



ORDINANCE NO. 732

AN ORDINANCE DEFINING TERMS USED IN THE ORDINANCE; REQUIRING LICENSES FOR PAWNBROKERS, SECONDHAND PRECIOUS METALS DEALERS AND SECONDHAND STORES; ESTABLISHING LICENSE FEES; REGULATING PAWNBROKERS, SECONDHAND PRECIOUS METALS DEALERS AND SECONDHAND STORES; REQUIRING LICENSES FOR SCRAP DEALERS; ESTABLISHING A LICENSE FEE; REGULATING SCRAP DEALERS; REGULATING THE STORAGE OF SCRAP BY SCRAP DEALERS; PRESERVING PROSECUTION UNDER PRIOR ORDINANCES; PROVIDING FOR SEVERABILITY OF THE SECTIONS AND SUBSECTIONS OF THIS ORDINANCE; AND SETTING FORTH THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, THAT:

SECTION I: Paragraphs 1 through 16, City Code of Rexburg, Idaho, are hereby enacted as follows:

1. **GARAGE SALE DEFINED:** As used in this Chapter, a "garage sale" is a sale of new or used personal property, not more than three (3) consecutive days in duration and conducted not more frequently than once every six (6) months at the same location.
2. **PAWNBROKERS DEFINED:** As used in this Chapter, "pawnbrokers" are persons who engage in the business of lending or advancing money on the security of personal property pledged or deposited in their possession.
3. **PRECIOUS METALS DEFINED:** As used in this Chapter, "precious metals" means gold, silver, platinum and other alloys.
4. **SECONDHAND GOODS DEFINED:** As used in this Chapter, "secondhand goods" are articles of personal property, other than operable motor vehicles, previously possessed and used by a person other than their current possessor.
5. **SECONDHAND PRECIOUS METALS DEALER DEFINED; EXCEPTIONS:**
 - A. **Definition:** As used in this Chapter, a "second-hand precious metals dealer" is a person who engages in the business of buying, selling exchanging or trading old or used precious metal or secondhand goods containing any precious metal.
 - B. **Exceptions:** The following shall not be considered secondhand precious metals dealers:
 1. Persons who in the ordinary course of business buy or sell uncast precious metals primarily for use in any manufacturing or photographic developing process, jewelry manufacture or repair, or dental restoration or repair.
 2. Persons who in the ordinary course of business accept or receive secondhand goods containing precious metals as consideration for the sale of new merchandise and who subsequently dispose of such secondhand goods in the same form as they existed at the time of their receipt.
6. **SECONDHAND STOREKEEPER DEFINED; EXCEPTION:**
 - A. **Definition:** As used in the Chapter, a "second-hand storekeeper" is a person who engages in the business of buying, selling, exchanging or trading secondhand goods.
 - B. **Exception:** Persons who sponsor or conduct garage sales shall not be considered secondhand storekeepers.
7. **LICENSE REQUIRED:** No person shall engage in the business of a pawnbroker, secondhand storekeeper or secondhand precious metals dealer without first obtaining a

license issued by the City.

8. **LICENSE APPLICATION:** Applications for pawnbrokers, secondhand storekeepers and secondhand precious metals dealers licenses shall be made on a form provided by the City Clerk. The application shall state the applicant's name, residential address, business name, address of place of business, type of license applied for and a general description of the goods and/or materials to be purchased, sold, exchanged or traded. The relevant license fee shall accompany the application.
9. **LICENSE APPROVAL AND ISSUANCE:** Applications for licenses required under this Chapter shall be forwarded by the City Clerk to the City Council for its review and approval or denial. The City Council shall have authority to approve or deny issuance of licenses required by the Chapter. Upon approval of an application, the City Clerk shall issue the license. If a license application is denied by the City Council, the license fee shall be refunded to the said applicant.
10. **LICENSE FEES:** Fees for licenses issued under this Chapter shall be as set forth in the City of Rexburg's business license ordinance.
11. **RECORDS TO BE KEPT; CONTENT:** All pawnbrokers, secondhand storekeepers and secondhand precious metals dealers shall keep the following written records:
 - A. An accurate description of all precious metals and personal property purchased, acquired or received. The description shall include the make, model, model number, serial number and other identifying marks, numbers or features of said personal property.
 - B. The name, residence, driver's license number or social security number of the person from whom any precious metals or personal property is purchased, acquired or received at storekeeper's place of business.
 - C. The date and place of the purchase, acquisition or reception.
 - D. Any other records required to be kept under Idaho law.
12. **RECORDS TO BE OPEN FOR INSPECTION:** All records required to be kept under this Chapter shall be made available for inspection by designated police officers appointed by the Chief of Police of the City during normal business hours. No pawnbroker, secondhand precious metals dealer or secondhand storekeeper or any of their agents or employees shall refuse to permit any designated police officer of the City to inspect or copy such records. A clear and readable copy shall be furnished to the police.
13. **RETENTION OF RECORDS; TIME:** All records required to be kept under this Chapter shall be kept for not less than three (3) years.
14. **RETENTION OF PROPERTY:** No person licensed under this Chapter shall sell, trade, rent or otherwise dispose of any property acquired for the purpose of resale or other conveyance for a period of five (5) days from the date of receiving the property.
15. **COMPLIANCE WITH THE LAW:** Persons licensed under this Chapter shall conduct their businesses in compliance with all applicable federal, state and City laws, ordinances and regulations.
16. **PROHIBITED PURCHASES:** No person licensed under this Chapter shall purchase, acquire, accept or receive in the ordinary course of business and for the purpose of resale or other conveyance any precious metals or personal property from any person who is under the age of eighteen (18) years or who is under the influence of alcohol, drugs or a controlled substance.

