

CHAPTER 54**PAWNBROKERS**

54.01 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings of this section:

1. "Pawnbroker". Every person who makes loans or advancements upon pawn, pledge, or deposit of personal property, or who receives actual possession of personal property as security for loans, with or without a mortgage, or bill of sale therein, or who by advertisement, sign or otherwise holds himself out as a pawnbroker, is a "pawnbroker" within the meaning of this Chapter.
2. "Positive Police Report". A report or review compiled by the Chief of Police or his or her designee which does not disclose a criminal record of a felony, or any conviction under this Subchapter two or more times, in a calendar year, or a conviction under Chapter 714 of the Code of Iowa.
3. "Negative Police Report". A report or review compiled by the Chief of Police or his or her designee which discloses a criminal record of a felony, or any conviction under this Subchapter two or more times in a calendar year or a conviction under Chapter 714 of the Code of Iowa.

54.02 COMPLIANCE WITH CHAPTER PROVISIONS.

1. No person shall engage in, or carry on the business of pawnbroker in the City, without first paying the fee and procuring the license provided for in this Chapter, nor shall any person carry on such business in any manner contrary to its provisions.
2. Every clerk, servant, agent, or employee of any pawnbroker must be at least 18 years old and shall be subject to, and bound by all Chapter provisions, and liable for the same penalties and to the same extent as his employer or principal for any violation thereof.

54.03 LICENSE FEES. Any person, partnership, firm, corporation or association desiring a pawnbroker license under this Chapter shall make a written, signed application to the Clerk on forms provided by the Clerk. All annual fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

54.04 LICENSE.

1. Criteria considered. Upon receipt of a pawnbroker license application, the Clerk shall forward a copy of the application to the Chief of Police or his or her designee who shall review the application. The applicant shall furnish such evidence as may reasonably be required in support of the statements set forth in the application. The Chief of Police or his or her designee shall report to the Clerk within thirty (30) days of receipt of the application considering but not limited to the following criteria:

A. Whether the applicant or his or her agents or employees charged with receiving or distributing property have been convicted of a felony. However, if the conviction of a felony occurred more than five years before the application for a pawnbroker license, and if such person's rights of citizenship have been restored by the governor, such conviction shall not be a bar to obtaining a pawnbroker license; and

B. Whether the applicant has truthfully reported all relevant facts within the pawnbroker application; and

C. The applicant has such financial standing and good reputation to indicate that he or she will comply with all the laws of the state of Iowa and the city of Windsor Heights.

2. Issuance.

A. Upon receipt of a positive police report and the appropriate fees, the Clerk shall approve the application if the applicant has fully complied with all of the requirements of this Subchapter, and the Clerk shall thereupon issue a pawnbroker license to the applicant and forward a copy of such to the Chief of Police. the license shall expire on the last day of December next after the date of issuance. The license shall state the name and place of residence of the person licensed, the business to be transacted and the place where it is to be carried on, and the date of issuance and expiration of the license.

B. In the event that the Clerk determines that the applicant for a new or renewal license has not fully complied with all of the requirements of this Subchapter, or that the police department returns a negative report, or that the applicant has falsified his or her application, then the Clerk shall, after consultation with the

City Attorney, advise the City Council of the basis for questioning the applicant's qualifications, and the procedures for notice and hearing.

54.05 EXPIRATION DATE OF LICENSE. All pawnbrokers' licenses shall expire one year after the date of issue.

54.06 SEPARATE LICENSE FOR EACH PLACE OF BUSINESS. Any person conducting several or separate places of business shall pay the license fee and procure a license for each place of business. The license shall be sufficient for all clerks, agents, servants, or employees engaged or employed at the place named in the license.

54.07 NONPAYMENT OF LICENSE FEE MISDEMEANOR. When any person shall engage in business as a pawnbroker without paying the fee provided therefor and imposed in this Chapter, such person shall be guilty of a misdemeanor. Each day said violation continues shall be considered a separate offense.

54.08 RECORDS.

1. Every pawnbroker shall keep a book in which he or she shall accurately and legibly enter, in ink, in the English language, at the time of purchasing or receiving any personal property:
 - A. The name of the person from whom the property is purchased or received, the person's place of residence, the person's date of birth, the person's drivers license number, a photo identification of the person, the state of issue of the drivers license, and the expiration date of the drivers license;
 - B. A particular, detailed, and accurate description of each article, including any serial number;
 - C. The estimated value of each article;
 - D. The amount paid, advanced, or loaned for the article;
 - E. The date and hour of transaction;
 - F. The date and hour when the article is to be redeemed or bought back;

- G. Any mortgage or bill of sale taken, or receipt or pawn ticket given;
 - H. When, and by whom, an article was brought back or redeemed;
 - I. When, to whom, and how an article was disposed of, if not redeemed.
2. The license and the book shall, at all times, be open to examination or inspection by any police officer.
3. When the pawn log sheets are complete, or upon demand from the Chief of Police or his or her designee, the licensee shall surrender the original sheets to the Chief of Police or his or her designee who shall provide a copy of the sheets to the licensee; the originals to remain the property of the City. The licensee shall also maintain a record of the name and residential address of any person redeeming an article of property, the date of such transaction and a description of the article redeemed. In the event property is disposed of other than by redemption, the licensee shall record a description of the property, how disposed, and the name and address to whom the article was transferred. Such redemption and purchase records shall be maintained by the licensee for one year from the date of transaction and shall be at all times open to examination and recordation by the Chief of Police or his or her designee.
4. Every pawnbroker shall require each person from whom any property is purchased or received to print and sign his or her name on any inventory sheet provided by the Chief of Police. The inventory sheet shall be the property of the City of Windsor Heights.
5. Any person shall be guilty of a misdemeanor who shall:
- A. Fail to keep or maintain such records as required by this Chapter;
 - B. Fail to make the required entries in such records;
 - C. Intentionally or knowingly make any false or unintelligible entry, or any entry which he or she has reason to believe is untrue or delete any entry;

