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ORDINANCE NO. 1231

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON,
AMENDING ORDINANCE 1155 OF THE CITY OF REDMOND
RELATING TO THE REGULATION OF PAWNBROKERS AND SECOND-
HAND DEALERS.

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

Section 1. Section 5.10.040(C) of the Redmond Municipal
Code is hereby amended to read as follows:

C. 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 pro-
rated on a quarterly basis. This license shall be in
lieu of the city business license and shall not be
assignable or transferable. Further, the obtaining of a
pawnbroker's license shall preclude the need for a
secondhand dealer's license.

Section 2. Section 5.10.050 of the Redmond Municipal
Code is hereby amended to read as follows:

5.10.050 Application for License.

A. All applications for issuance or renewal of a
pawnbroker's or secondhand dealer'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. This application shall state the true
name of the applicant, who shall not be less than 18
years of age, the names of all persons having financial,
proprietary or other interest in such pawn shop or
secondhand shop, together with such other information as
the City Clerk deems appropriate. Any pawnbroker or
secondhand dealer now in business shall apply for such
license as provided herein within ten days after the
effective date of the ordinance codified herein.

B. Upon the filing of an application, it shall then
be referred to the Redmond Police Department and any
other City officials the Clerk feels appropriate, for
investigation, report and recommendation. Within thirty
days after receipt of a copy of the application, the
Police Department shall investigate the statements set
forth in the application and report to the City Clerk
whether the application contains false, misleading or
incomplete information. The Police Department shall, at
the same time and as part of its report to the City
Clerk, render a written recommendation as to approval or
denial of the application for permit or renewal thereof.

C. Within thirty days after receiving the afore-
mentioned report and recommendation from the Police
Department, the City Clerk shall grant or deny the
permit or renewal thereof. If, from the information
supplied to the City Clerk, it appears that the applica-
tion is proper and the statements contained in the
application are true and complete, and that the appli-
cant or the owners of the corporation or partners of the
partnership applying has satisfied all criteria for the
granting of a license and has complied with all the

requirements of the Redmond Municipal Code, the City Clerk shall issue a license to the applicant. Otherwise, the license application shall be denied pursuant to the criteria and procedures herein.

Section 3. Section 5.10.060 of the Redmond Municipal Code is hereby amended to read as follows:

5.10.060 Criteria for Denial or Revocation of License.
The City Clerk may deny a license to any applicant or may suspend or revoke any and all licenses or permits of any holder when such person, or any other person with any interest in the applicant for, or holder of, such license or permit:

A. Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the City of Redmond, which may affect or relate to the applicant's or license holder's business;

B. Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertance or mistake;

C. Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to any offense directly related to the operation of the license holder's business;

D. Shall fail to display its license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity;

E. Makes a misrepresentation of, or fails to disclose, a material fact to the City;

F. Allows any person who has been convicted of, or forfeited bond upon, any offense directly related to the operation of the license holder's or a similar business, in the management or operation of any activity regulated by this license without prior written approval of the City Clerk;

G. Has violated any section of this chapter;

H. Violates any building, safety, fire or health regulations on the premises in which the business is located after receiving warning from the City to refrain from such violations;

I. Is in violation of a zoning regulation of the City of Redmond.

Section 4. A new Section 5.10.065 is hereby added to the Redmond Municipal Code to read as follows:

5.10.065 Request for Hearing.

A. Notification of suspension, revocation, or denial. When the City Clerk determines that there is cause for denying, suspending or revoking any license issued pursuant to this Chapter, the Clerk shall notify the person holding such license by registered or certified mail, return receipt requested, of the Clerk's decision. Notice mailed to the address on file shall be deemed received three days after mailing. The notice shall specify the grounds for the denial, suspension or revocation. The suspension or revocation shall become

effective ten days from the date the notice is delivered or deemed received unless the person affected thereby files a written request with the Clerk for a hearing before the City Hearing Examiner within such ten day period.

B. Hearing Procedure. Upon written request as set out above, the Hearing Examiner shall schedule and hold a hearing within thirty days following receipt of such request. During the pendency of the hearing and until action by the City Council the action of the clerk shall be stayed. At the hearing, both the applicant or licensee and the City shall be entitled to present evidence. Upon completion of the hearing, the Hearing Examiner shall make written findings and a recommendation to the City Council. At a public meeting, the City Council upon considering the findings and recommendations of the Hearing Examiner shall, without need for further evidence:

1. Accept the Hearing Examiner's recommendation as presented; or
2. Determine no action is warranted; or
3. Modify the recommended action.

C. Appeal from City Council. Appeal from a decision of the City Council shall be to the King County Superior Court and must be served and filed within thirty days of the decision of the City Council. In the event the applicant or license holder does not follow the procedures within the time periods set forth above, the license of said person shall be denied, suspended or revoked, and that action shall be final.

Section 5. Section 5.10.070 of the Redmond Municipal Code is hereby deleted.

Section 6. Section 5.10.110(A) of the Redmond Municipal Code is hereby amended to read as follows:

A. It is the duty of every pawnbroker and second-hand dealer to furnish to the Chief of Police, on such forms as the Police Department may provide therefor a full, true and correct transcript of the record of all transactions occurring on a given day, within 48 hours of the close of business.

Section 7. Section 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 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 agent.

Section 8. Section 5.10.130(E) of the Redmond Municipal Code is hereby amended to read as follows:

E. Report any material falsely to the Chief of Police; or

Section 9. Section 5.10.130(F) of the Redmond Municipal Code is hereby amended to read as follows:

F. Fail to furnish the Chief of Police with a full, true and correct transcript of the record of all transactions occurring on a given day within 48 hours of the close of business; or

Section 10. Section 5.10.130(G) of the Redmond Municipal Code is hereby amended to read as follows:

G. Fail to report forthwith to the Chief of Police the possession of any property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him; or

Section 11. Section 5.10.130(H) of the Redmond Municipal Code is hereby amended to read as follows:

H. Remove, or allow to be removed from his place of business except upon redemption by the owner thereof, any property received within fifteen days after receipt thereof shall have been reported to the Chief of Police; or

Section 12. 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. This ordinance shall be in full force and effect thirty (30) days after passage and publication by posting as provided by law.

CITY OF REDMOND


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAUBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: January 3, 1985
PASSED BY THE CITY COUNCIL: January 8, 1985
SIGNED BY THE MAYOR: January 9, 1985
POSTED: January 10, 1985
EFFECTIVE DATE: February 9, 1985
ORDINANCE NO. 1231