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6/21

Ordinance 908

An ordinance amending Clallam County Code Chapter 7.02, Pawnbrokers,
to bring into compliance with state law

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section .010, Pawnbrokers and pawnshops defined, is amended to read as follows:

- (1) "Pawnbroker," as used in this chapter, means and includes every person who takes or receives 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 to loan money on deposit of personal property.
- (2) "Pawnshop" means and includes every place at which the business of pawnbroker is being carried on.

Section .040, Pawnbroker's bond, is amended to read as follows:

In addition to the license fee and before such license is issued, the applicant shall be required to give to the County of Clallam for each pawn shop a sufficient surety bond in the sum of \$10,000 running in the favor of the County of Clallam, and conditioned for the faithful observance by the licensee of all the requirements of this and all other ordinances of Clallam County and all State laws relating to the business of pawnbroker.

Section .050, ~~Auditor is~~ licensing agent, is amended to read as follows:

No person may operate as a pawnbroker within Clallam County without first having secured from the Clallam County Auditor a business license for such a purpose. The Clallam County Auditor of the County of Clallam shall be the licensing agent for all licenses required under this chapter, and is the custodian of the bonds required under this chapter.

Section .060, ~~Every pawnbroker must keep~~ Duty to record information, is amended to read as follows:

~~It shall be the duty of every pawnbroker to maintain at his place of business a book or other permanent record, in which shall be legibly written in the English language, at the time of such loan, purchase or sale, a record thereof containing:~~

- ~~(1) The date of the transaction;~~
- ~~(2) The name of the person or employee conducting the same;~~
- ~~(3) The name, age, street and house number and the general description of the dress, complexion, color of hair and facial appearance of the person with whom the transaction is had;~~
- ~~(4) The name and street and house number of the owner of the property bought or received in pledge;~~
- ~~(5) The street and house number of the place from which the property bought or received in the pledge was last removed;~~
- ~~(6) A description of the property bought or received in pledge, which in the case of watches shall contain the name of the maker and the number of both the works and the case, and in the case of jewelry shall contain a description of all letters and marks inscribed thereon;~~
- ~~(7) The price paid or the amount loaned;~~
- ~~(8) The name and street and house numbers of all persons witnessing the transaction;~~
- ~~(9) The number of any pawn ticket issued therefor.~~

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

(1) Every pawnbroker and secondhand dealer doing business in this state shall maintain wherever that business is conducted a record in which shall be legibly written in the English language, at the time of each transaction the following information:

(a) The signature of the person with whom the transaction is made;

(b) The date of the transaction;

(c) The name of the person or employee or the identification number of the person or employee conducting the transaction as required by the County Sheriff's Office;

(d) The name, date of birth, sex, height, weight, race, and address and telephone number of the person with whom the transaction is made;

(e) A complete description of the property pledged, bought, or consigned, including the brand name, serial number, model number or name, any initials or engraving, size, pattern, and color of stone or stones, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun;

(f) The price paid or the amount loaned;

(g) The type and identifying number of identification used by the person with whom the transaction was made, which shall consist of a valid driver's license or 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; and

(h) The nature of the transaction, a number identifying the transaction, the store identification as designated by the applicable law enforcement agency, 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.

(2) This record shall at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions, and shall be maintained wherever that business is conducted for three years following the date of the transaction.

Section .070, Inspection of Records ~~of pawnbrokers to be opened for inspection~~, is amended to read as follows:

All books and other records of any pawnbroker relating to purchase pledge, exchange, barter or receipt of any goods, wares, merchandise, or other articles or things of value, shall at all times during the ordinary hours of business be open for inspection by ~~the Sheriff, or any police officer, or detective~~ any commissioned law enforcement officer of the state or any of its political subdivisions detailed for that purpose, and all articles or things received, purchased or left in pledge with said pawnbroker shall at all times be open to a like inspection.

Section .080, Removal of Goods ~~not to be removed from pawnshop~~, is amended to read as follows:

It shall be unlawful for any pawnbroker to remove any goods, articles or things purchased by him, or left with him, in pledge, from his store or place of business until the expiration of ~~ten (10)~~ ten (130) days after the same has been purchased, received or left in pawn, unless the said goods, articles, or things have within the time specified, been inspected as provided in this chapter.

Section .090, Unlawful receiving, is amended to read as follows:

It shall be unlawful for any pawnbroker, his clerk, or employee to receive in pledge, or purchase, any article or thing from any person under ~~twenty-one (21)~~ years of age, or from any person who is at the time intoxicated, or from a habitual drunkard, or from any person addicted to the use of narcotic drugs, or from any person known to be a thief, or a receiver of stolen property, or from any person whom he has reason to suspect or believe to be such.

The fact of loaning 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, his agent or employee, to violate this chapter.

~~Section .100, Pawnshops to be closed during certain hours, is amended to read as follows:~~

~~It shall be unlawful for any pawnbroker to conduct or carry on the business of a pawnbroker in whole or in part, directly or indirectly, to open or keep open, his pawnshop for the transaction of any business whatsoever therein, between the hours of 6:00 p.m. and 7:00 a.m.~~

Section .110, Penalties ~~for violating this chapter~~, is amended to read as follows:

Any person violating or failing to comply with any of the terms and provisions of this chapter shall be deemed guilty of a gross misdemeanor under Chapter 9A.20 RCW., ~~and upon conviction thereof shall be punished by a fine of not more than \$100 or by imprisonment in the County Jail for a period of not more than thirty (30) days or by both such fine and imprisonment.~~

ADOPTED this twenty-first day of June 2016

BOARD OF CLALLAM COUNTY COMMISSIONERS


Mike Chapman, Chair


Mark Ozias

ATTEST:


Trish Holden, CMC, Clerk of the Board


Bill Peach