

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 321-16

AN ORDINANCE

amending Chapter 13 of the City Code as it relates to pawnbrokers; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 13 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 13-76. Definition.

(a) For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein.

Pawnbroker. Any person who loans money on deposit on personal property, or who deals in the purchase of personal property on condition of selling the same back again at a stipulated price, or who makes a public display at his place of business of a sign or display generally used by pawnbrokers to denote their business, to wit: three (3) gilt or yellow balls, or who publicly exhibits a sign indicating money to loan on personal property on deposit, is hereby declared for purposes of this article to be a pawnbroker and subject to regulation as a pawnbroker as provided herein.

Precious metals. Precious metals shall mean any jewelry which is made of precious metals and includes silver, gold and platinum.

Retail value. The retail value is the fair market value of the article at the time and place of the sale or barter of the article from the dealer or business to the customer. It is expressly provided that retail value, as used in this ordinance, shall not be determined by the cost of the article as paid by the dealer or business.

Secondhand articles. Any goods, wares and merchandise which were previously owned or used by any person other than the manufacturer, wholesaler or retailer.

Secondhand dealer. Any owner, operator or employee who is required to obtain a city business license and is engaged in the business of the purchase, sale or barter of secondhand articles and is hereby declared, for the purposes of this ordinance, to be a secondhand dealer and subject to the same regulations as a pawnbroker as provided herein.

Stones. Stones shall mean any jewelry containing a gem and includes diamond, ruby, emerald, sapphire or pearl of any retail value.

(b) This section shall apply to secondhand dealers and pawnbrokers that purchase, sell, or barter on the following secondhand articles:

- (1) Audio-visual equipment, including but not limited to any stereo, speaker, radio, video recorder, video camera, television set, tape or disc player, DVD or blue ray player.
- (2) Bicycles.
- (3) Cameras and other photographic instruments and equipment.
- (4) Computers, printers, software and computer supplies, tablets, laptops.
- (5) Video game systems, video games, video game accessories.
- (6) Electronic toys, games and related equipment.
- (7) Electronic equipment, other than electronic toys and games.
- (8) Office equipment containing the manufacturer's identifying insignia or serial number.
- (9) Guitars, amplifiers, all woodwind and brass instruments and percussion instruments.
- (10) Telephones, including but not limited to, pagers and cellular phones and other satellite signal devices.
- (11) Tools – hand or power tools.
- (12) Videotapes, digital video discs, compact discs, records, audiotapes, digital audio discs or similar audio or audio-visual recording media.
- (13) Firearms.
- (14) Sporting goods worth more than fifty dollars (\$50.00) in retail value (excludes clothing).

(15) Any jewelry containing precious metals and/or stones.

Sec. 13-77. Register to be kept; availability for inspection.

(a) Every pawnbroker and secondhand dealer shall keep a register of all loans and purchases, and the names of ~~all~~ each persons who ~~have~~ has left any property of any description on deposit as a collateral security or as a delivery on sale thereof. ~~Opposite each name and date shall be written in plain hand the person's age and motor vehicle operator's or chauffeur's license number, or such other identification of public record, with photographs, as may be required by the business license administrator; a full description of such property purchased or received or deposited as collateral security; the manufacturer's identifying insignia or serial number if applicable; the time when the loan falls due; the amount of purchase money or the amount loaned, and the interest charged. He shall give the party negotiating or selling, a plain written or printed receipt for the articles purchased having on each a copy of the entry required by this section and kept in his register. He shall not be entitled to make any charge for such receipt.~~ Such register shall include, at a minimum, the following information:

- (1) The date, time and place of the transaction.
- (2) The name of the employee who received the item.
- (3) The legal name and date of birth of the customer leaving or selling the property.
- (4) The customer's motor vehicle operator or chauffeur license number, or such other identification of public record, submitted by such customer to verify identity at the time of the transaction.
- (5) Current residence address and phone number of the customer leaving or selling the property.
- (6) A full description and high quality video shall be taken of such property, as defined in section 13-76, purchased, received or deposited as collateral security. Jewelry made of precious metals and/or stones must be digitally photographed. The high quality video shall be kept by the pawnbroker or secondhand store for forty-five (45) days. The digital photograph shall be kept by the pawnbroker or secondhand dealer for one (1) year.
- (7) The manufacturer's identifying insignia or serial number if applicable.
- (8) The amount of purchase or the amount loaned, the interest charged and the time when the loan (if any) falls due.

