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JEH/are/srf  
01/27/94

ORDINANCE NO. 1778

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND,  
WASHINGTON, AMENDING VARIOUS SECTIONS OF  
CHAPTER 5.10 OF THE REDMOND MUNICIPAL CODE IN  
ORDER TO DELETE REGULATIONS CONCERNING  
SECONDHAND DEALERS AND TO MAKE CHAPTER 5.10  
APPLICABLE TO PAWNBROKERS ONLY.

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WHEREAS, in response to complaints from secondhand dealers concerning the breadth of the City's regulations, a committee consisting of representatives from the police department, finance department, planning department, City prosecutor's office and City Attorney's office, has reviewed the secondhand dealer regulations contained in Chapter 5.10 of the Redmond Municipal Code, and

WHEREAS, based upon that review, which has taken place over several months, the committee has recommended that the City Council repeal the City's regulation of secondhand dealers and rely upon the provisions of state law relating to such dealers for any necessary enforcement authority, and

WHEREAS, the City Council has reviewed the recommendation and has determined to concur in it and amend Chapter 5.10 of the Redmond Municipal Code accordingly, NOW, THEREFORE,

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

Section 1. License Required. Section 5.10.010 of the Redmond Municipal Code is hereby amended to delete references to secondhand dealers and to read as follows:

5.10.010 License Required. It is unlawful for any person, firm or corporation to engage in the business of pawnbroker within the City without first obtaining a license pursuant to the provisions of this Chapter.

Section 2. License Fee. Section 5.10.040 of the Redmond Municipal Code is hereby amended to delete references to secondhand dealers and to read as follows:

5.10.040 License Fee.

- (a) The fee for a pawnbroker's license shall be set by Council resolution.
- (b) License fees shall be due and payable on January 1 of each year for which the license is issued. Fees becoming due for less than one year shall be prorated on a quarterly basis. This license shall be in lieu of the City business license and shall not be assignable or transferable.

Section 3. Application for License. Subsection 5.10.050(a) of the Redmond Municipal Code is hereby amended to delete references to secondhand dealers and secondhand shops and to read as follows:

5.10.050 Application for License.

- (a) All applications for issuance or renewal of a pawnbroker's license shall be made to and filed with the City Clerk on forms furnished for such purpose, and shall be accompanied by the required fee. The application shall state the true name of the applicant, who shall not be less than eighteen (18) years of age, the names of all persons having financial, proprietary or other interest in such pawnshop, together with such other information as

the City Clerk deems appropriate. Any pawnbroker now in business shall apply for such license as provided in this section within ten (10) days after the effective date of the ordinance codified in this section.

Section 4. Records Required. The first paragraph of Section 5.10.080 of the Redmond Municipal Code is hereby amended to delete references to secondhand dealers and to read as follows:

5.10.080 Records Required.

Every pawnbroker shall maintain at his place of business a book in which he shall at the time of such loan, purchase or sale, enter in the English language, written in ink the following information:

Section 5. Records and Articles to be Available for Inspection. Section 5.10.090 of the Redmond Municipal Code is hereby amended to delete references to secondhand dealers and to read as follows:

5.10.090 Records and Articles to be Available for Inspection. All books and other records of any pawnbroker 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 shall at all times be open to like inspection. Records on all business conducted shall be kept for a period of three (3) years following the date of the transaction.

Section 6. Seller or Consignee to Give True Name and Address. The first paragraph of Section 5.10.100 of the Redmond Municipal Code is hereby amended to delete references to secondhand dealers and to read as follows:

5.10.100 Seller or Consignor to Give True Name and Address.

Anyone who pledges, sells or consigns any property to or with a pawnbroker shall sign the records required to be kept by such pawnbroker with his true name and shall include his correct address, and shall provide for inspection one of the following containing a photograph of the individual:

Section 7. Transcript to be Furnished. Section 5.10.110 of the Redmond Municipal Code is hereby amended to delete references to secondhand dealers and to read as follows:

5.10.110 Transcript to be Furnished.

- (a) It is the duty of every pawnbroker to furnish to the Chief of Police, on such forms as the Police Department may provide therefore, a full, true and correct transcript of the record of all transactions occurring on a given day within 48 hours of close of business.
- (b) It is also the duty of any pawnbroker having good cause to believe any property in his possession has been previously lost or stolen, to report such fact to the Police Department immediately, together with the name of the owner, if known, and the date and name of the person from whom the same was received by such pawnbroker.

Section 8. Police Holds. Subsection 5.10.120 of the Redmond Municipal Code is hereby amended to delete references to secondhand dealers and to read as follows:

5.10.120 Police Seizures -- Police Holds.

- (c) No licensee shall dispose of any items 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 one hundred twenty (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 (10) business days. If such written notice is not received within that period of time, then the hold order will cease. The pawnbroker shall give a twenty (20) day written notice before the expiration of the one hundred twenty (120) day holding period to the law enforcement agency about the stolen property. If notice is not given within twenty (20) days, then the hold on the property shall continue for an additional one hundred twenty (120) days. The law enforcement agency may renew the holding period for an additional one hundred twenty (120) day period as necessary. After the receipt of notification from a pawnbroker, if an additional holding period is required, the law enforcement agency shall give the pawnbroker 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 9. Penalty. The first paragraph of Section 5.10.130 of the Redmond Municipal Code is hereby amended to read as follows:

5.10.130 Penalty.  
Every pawnbroker and every clerk, agent or employee of such pawnbroker, who shall:

Section 10. Penalty. Subsection 5.10.130(J) is hereby amended to read as follows:

5.10.130 Penalty.

(j) Violate any provision of this chapter or RCW 19.60.066 by an act of either omission or commission;

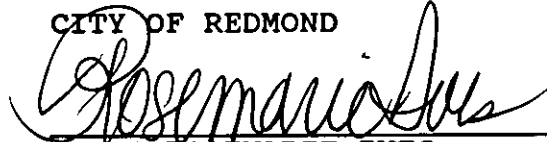
shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment for not more than one year or by a fine of not more than \$5,000 or both. Any action brought by an owner to recover goods or by a pawnbroker to determine ownership or title of an item, that results in a prevailing party in the action, is entitled to reasonable attorney's fees and costs.

Section 11. Repealer. Section 5.10.020 and subsections 5.10.030(b) and (c), which provide exemptions from secondhand dealer licensing requirements and which define the terms secondhand dealer and secondhand goods, are hereby repealed.

Section 12. Severability. 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 13. Effective Date. This ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after publication of an approved summary thereof consisting of the title.

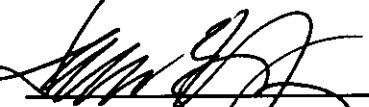
CITY OF REDMOND

  
MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. 1778

April 19, 1994  
May 3, 1994  
May 3, 1994  
May 11, 1994  
May 16, 1994