

Chapter 27 PAWNBROKERS AND JUNK DEALERS

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Article 27.04 Pawnbrokers

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Section 27.04.00E Editor's note to Article 27.04

For state law as to pledges, see NDCC, § 35-06-01 et seq. As to authority of city to regulate pawnbrokers, see NDCC, § 40-05-01 (26).

Section 27.04.005 Declaration of purpose and intent

The board of city commissioners finds that pawn shops or businesses that deal in second-hand goods or valuables provide a convenient means by which thieves or those who deal in stolen goods may dispose of such property. In order to discourage transactions in stolen goods and other unauthorized transactions, and to assist in the recovery of stolen goods and identification of those who sell stolen goods or engage in other unauthorized transactions, the board finds that it is necessary to license such businesses, and to require that certain records be kept, and that police officers be authorized to inspect such records. (Ord. No. 1283 § 1)

Section 27.04.010 Definitions

1. "Pawnbroker" means any person who:
 - a. Loans money on deposit or pledge of personal property, or other valuable things;
 - b. Deals in the purchase of personal property or other valuable thing, on condition of selling the same back again at a stipulated price;
 - c. Loans money, secured by personal property, taking possession of the property or any part thereof. (Code 1958, § 22-1; Ord. No. 1283 § 1.)

Section 27.04.020 License--Required

No person, firm, partnership, corporation or other entity shall carry on or conduct the business of pawnbroker within the city without first having obtained a license to do so. (Code 1958, §§ 22-2; Ord. No. 1283 § 1.)

For state law as to power of city to license pawnbrokers, see NDCC, § 40-05-01 (26).

Section 27.04.030 Application; fee

Any person who shall desire to conduct the business of a pawnbroker within the city shall first make application for a license to the city administrator. Such application shall give the location at which business is to be carried on together with three personal references of the applicant. Such applicant shall deposit with the city administrator a license fee in such amount as determined from time to time by the board of city commissioners and shall be on file in the office of the city administrator in the city fee schedule. (Code 1958, § 22-3; Ord. No. 1086, § 15; Ord. No. 1283 § 1.)

Section 27.04.040 Bonding of applicant; issuance

Accompanying the application for the license required by section 27.04.020, the applicant shall include a bond executed to the city in the sum of five thousand dollars, with sufficient surety, to be approved by the city administrator conditioned that the applicant will return to the person entitled thereto all property upon payment of the legal charges against such property and will in every particular conform with the requirements of this article and of any law or ordinance which may hereafter be passed concerning pawnbrokers, and thereupon the city administrator shall issue a license to conduct the business of a pawnbroker. (Code 1958, § 22-4; Ord. No. 1083, § 4; Ord. No. 1283 § 1.)

Section 27.04.050 Record of goods

Any person who operates a business defined in this chapter in the city must keep a written record on a form approved or designed by the City, in such form as required by the Chief of Police, of each and every purchase or loan made by the business, containing the following:

- (1) name and address of seller or pledger;
- (2) date of birth of the seller or pledger;
- (3) written consent of a parent or guardian if the seller or pledger is less than eighteen years of age;
- (4) the date, description of the article sold or pledged, including the make, model, serial number and color;
- (5) amount for which pledged or purchased;
- (6) date of forfeiture and sale; and
- (7) drivers license number or other identifying information of the person by whom sold or left in pledge. (If identifying information other than a driver's license number is used, the type of identifying information must be specified.)
- (8) signature of the person selling or pledging the pawned item.

The records must be contained in a bound book, must be legible and no record may be destroyed or rendered illegible by any alteration or correction. Records must be retained for two years and freely exhibited to any city police officer conducting an inspection authorized by this chapter upon demand during usual business hours. (Ord. No. 1283 § 1.)

Section 27.04.055 Purchase from minors prohibited

A person who engages in a business defined in this chapter or agent or employee may not loan money to any person under the age of eighteen or purchase any merchandise, goods or property from a minor without the written consent of the parents or guardian of that person. (Ord. No. 1283 § 1.)

Section 27.04.060 **Inspection of registration books; aiding police; exhibition of goods**

The register book required by section 27.04.050 shall be subject to the inspection of any member of the police department at any time. It shall be the duty of all pawnbrokers to aid the police department in arresting and convicting any person who shall have sold or attempted to sell them any stolen property. They shall also submit and exhibit to any officer of the police department any goods, personal property or choses in action that may be left, deposited, pledged or purchased with or by them. (Code 1958, § 22-6.; Ord. No. 1283 § 1.)

Section 27.04.065 **Police department to maintain list of stolen goods**

The police department will maintain a list of stolen goods and will respond to inquiries of persons licensed under this chapter. This list will be kept current insofar as is practicable. (Ordinance No. 1283 § 1.)

Section 27.04.070 **Authorized inspections**

The police department is authorized to conduct inspections of the records and premises of businesses licensed under this chapter during normal business hours. (Ord. No. 1283 § 1.)

