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WP0598C-ORD
07/26/96

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4891

AN ORDINANCE regarding the regulation and licensing of pawnshops and dealers in the City of Bellevue; amending Sections 5.32.010, .020, .030, .040, .050, .060, .070, .080, .085, .090, .100, .110, .120 and .140 of the Bellevue City Code; adding a new Section 5.32.145 to Chapter 5.32 of the Bellevue City Code; and establishing an effective date.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 5.32.010 of the Bellevue City Code, as most recently amended by Section 1 of Ordinance No. 2891, is amended to read as follows:

5.32.010 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

A. "Clerk" means such city employee or agent as the city manager designates as licensing official under this chapter.

B. "Pawnbroker" means and includes every person who conducts the business of a pawnshop licensed under this chapter.

C. "Pawnshop" means and includes every place at which the business of taking or receiving by way of pledge, pawn or exchange, goods, wares or merchandise, or any kind of personal property whatever, for the repayment or security of any money loaned thereon, or the loaning of money on deposit of personal property.

D. "Dealer" means and includes every person who engages, in whole or in part, in the business of buying precious metals, precious and semi-precious stones or gems, jewelry and bullion.

E. "Transaction" means a pledge, or the purchase of, or consignment of, or the trade of any item of personal property by a pawnbroker or a dealer from a member of the general public.

F. "Loan period" means the period of time from the date the loan is made until the date the loan is paid off, the loan is in default, or the loan is refinanced and new loan documents are issued, including all grace or extension periods.

Section 2. Section 5.32.020 of the Bellevue City Code is amended to read as follows:

5.32.020 License required - Fees.

It is unlawful for any person to engage in the business of conducting a pawnshop or to act as a dealer without first having obtained a license to do so. The fee for a pawnshop license and the fee for a dealer's license shall be $100.00 per year. No pawnshop license shall be issued hereafter which would increase the number of pawnshop licenses in the City to more than one for every 15,000 of population or fraction thereof. Pawnshop licenses may be revoked by the City for nonuse or discontinuation of use pursuant to the provisions of Section 5.32.145. No pawnshop license shall be issued where it is determined by the Clerk that the information contained in the application for the license is not truthful.

Section 3. Section 5.32.030 of the Bellevue City Code is amended to read as follows:

5.32.030 Term of license.

There shall be no prorating of the aforementioned fees, and such licenses shall expire on December 31st of each year; except that in the event that the original application is made subsequent to June 30th, then one-half of the annual license fee may be accepted for the remainder of the year. The licenses shall not be assignable or transferable.

Section 4. Section 5.32.040 of the Bellevue City Code, as most recently amended by Section 2 of Ordinance No. 2001, is amended to read as follows:

5.32.040 Application for license.

Application for a pawnshop license or a dealer's license shall be in writing, filed with the clerk on forms furnished by the city and shall be accompanied by the required license fee. The application shall then be referred to the police department for investigation as to the truth of the information contained therein. Upon approval of the application by the clerk, the license may then be issued. The clerk shall develop and adopt written procedures to determine

licensing priority in the event the number of pawnshop licenses outstanding would otherwise exceed the maximum permitted by Section 5.32.020.

Section 5. Section 5.32.050 of the Bellevue City Code, as most recently amended by Section 3 of Ordinance No. 2001, is amended to read as follows:

5.32.050 Renewal of license.

Applications for renewal of licenses issued under this chapter shall be made to the clerk on or before the December 31st expiration date provided for in BCC 5.32.030. The clerk shall not renew any pawnshop license if such pawnshop has discontinued operations for a continuous period of 180 days immediately preceding such application. There shall be assessed and collected by the clerk an additional charge, computed as a percentage of the license fee, on applications not made on or before said expiration date, as follows:

Days Application Past Due	Percent of License Fee
5- 30	25%
31 - 60	50%
61 and over	75%

Section 6. Section 5.32.060 of the Bellevue City Code, as most recently amended by Section 1 of Ordinance No. 4000, is amended to read as follows:

5.32.060 Required records.

It shall be the duty of every pawnbroker to maintain at such pawnshop a book or other permanent record, in which shall be legibly printed or lettered, by the pawnbroker or his/her employee, in the English language, at the time of such loan, consignment, purchase or receipt of any item in trade, a record thereof containing those items listed in subsections A through H of this section; and it shall be the duty of every dealer to maintain at his or her place of business a book or other permanent record, in which shall be legibly printed or lettered, by the dealer or his/her employee, in the English language, at the time of such purchase and/or consignment, a record thereof containing those items listed in subsections A through H of this section:

A. The date of transaction;

B. The name of the person or employee or the identification number of the person or employee conducting the transaction, as required by the chief of the Bellevue Police Department;

