



(Re-record Instrument # 363824 to correct typo's)

ORDINANCE NO. 1053

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE OPERATION OF PAWNBROKER SERVICES; PROVIDING FOR THE REQUIREMENTS FOR RECORD MAINTENANCE; PROVIDING FOR GENERAL PROVISIONS OF PAWNBROKER SERVICES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY the the City of Rexburg, Idaho:

6.08.021: PAWNBROKER LICENSE REQUIRED:

- A. The transactions set out herein are hereby declared to constitute the carrying out of a pawnbroker business. It is unlawful for any person to own/operate any such business or carry on any of the following business transactions without having first obtained a pawnbroker's license to do so:
- B. Loaning or advancing money, whether in the form of cash, check or draft, to any person on the deposit, pledge, or bailment of personal property of any kind as security for such loan or advancement when the personal property may be repurchased by the party upon paying of a sum of money;
- C. Loaning or advancing money, whether in the form of cash, check, or draft, upon a chattel mortgage(s) on personal property where the said property is taken into the possession of the lender as security for the advancement or loan upon any assignment(s), pledge(s) of earned or unearned salary, wages, or earnings;
- D. Loaning or advancing money, whether in the form of cash, check, or draft, upon any contract or agreement which assigns, pledges, or binds the earned or unearned salary, wages, or earnings of the borrower as security for the loan or advancement.
- E. A sign or advertisement indicating that a person or place of business is engaged in any of the above types of transactions shall be considered prima facie evidence that the operation constitutes a pawnbroker business, regardless of any business name or term or phrase by which the business may be described.

6.08.051: LICENSE FEE: The license fee for a pawnbroker as defined herein shall be fifty dollars (\$50.00) per year or fraction thereof.

6.08.052: SINGLE ACT CONSTITUTES PAWNBROKER BUSINESS:
The doing of any single act enumerated in section 6.08.021 of this chapter shall constitute the carrying on of a pawnbroker's business

within the meaning of this chapter.

6.08.061: ACCURATE RECORDS; TRANSACTION DETAILS REQUIRED:

- A. It shall be the duty of every pawnbroker doing business in the city to maintain in his place of business a permanent electronic record, through software compatible with the city's law enforcement record system, of all parties entering into transactions regulated by this chapter and a complete description of the transactions. The pawnbroker 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. The information to be transmitted shall include:
1. The nature and date of the transaction, and number identifying it.
 2. The store identification number assigned by the city and the name and/or employee identification number of the person conducting the transaction on behalf of the pawnbroker.
 3. Name, date of birth, sex, height, weight, race and address of the person with whom the transaction is made.
 4. Type and identifying number of the personal identification used by the person with whom the transaction was made.
 5. 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.
- B. Every transaction shall be evidenced by a written document, signed by the person entering into the transaction, and a copy shall be furnished to the pledger. The document must contain, at a minimum, the date of the transaction, the term of the loan, the date on which the loan is due and payable, and information that the pledger has the right to redeem the pledge within five (5) days after the expiration of the loan term. The signed original must be retained on file at the pawnbroker's business address for at least one year.
- C. 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 pawnbroker's normal business hours.

6.08.062: TRANSMITTAL OF DAILY REPORTS REQUIRED:

Every pawnbroker doing business in the city shall maintain in his 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 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 Rexburg Police Department via electronic transfer or through such other method as approved by the chief of police.

6.08.091: RETENTION OF PROPERTY:

A pawnbroker must retain any property received in pledge until ten (10)

days after the term of the original loan has expired. Provided, however, that gold, silver, and other precious metals not in the form of jewelry may be disposed of as soon as the term of the loan has expired.

6.08.101: STOLEN PROPERTY; NOTIFICATION; HOLDING PERIOD:

If a pawnbroker has reasonable cause to believe that any property received in the course of his business is property that may have been lost or stolen, the pawnbroker shall immediately report that fact in writing to the Rexburg Police Department, together with the name of the owner, if known, the date of the transaction, and the name of the party from whom the property was received. The Rexburg Police Department shall regularly review the records provided by pawnbrokers and provide notice to any pawnbroker whose records show property which appears to be stolen.