SECTION II: Sections 17 through 29, City Code of Rexburg, Idaho are hereby enacted as follows:

1. **SCRAP DEFINED:** As used in this Chapter, "scrap" consists of used or old metal cable or wire; cordage; iron, copper, brass, lead, zinc, steel, aluminum and similar metals; glass; plastic; inoperable motor vehicles; motor vehicle parts, supplies and accessories; paper products, including but not limited to, newspapers and magazines; cardboard; rags or other

fibrous material; lumber or other building materials; or any other used or old articles whose value is derived primarily from reclamation of its constituent parts or materials.

2. **SCRAP DEALER DEFINED:** As used in this Chapter, a "scrap dealer" is a person who engages in the business of purchasing, selling, exchanging, trading, recycling and/or storing scrap.
3. **SCRAP YARD DEFINED; EXCEPTION:**
 - A. **Definition:** As used in this Chapter, a "scrap yard" is a parcel of land or a portion thereof where scrap is purchased, sold, exchanged, traded, disassembled, recycled, stored, maintained or kept.
 - B. **Exception:** If the activities listed in subsection (A) of this Section are conducted entirely within a completely enclosed building, the building shall not be considered a scrap yard.
4. **LICENSE REQUIRED:** No person shall engage in the business of a scrap dealer without first obtaining a license issued by the City.
5. **LICENSE APPLICATION:** Applications for scrap dealers licenses shall be made on a form provided by the City Clerk. The application shall state the applicant's name, residential address, business name, address of place of business, type of license applied for and a general description of the goods and/or materials to be purchased, sold, exchanged, traded, recycled or stored. The relevant license fee shall accompany the application.
6. **LICENSE APPROVAL AND ISSUANCE:** Applications for licenses required under this Chapter shall be forwarded by the City Clerk to the City Council for its review and approval or denial. The City Council shall have authority to approve or deny any issuance of licenses required by this Chapter. Upon approval of an application, the City Clerk shall issue the license. If a license application is denied by the City Council, the license fee shall be refunded to the applicant.
7. **LICENSE FEES:** Fees for licenses issued under this Chapter shall be those set forth in the City's business license ordinance.
8. **RECORDS TO BE KEPT; CONTENT:** All scrap dealers shall keep all records required to be kept under Idaho Code, Section 54-2702.
9. **RECORDS TO BE OPEN FOR INSPECTION:** All records required to be kept under this Chapter shall be made available for inspection by any police officer of the City during normal business hours. No scrap dealer or any of its agents or employees shall refuse to permit any police officer of the City to inspect or copy such records.
10. **RETENTION OF RECORDS; TIME:** All records required to be kept under this Chapter shall be kept for not less than three (3) years.
11. **RETENTION OF PROPERTY:** No person licensed under this Chapter shall sell, trade, rent, recycle, destroy or otherwise dispose of any scrap valued in excess of \$500, acquired for the purpose of resale or other conveyance and marked with a manufacturer's identification or serial number, for a period of fifteen (15) days from the date of receiving the property.
12. **STORAGE OF SCRAP; EXCEPTIONS:**
 - A. **Storage Requirements:** Scrap dealers shall store all scrap in their possession only in a completely enclosed building or in a scrap yard. If scrap is stored in a scrap yard, the scrap yard shall be separated from anything abutting public street or public sidewalk by an opaque fence or masonry wall. Scrap stored in a scrap yard shall not be stored or stacked to a height exceeding the height of the opaque fence or masonry wall.
 - B. **Exceptions:** An opaque fence or masonry wall as described in this Section shall not be required if all scrap stored in a scrap yard is stored in fully enclosed and operable semi trailers as defined under the Idaho Code or where the scrap consists only of the following materials: securely baled newspapers, magazines or similar paper products; securely baled, crushed cardboard containers or similar cardboard products; crushed and containerized aluminum cans or similar aluminum products; containerized glass bottles or jars or similar glass products; or crushed and containerized plastic bottles or similar plastic products.