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C. The signature and the name (first, middle and last), date of birth, sex, height, weight, race, address (which shall include the street address, and not merely a post office box number) and telephone number of the person with whom the transaction is taking place;

D. The name and address (which shall include the street address, and not merely a post office box number) of the owner of the property bought or received in pledge, if different than that of the person with whom the transaction is taking place;

E. A detailed description of the property bought or received in pledge and/or consignment, including brand name; serial or model number or name; engravings, size, pattern, color, markings, and shape; the caliber, barrel length, and type of action of any firearm, and whether it is a pistol, rifle or shotgun; such other specific descriptive features as may be required for data entry into the Federal Bureau of Investigation National Stolen Coin File, and any peculiarity likely to identify the property. The description of jewelry shall include the type of metal employed, all letters and marks inscribed thereon, and the weight and size;

F. The price paid or the amount loaned;

G. Type and identifying numbers of identification presented at time of transaction by the person with whom the transaction was made, which shall consist of a valid driver's license with expiration date or, in the event such person has no driver's license, an identification card issued by any state or two pieces of identification issued by a governmental agency, one of which shall be descriptive of the person identified. At all times, one piece of current government issued picture identification will be required; H. The nature of the transaction, a number identifying the transaction, the store identification as designated by the Bellevue Police Department, or the name and address of the business and the name of the person or employee, conducting the transaction, and the location of the property;

The information required in subsections A through H of this section shall be kept on forms provided by the city as set forth in BCC 5.32.070.

It is unlawful for any pawnbroker or dealer and every clerk, agent or employee of such pawnbroker or dealer to fail, neglect or refuse to make entry in any material matter in his or her record, as required by this section, or to make any false entry therein, or to obliterate, destroy or remove such record from his or her place of business.

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Section 7. Section 5.32.070 of the Bellevue City Code, as most recently amended by Section 2 of Ordinance No. 3313, is amended to read as follows:

5.32.070 Transcript of pawnbroker's or dealer's record to be furnished to Police Department.

A. Upon request by the chief of police or his authorized designee, every pawnbroker and dealer shall furnish a full, true, and correct transcript of the record of all transactions conducted on the preceding day. These transactions shall be recorded on such forms as may be provided and in such format as may be required by the chief of police within a specified time not less than twenty-four hours. This information shall be transmitted to the Bellevue Police Department electronically, by facsimile transmission, by modem or similar device, by delivery of computer, or by such other means of transmission as may be authorized by the chief of police. The chief of police may adopt regulations and/or procedures to implement the provisions of this section.

B. If a pawnbroker or dealer has good cause to believe that any property in his or her possession has been previously lost or stolen, the pawnbroker or dealer shall promptly report that fact to the chief of police, together with the name of the owner, if known, and the date when, and the name of the person from whom it was received.

Section 8. Section 5.32.080 of the Bellevue City Code, as most recently amended by Section 4 of Ordinance No. 2891, is amended to read as follows:

5.32.080 Records of pawnbroker or dealer.

All books and other records, including financial records, of any pawnbroker or dealer relating to purchase, pledge, exchange, barter or receipt of any goods, wares, merchandise or other articles or things of value, shall at all times be open for inspection by the chief of police, or any police officer detailed for that purpose, and all articles or things received, purchased or left in pledge or on consignment with the pawnbroker or dealer shall at all times be open to like inspection. Such books and records shall be maintained wherever that business is conducted for three years following the date of transaction.

Section 9. Section 5.32.085 of the Bellevue City Code, as most recently amended by Section 3 of Ordinance No. 3313, is amended to read as follows:

5.32.085 Police seizures, police holds, duties and obligations.

Subject to applicable state and federal statutory and constitutional provisions:

A. In addition to retention of property required by this code, any police officer, having probable cause to believe that any personal property taken by a pawnbroker or dealer by way of pledge, pawn or exchange in the possession of a pawnbroker or dealer is stolen, may seize such item at any time. In the event of such a seizure, the pawnbroker or dealer shall be entitled to a written receipt for the item from the police department.

B. In lieu of immediate seizure, a police officer may place a "hold" upon the property by making an entry upon the permanent record required by BCC 5.32.060, indicating that the item is stolen property. The pawnbroker or dealer shall then:

1. Tag or specifically identify the item; and
2. Hold it in place on the business premises of the pawnbroker or dealer to which police officers shall have access at any time during regular business hours; and
3. Keep the item safe from alteration, loss, damage or commingling with other goods.

C. No pawnbroker or dealer 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 a prosecuting attorney, 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.