- D. Fail to make the inquiries necessary to enable the person to make such entries or any of them;
- E. Fail to produce the license, book, or log sheets when requested by a police officer;
- F. Destroy, alter or negligently permit such book, records, or log sheets to be destroyed, damaged, altered rendered unintelligible, or lost;
- G. Fail to require any person to show physical proof of that person's identification.

54.09 DAILY REPORTS TO CHIEF OF POLICE: INFORMATION TO BE SHOWN. Every pawnbroker who shall purchase or receive from a person any article of jewelry or precious stones; any sheet copper or brass; copper or brass wire; lead (sheet or pipe); zinc (sheet or pipe); citizen's band radio, car radio, stereo, or electronic accessory; nickel or nickel-plated articles; silver or silver-plated articles; car or railroad brasses; any guns, pistols, or rifles; any motorcycle, bicycle, automobile, or automobile tire, part, or accessory thereto; shall within 24 hours after purchasing or receiving such articles report the same in writing to the Chief of Police, stating fully and correctly:

1. The name, drivers license number and state of issuance, and residence of the person from whom the article was purchased or received;
2. A full and accurate description of each article, including any serial numbers;
3. The value or amount paid for each article.

54.10 PROHIBITED ACTS.No licensee, his or her agents or employees purchasing or receiving any article or property shall:

1. Receive any property without first viewing a form of identification containing a photograph of the person identified;
2. Melt, alter, destroy, dismantle, redeem, remove from the licensed premises or otherwise dispose of such article, without making the report required in Section 54.09 or within 15 days after the receipt and report of any property is made, except upon written permission from the Chief of Police or his or her designee. Every bicycle, motorcycle, or automobile purchased or received shall be kept intact for a period of fifteen (15) days. All articles must remain within the City of Windsor Heights at the place of business during the fifteen (15) day period provided for herein;

3. Purchase or receive any property from any person under the age of eighteen without his or her parent or guardian being present at the time of the transaction and without receiving their written consent, a copy of which must be submitted along with the records required by section 54.08 of this Chapter;
4. Purchase or receive any property or surrender any property from 6:00 p.m. to 8:00 a.m. Monday through Saturday, and 6:00 p.m. Saturday through 8:00 a.m. Monday;
5. Conceal, secrete, or destroy for the purpose of concealing, any article purchased or received for the purpose of preventing identification;
6. Deface, alter or remove any serial number or identifying marks from an article in his or her possession;
7. Take possession of defaced or altered property as described in subparagraph (f) above;
8. Sell, dispose of, change in its form, alter, or mutilate in any way any article of jewelry within the time fixed for sale or redemption;
9. Purchase or receive any personal property from any intoxicated person or person who appears to be under the influence of any drug;
10. Sell or otherwise dispose of any article during the time any person has the right to buy back or redeem the article.

54.11 ARTICLES OF CLOTHING. All articles of clothing taken in pawn or purchased outright shall be held in the same condition in which they were received for fifteen (15) days following and during this period shall not be cleaned, repaired, dyed, or altered in any manner.

54.12 SEARCHING FOR STOLEN PROPERTY. Whenever any police officer shall have reason to believe that any pawnbroker has in his or her possession or on his or her premises any stolen property, the officer shall have the right and duty to enter and search the premises of such person for the purpose of discovering stolen property.

54.13 EXAMINATION OF PREMISES BY OFFICERS. No pawnbroker or any other person shall refuse, resist or attempt to prevent any police officer, with or without warrant, from examining the premises occupied by the pawnbroker for the purpose of discovering stolen property.

54.14 HOURS OF OPERATION. No pawnbroker or any person shall conduct business on Sunday or at any hour other than between 6:00 A.M. and 6:00 p.M.

54.15 DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS AN ADVERSE CLAIM. No pawnbroker shall sell, or permit to be redeemed, or otherwise dispose of any article which he or she has reason to believe has been stolen, or which is adversely claimed by any person, or which he or she has been notified not to sell, release or otherwise dispose of by any police officer without first obtaining written permission to do so from the Chief of Police.

54.16 REVOCATION - GROUNDS. The following reasons shall be grounds for the revocation of any license issued under the provisions of this Chapter:

1. Fraud. That the licensee has made fraudulent or untrue statements in his application for a license.
2. Violation. That the licensee has violated any of the provisions of this Chapter.
3. Operation. That the licensee has conducted the business in such a manner as to endanger the public welfare, health, safety, order or morals.

The procedures set forth in Sections 52.19 through 52.21 of this Code shall apply to any revocation under this Chapter.

54.17 MISDEMEANOR. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor.