

0020.080.008
TAR/srh/crd
01/27/92
r:03/24/92

ORIGINAL

Amend RMC 5.10
Pawnbrokers/Secondhand

ORDINANCE NO. 1678

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING AND ADDING SECTIONS TO CHAPTER 5.10 OF THE REDMOND MUNICIPAL CODE TO REFLECT RECENT CHANGES IN THE STATE STATUTES REGARDING THE REGULATION OF PAWNBROKERS AND ADOPTING GREATER PENALTIES FOR VIOLATORS.

WHEREAS, The Redmond City Council finds that Chapter 5.10 of the Redmond Municipal Code regulating pawnbrokers, should be amended to clearly reflect the recent changes to the state statute regarding pawnbrokers, and increase the penalty for violations to be the same as the state statute, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Section 5.10.015 is hereby added to the Redmond Municipal Code to read as follows:

5.10.015 Adoption by Reference. Section 19.60.066 of the Revised Code of Washington entitled "Prohibited Acts" is hereby adopted by reference as if set forth in full.

Section 2. Section 5.10.020 of the Redmond Municipal Code is hereby amended to read as follows:

5.10.020 Exemptions. This chapter shall not apply to any bona fide charitable or non-profit organization. It shall not apply to motor vehicle dealers licensed under Chapter 46.70 of the RCW, motor vehicle wreckers or hulk haulers licensed under Chapter 46.79 or 46.80 of the RCW, persons giving an allowance for the trade-in or exchange of secondhand property on the purchase of other merchandise

of the same kind or greater value, and persons in business of buying or selling empty food or beverage containers or metal or non-metal junk.

Section 3. Section 5.10.030 of the Redmond Municipal

Code is hereby amended to read as follows:

5.10.030 Definitions.

- (a) The term "pawnbroker" as used in this chapter, means and includes every person who takes or receives by way of pledge, pawn or exchange, goods, wares or merchandise of any kind of personal property whatever, for the repayment of security of any money loaned thereon, or to loan money on deposit of personal property, or the purchase or sale of personal property, or who makes public display of any sign indicating that he has money to loan on personal property under deposit or pledge.
- (b) The term "secondhand dealer" as used in this chapter means and includes every person who as a business engages in the purchase, sale, barter, auction, sale on consignment or otherwise exchanges secondhand goods or who keeps a store, shop, room or other place where secondhand goods of any kind or description are bought, sold, traded, bartered, pledged, auctioned, sold on consignment or otherwise exchanged. It also includes the sale or trade of metal, junk, melted metals, precious metals whether or not the person maintains a fixed place of business within the City. Secondhand dealers also include persons or entities conducting business at flea markets or swap meets, more than three times per year.
- (c) The term "secondhand goods" when used in this chapter means and includes any and all used, remanufactured or secondhand goods purchased or kept for sale by a dealer in secondhand goods and shall include metal, junk or melted metals, but

shall not include postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books, or clothing of a resale value of \$75.00 or less, except furs.

Section 4. A new Section 5.10.055 is hereby added to the Redmond Municipal Code to read as follows:

5.10.055 Fixed Place of Business Required. No person may operate as a pawnbroker within the City of Redmond, unless the person maintains a fixed place of business within the City.

Section 5. Subsection 5.10.080(c) of the Redmond Municipal Code is hereby amended to read as follows:

(c) The printed name, signature, date of birth, street and house number, telephone number, the general description of the size, dress, complexion, color of hair and facial appearance of the person with whom the transaction is had, including the identification which the customer shall present to verify his identity pursuant to Section 5.10.100, and the serial or other number of such identification;

Section 6. Section 5.10.090 of the Redmond Municipal Code is hereby amended to read as follows:

5.10.090 Records and Articles to be Available for Inspection. All books and other records of any pawnbroker or secondhand dealer relating to purchase, pledge, exchange, receipt of any goods, wares, merchandise or other articles or things of value, shall at all times be open for inspection by any commissioned law enforcement officer of this state or any of its political subdivisions; and all articles and things received, purchased or left in pledge with the pawnbroker or secondhand dealer shall at all times be open to like inspection. Records on all business conducted shall be kept for a period of three years following the date of the transaction.

