comply with the requirements hereof. (Ord. 015-07 C.S. § 2; prior code § 6-101)~~

Article IV. Penalties for Violation

~~5.28.170-260~~ Penalty.

~~Every person who violates any of the provisions of this chapter shall be prosecuted in accordance with the provisions of Title 1, Chapters 1.08 and 1.40, for criminal and administrative civil penalties. —It is unlawful for any person to engage in, conduct, manage, or carry on the business of pawnbroker or secondhand dealer as defined herein without having a valid, existing and unrevoked license therefor. (Ord. 015-07 C.S. § 2; prior code § 6-102)~~

5.28.270 Cumulative Remedies, procedures and penalties.

Unless otherwise expressly provided, the remedies, procedures and penalties provided by this chapter are cumulative to each other and to any others available under state law or other city ordinances.

Article V. JUNK DEALERS

(NO CHANGES BUT RENUMBER 5.28.180 THROUGH 5.28.410 TO 5.28.280 THROUGH 5.28.510)