- A. Notice To Hold Property: If a pawnbroker receives written or verbal notification from the Rexburg Police Department that any item of property has been reported stolen, and the pawnbroker has such item in his possession, the pawnbroker shall hold that property separate, intact and safe from alteration, damage, or commingling with other property, and shall place an identifying tag or other clearly legible identification on the property.
- B. Preliminary Verbal Notice; Fourteen Day Hold: Following receipt of verbal notification by a member of the Rexburg Police Department that an item in his possession might be stolen property, the pawnbroker shall hold the property for a period of fourteen (14) working days, pending written confirmation from the Rexburg Police Department. If a written hold notice is not received within the said fourteen (14) days, the preliminary hold order shall expire and the pawnbroker shall have no further duty to hold the property.

6.08.102: RELEASE OF HELD PROPERTY:

- A. The Rexburg Police Department shall provide written notice as soon as practical to a pawnbroker to release any hold placed on an item suspected of being stolen if it has been determined that the item was not stolen or lost.
- B. Whenever property that is being held by a pawnbroker pursuant to the provisions above is required for criminal investigation or criminal proceedings, the Rexburg Police Department shall provide twenty four (24) hour notice to the pawnbroker who shall produce the property promptly and release it to the department. The Rexburg Police Department shall provide a receipt for the property containing a description of the property, the reason for the seizure, the criminal case number, if applicable, the name of the pawnbroker and the name of the representative of the Rexburg Police Department who accepted possession. The Rexburg Police Department shall retain the property pending an order for its disposition from a court of competent jurisdiction.

6.08.111: RECEIVING GOODS FROM CERTAIN PERSONS PROHIBITED:

It is unlawful for any pawnbroker or staff member to receive any property from any person who is intoxicated or under the influence of drugs, or anyone under the age of eighteen (18) years; provided, however, that a pawnbroker and/or his staff may receive sports trading cards in pawn, pledge or for sale from persons under the age of eighteen (18).

6.08.120: AGE OF EMPLOYEES AND STAFF:

It is unlawful for any pawnbroker to employ any clerk or person under the age of eighteen (18) years or utilize the services of any person under the age of eighteen (18) years to receive any pledge or make any loan.

6.08.130: PAWNBROKER RESPONSIBLE FOR COMPLIANCE:

The holder of any pawnbroker's license is hereby considered to be responsible for compliance with the provisions of this chapter, and the license shall be subject to revocation or denial of renewal for any and all acts of his employees or other staff in violation of this chapter.

6.08.140: PENALTIES:

Any violation of the provisions of this chapter shall be considered a misdemeanor, and in addition to possible revocation or denial of renewal of the license, the pawnbroker shall be subject to the issuance of an Idaho uniform citation for the violation.

6.08.150: REPEAL:

All ordinance and parts of ordinance in conflict with this ordinance are hereby repealed.

6.08.160: SEVERABILITY:

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutional or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

6.08.170: Effective Date: October 09, 2010

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS THE 6th,
DAY OF October, 2010.

(SEAL)

Richard S. Woodland, Mayor

ATTEST:

Blair D. Kay, City Clerk

STATE OF IDAHO)
)ss.
County of Madison)

I, BLAIR D. KAY, City Clerk of the City of Rexburg, Idaho, do hereby certify that the above and foregoing is a full, true and correct copy of the Ordinance entitled:

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE OPERATION OF PAWNBROKER SERVICES; PROVIDING FOR THE REQUIREMENTS FOR RECORD MAINTENANCE; PROVIDING FOR GENERAL PROVISIONS OF PAWNBROKER SERVICES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN SAID ORDINANCE SHALL BECOME EFFECTIVE.

Effective Date: October 09, 2010

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this the 6th day of October, 2010.

Blair D. Kay, City Clerk

(SEAL)