Section 10. Section 5.32.090 of the Bellevue City Code is amended to read as follows:

5.32.090 Interest charges.

All pawnbrokers are authorized to charge and receive interest and other fees for the loan of money on the security of personal property actually received in pledge as allowed by chapter 19.60 RCW or any successor statute; and every person who asks or receives a higher rate of interest or fees on any such loan, or on any actual or pretended sale or redemption of personal property, or who sells any property held for redemption within the ninety (90) day period of both the term of the loan and the grace period provided for by chapter 19.60 RCW, is guilty of violation of this chapter.

Section 11. Section 5.32.100 of the Bellevue City Code, as most recently amended by Section 2 of Ordinance No. 4000, is amended to read as follows:

5.32.100 Removal of goods.

It is unlawful for any pawnbroker or dealer to remove any goods, articles or things to be purchased by him or her or left with him or her, in pledge, except when redeemed by the owner thereof, from his or her store or place of business until the expiration of thirty days after the same were purchased, received or left in pawn; provided, said thirty day holding period shall not apply to legal tender coins and fabricated hallmarked bars purchased by dealers.

A dealer may temporarily remove goods, articles or things purchased by him or her or left with him or her on consignment as long as the remaining provisions of this chapter are met and the goods, articles or things are not altered and are made available upon request for inspection pursuant to this chapter.

Section 12. Section 5.32.110 of the Bellevue City Code, as most recently amended by Section 6 of Ordinance No. 2891, is amended to read as follows:

5.32.110 Prohibited transactions.

It is unlawful for any pawnbroker or dealer, his or her clerk or employee, to receive in pledge or purchase, or on consignment, any article or thing from any person under 18 years of age, or from any person who is at the time intoxicated or from any habitual drunkard, or from any person known to the pawnbroker or dealer to be addicted to the use of narcotic drugs, or from any person who is known to be a thief or a receiver of stolen property, or from any person who he has reason to suspect or believe to be such. The fact of lending money upon or purchasing goods from any of the classes of persons enumerated in this section shall be prima facie evidence of an intent on the part of such pawnbroker or dealer, his or her agent or employee, to violate this chapter.

Section 13. Section 5.32.120 of the Bellevue City Code is amended to read as follows:

5.32.120 Hours.

It is unlawful for any pawnbroker to conduct or carry on the business of a pawnshop, in whole or part, directly or indirectly, or to open or keep open such pawnshop for the transaction of any business whatsoever therein, between the hours of 7:00 p.m. and 7:00 a.m., except from December 15th to December 25th of each year, and on Saturdays, when pawnshops may remain open until, but not later than 10:00 p.m.

Section 14. Section 5.32.140 of the Bellevue City Code, as most recently amended by Section 5 of Ordinance No. 3313, is amended to read as follows

5.32.140 Violation - Penalty.

Any person, firm or corporation violating any of the provisions of this chapter for which a specific penalty is not otherwise set forth herein shall, upon conviction thereof, be guilty of a misdemeanor and shall be subject to a fine in an amount not exceeding $350.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; and in addition thereto, the license of such person, firm or corporation may be revoked or suspended.

Section 15. A new Section 5.32.145 is added to Chapter 5.32 of the Bellevue City Code to read as follows:

5.32.145 Revocation or Suspension of License - Appeal.

A. Violation of any provision of this Chapter shall be grounds for revocation or suspension of any pawnshop or dealer license issued hereunder. The Clerk shall issue a written notice of revocation or suspension of such license to the owner of such pawnshop or dealer, as the case may be, which notice shall inform such pawnshop or such dealer of the provisions violated and the sanction for such violation. The pawnshop owner or dealer shall have fourteen calendar days from the issuance date of such notice to file an appeal with the Clerk. Any appeal shall be heard by the City's hearing examiner pursuant to the procedures set forth in Chapter 1.18 of the Bellevue City Code.

B. A pawnshop license shall be revocable by the City in the event that the pawnshop for which the license is issued is not in operation within 180 days from the date of issuance of such license or in the event that a pawnshop has ceased operations for a continuous period of at least 180 days. Any pawnshop license revoked pursuant to the provisions of this paragraph B shall be subject to the appeal procedures of paragraph A of this section.

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Section 16. Notwithstanding the limitation on the number of pawnshop licenses set forth in the amendment to Section 5.32.020 in Section 2 of this ordinance, any pawnbroker license issued prior to the effective date of this ordinance shall be valid for the remainder of the year issued and shall otherwise be eligible for renewal pursuant to Section 5.32.050.

Section 17. This ordinance shall take effect and be in force thirty days after its passage.

PASSED by the City Council this 5th day of August, 1996, and signed in authentication of its passage this 5th day of August, 1996.

(SEAL)

Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

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