- (9) When the pawnbroker or secondhand dealer purchases, sells, barter or provides a loan or pawn for property from the customer, the pawnbroker or secondhand dealer shall take and maintain as part of the registry a clear, digital color, facial photograph of all customers. Digital photograph images should be taken of the customer with no head-covering (unless head-covering is for a religious purpose), no dark glasses or similar object that obscures the person's facial features. A surveillance video camera positioned appropriately to capture a frontal facial color picture of the customer will be sufficient in lieu of a digital photograph.
- (10) All such digital photographs or surveillance video shall be maintained and kept by the pawnbroker or secondhand dealer for a period of at least forty-five (45) days for surveillance video and one (1) year for digital photographs following the taking of the digital photograph or video image, and shall be available for inspection upon request by law enforcement. Any malfunctions of a surveillance video system or digital photograph equipment shall be reported to law enforcement.
- (11) The pawnbroker or secondhand dealer shall give the party negotiating or selling property a plain written or printed receipt for the articles purchased, having a copy of such receipt kept in the register of the pawnbroker or secondhand dealer. The pawnbroker or secondhand dealer shall not be entitled to make any charge for such receipt. Such records shall be available to the police department electronically and the pawnbroker or secondhand dealer, upon request of the chief of police, shall be required to enter such information into an electronic database designated by the city.

(b) The register shall, at all times, be open to inspection by the chief of police, his the chief's designee, or any law enforcement officer.

~~Sec. 13-78. Business with minors~~ Electronic reporting of transactions.

~~No pawnbroker shall accept any goods, articles or things whatever from an individual under the age of eighteen (18).~~

(a) In order to enhance its investigative services to protect both pawnbrokers or secondhand dealers and members of the general public, the police department shall designate an electronic database system for the reporting of transactions and shall pay for and maintain any licensing or maintenance fees associated with such system. In the event of a change to its electronic database reporting system, the city will notify all impacted businesses of the change within a reasonable time prior to such change.

(b) Every pawnbroker or secondhand dealer shall operate and maintain a computer system with internet access to upload information into the city's designated electronic database reporting system. Any failure or malfunction of such equipment on the part of the business shall not exempt the business from the recording and reporting

requirements outlined in this section. The business shall immediately notify the police department of any such failure or malfunction and shall have such resolved as soon as practical. Failure by the licensee to resolve any failure or malfunction of equipment in a reasonable amount of time may lead to license revocation proceedings.

(c) It shall be the duty of every pawnbroker and secondhand dealer to register with the city's designated electronic database reporting system and to maintain a registration throughout the term of the business license.

(d) Pawnbrokers and secondhand dealers shall use the city's designated electronic database reporting system to complete and submit a daily report listing all articles or property or other valuable items received, deposited or purchased by the pawnbroker or secondhand dealer.

(e) All reportable data for one (1) business day must be transmitted into the city's designated electronic database reporting system prior to the end of the following business day. The report shall include:

- (1) The pawnbroker's or secondhand dealer's name and address;
- (2) The customer's name, date of birth, phone number, residential address, motor vehicle operator or chauffeur license number, or such other identification or public record;
- (3) The date and time of the transaction;
- (4) An identification and description of the property or article, including serial numbers if reasonably available; and
- (5) Other useful information to facilitate the investigation of alleged property crimes.

(f) Paper copies of daily reports shall be made available for an onsite inspection upon request of any law enforcement agency.

Sec. 13-79. Hours of business.