Section 27.04.080 **Revocation of Licenses**

1. Licenses issued under the provisions of this chapter may be revoked by the board of city commissioners after notice and hearing, for any of the following causes:
 - a. Fraud, misrepresentation or false statement contained in the application for a license.
 - b. Fraud, misrepresentation or false statement made in the course of carrying on business.
 - c. Any violation of this article.
 - d. Failing to cooperate with any officer of the police department, as required in this chapter.
 - e. Conviction of any crime involving theft or dishonesty.
 - f. Conducting business in an unlawful manner or in such a manner to constitute a breach of the peace.
2. Notice of the hearing for revocation must be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice must be mailed, registered mail, to the licensee at least five days prior to the date set for the hearing. (Ord. No. 1283 § 1.)

Article 27.08 Junk Dealers

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Section 27.08.00E Editor's note to Article 27.08

For state law as to authority of city to regulate junk dealers, see NDCC, § 40-05-01 (53).

Section 27.08.010 Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Junk. Without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, other appliances, remnants of wood, metal or any other cast-off material of any kind whether or not such material could be put to any reasonable use.

Junk Automobile. Without limitation, any motor vehicle which is not licensed for use upon the highways of the state for a period in excess of sixty days and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of sixty days; provided, that there is excepted from this definition unlicensed but operative vehicles which are kept as the stock-in-trade of a regularly licensed and established new or used automobile dealer.

Junk Dealer. Any person who shall, within the city, engage in any one or more of the following occupations: The buying or processing of hides, wools, scrap iron, metal or scrap batteries or dealing in junk automobiles or parts thereof. (Code 1958, § 22-7; Ord. No. 524.)

Section 27.08.020 License--Required

No person shall engage in the business of buying or selling junk, unless he shall apply for and receive a license as hereinafter provided for. (Code 1958, § 22-8; Ord. No. 524.)

Section 27.08.030 Application; investigation; issuance or denial; restrictions on storage in city

The annual license for junk dealers covering the period from January 1 to December 31 shall be applied for at the office of the city administrator, and the license fee hereinafter provided for shall be deposited at the time of filing the application. The city administrator shall investigate as to the propriety of carrying on such business in the proposed location under the

city zoning laws. The city administrator shall report with his recommendations to the city administrator. If the application meets the requirements of this section, the city administrator shall grant the license.

If a license is granted to any person having an established place of business in the city, that person shall not store or keep any of the articles mentioned in section 27.08.010 in and around a building and enclosure, unless such established place of business shall have a solid, nonvisual fence of not less than six feet in height enclosing such area where any of the articles mentioned in section 27.08.010 are to be stored in the city, unless the license shall have been amended by order of the city commission to permit such storage at such locations; nor shall any such articles be permitted to remain in a vehicle or exposed at any place in the city for a longer time than is necessary to gather and remove them from the city. (Code 1958, § 22-9; Ord. No. 524; Ord. No. 844, § 1; Ord. No. 1083, § 10; Ord. No. 1320 §2.)

Section 27.08.040 Same--Fees

The annual fee for junk dealers shall be payable in advance in such amount as determined from time to time by the board of city commissioners and shall be on file in the office of the city auditor in the city fee schedule, except, that if a license is applied for by a new business organized or coming into the city for the first time during any license year, such fee may be prorated to the nearest quarter just past. (Code 1958, § 22-10; Ord. No. 524; Ord. No. 776, § 1; Ord. No. 1086, § 16.)

Section 27.08.050 Same--Revocation

Such license may be revoked at any time by the city commission for cause upon notice to the license holder. (Code 1958, § 22-11; Ord. No. 524.)

Section 27.08.060 Same--Premises covered

No license issued shall be considered as valid as to any premises other than those described in the license. Upon application the city commission may permit an amendment of the license to cover other premises if it be for the best interests of the city. (Code 1958, § 22-12; Ord. No. 524.)

Section 27.08.070 Purchase of articles from minor

It shall be unlawful for any dealer in junk or secondhand goods to purchase any article whatever from any minor without the consent of the parents or lawful guardians of such minors. (Code 1958, § 22-13; Ord. No. 524.)

Section 27.08.080 Presence of obnoxious materials on premises; cleanliness of premises; installation of water and sewer lines

Every licensee shall keep the premises used free of any junk or property which might create obnoxious odors or smoke. Such premises shall at all times be kept neat and clean and vermin free. Water and sewer lines shall be installed in any premises for which a license is issued. (Code 1958, § 22-14; Ord. No. 524.)

Section 27.08.090 Registration of property purchased; exhibition of registration book to police

Every person obtaining a license required by this article shall keep in his place of business a book or register in which he shall enter in writing an accurate description of all property or choses in action purchased by him, the time when they were received and the name and the residence of the person from whom they were purchased. Such register shall be displayed to any police officer, so requesting, of the city during the ordinary hours of business. (Code 1958, § 22-15; Ord. No. 524.)

For state law as to exhibition of stolen goods to owner, see NDCC, § 12-42-07.