Section 7. Subsection 5.10.120(c) of the Redmond

Municipal Code is hereby amended to read as follows:

(c) No licensee shall dispose of any item subject to a police hold in any manner provided that items subject to a police hold shall be surrendered to the Chief of Police or his designee upon request or in compliance with a subpoena signed by the prosecutor or in compliance with an order of a court of competent jurisdiction or as directed in a written release signed by the Chief of Police or his designee. Property held shall not be released for 120 days from the date of police notification unless released by written consent of the law enforcement agency or by order of a court of competent jurisdiction. In cases where the law enforcement agency has placed a verbal hold on an item that agency must then give written notice within ten business days. If such written notice is not received within that period of time then the hold order will cease. The pawnbroker or secondhand dealer shall give a 20 day written notice before the expiration of the 120 day holding period to the law enforcement agency about the stolen property. If notice is not given within 20 days, then the hold on the property shall continue for an additional 120 days. The law enforcement agency may renew the holding period for an additional 120 day period as necessary. After the receipt of notification from a pawnbroker or secondhand dealer, if an additional holding period is required the law enforcement agency shall give the pawnbroker or secondhand dealer written notice prior to the expiration of the existing hold order. A law enforcement agency shall not place on hold any item of personal property unless that agency reasonably suspects that the item of personal property is lost or stolen. Any hold that is placed on an item will be removed as soon as practicable after the item on hold is determined not to be stolen or lost.

Section 8. A new Section 5.10.125 is hereby added to the

Redmond Municipal Code to read as follows:

5.10.125 Pawnbroker Sale of Pledged Property Limited Written Document Required for Transactions. A pawnbroker shall not sell any property received and pledged until both the term of the loan and a grace period of a minimum of sixty days has expired. However if a pledged article is not redeemed within the 90 day period of both the term of the loan and the grace period, the pawnbroker shall have all rights, title and interest of that item of personal property. The pawnbroker shall not be required to account to the pledger for the proceeds received from the disposition of that item. Any provision of law relating to the foreclosures and the subsequent sale of forfeited pledged items shall not be applicable to any pledge as defined under this chapter, the title to which is transferred in accordance with this section. Every transaction entered into by a pawnbroker shall be evidenced by a written document copy of which shall be furnished to the pledger. The document shall set forth the term of the loan, the date in which the loan is due and payable and shall inform the pledger of the pledger's right to redeem the pledge within 60 days after the expiration of the loan term.

Section 9. Subsection 5.10.130(j) of the Redmond

Municipal Code is hereby amended to read as follows:

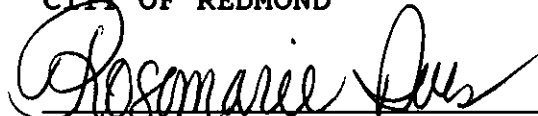
(j) Violate any provision of this chapter or RCW 19.60.066 by an act of either omission or commission; shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment for not more than one year or by a fine of not more than \$5,000 or both. Any action brought by an owner to recover goods or by a pawnbroker or second-hand dealer to determine ownership or title of an item, that results in a prevailing party in the action, is entitled to reasonable attorney's fees and costs.

Section 10. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional

by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 11. This ordinance, being an administrative action, and an action that merely is conforming the City ordinance to the state law is not subject to referendum and shall take effect five (5) days after this ordinance or a summary thereof consisting of the title is published.

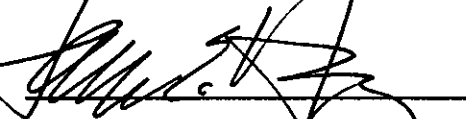
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	3-31-92
PASSED BY THE CITY COUNCIL:	4-07-92
SIGNED BY THE MAYOR:	4-09-92
PUBLISHED:	4-12-92
EFFECTIVE DATE:	4-17-92
ORDINANCE NO. <u>1678</u>	