No pawnbroker shall accept any goods, articles or things whatever from any person between the hours of 8:00 p.m. and 7:00 a.m.

Sec. 13-80. Place of business.

It shall be unlawful to conduct business as a pawnbroker or as agent for a pawnbroker at any place other than the location stated in the application for license.

Sec. 13-81. Serial numbers required.

No pawnbroker or secondhand dealer shall accept as collateral security, or pawn, barter or purchase, any camera, radio, television set, lawnmower, firearm, typewriter, adding machine, calculating machine, copying machine, duplication machine, tape recorder, tape player, cash register, still or moving picture projector or offset projector, record player, stereo equipment, dictating machine, electric buffer, electric polisher, or electric floor waxer, or any other property or item which, at the time it was manufactured, had a serial number or identification number affixed to it, unless such item shall have plainly visible thereon, the manufacturer's serial number or other identifying insignia.

Sec. 13-82. Waiting period.

(a) No pawnbroker or secondhand dealer shall permit the sale, transfer or otherwise dispose of any items received or purchased until forty-eight (48) hours after uploading the transaction into the city's designated electronic database reporting system, except when the item is redeemed by the owner. The forty-eight (48) hour hold does not include jewelry made from precious metals and stones.

(b) Jewelry made from precious metals and stones shall not be removed from the place of business, recut, altered or melted within seven (7) business days after receipt thereof, except when redeemed by the owner.

Sec. 13-83. Exemptions.

A pawnbroker or secondhand dealer shall be exempt from the regulations of this article as it relates to the sale, purchase, barter or loan of secondhand goods, items or merchandise under the following conditions:

- (1) Items or merchandise that are purchased through banks, attorneys or at an auction or estate sale.
- (2) Transactions between a licensed and established pawnbroker or secondhand dealer in the normal course of business with another licensed and established pawnbroker or secondhand dealer.
- (3) Items or merchandise purchased from a garage sale.
- (4) Items or merchandise that are purchased from a religious or charitable organization registered with the state as a nonprofit, or any school-sponsored association that accepts donated goods for resale at a fundraising program.

Sec. 13-84. Business with minors.

No pawnbroker or secondhand dealer shall accept any goods, articles or things whatsoever from an individual under the age of eighteen (18).

~~Sec. 13-82~~-13-85. Penalty.

Any person convicted of violating any provision of this article shall be punishable by a fine, not to exceed one thousand dollars (\$1,000.00). Each day that a violation of this article continues shall constitute a separate offense. License revocation as provided in this article shall constitute a separate remedy.

~~Secs. 13-83-13-86~~—13-95. Reserved.

Sec. 13-96. License deemed supplemental to business license; no fee.

Prior to issuance of the license provided for herein, the pawnbroker or secondhand dealer shall first obtain the city business license provided for in Article II of this chapter. There shall be no additional charge for the issuance of this license.

Sec. 13-97. Required; affidavit.

No person shall do business as a pawnbroker or secondhand dealer without having first obtained a license therefor. Application for such license shall conform to the provisions of this article and be in such form as the business license administrator shall dictate, and include an affidavit in which the applicant shall subscribe and make oath that such pawnbroker or secondhand dealer ~~he~~ will faithfully carry out the provisions of this chapter. Each location shall require a separate license.

Sec. 13-98. Application; endorsement by chief of police.

Every application for license hereunder shall be made in writing to the business license administrator and shall state where the business is to be carried on. Before any license shall be issued, the business license administrator shall secure from the police chief an endorsement on the back of the application therefor.

Sec. 13-99. Revocation.

The business license administrator shall have the power and authority to revoke any license issued under this article for any violation by a licensed pawnbroker or secondhand dealer, of any of the provisions or conditions contained herein; provided such license may be revoked only after the licensee shall have been notified in writing at such pawnbroker's or secondhand dealer's ~~his~~ place of business, of the violations complained of, and shall have been afforded a reasonable opportunity to have a hearing thereon before the business license administrator.

Secs. 13-100—13-115. Reserved.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2016.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor