

**RESOLUTION**

Commissioner Sluss offered the following resolution and moved its adoption:

WHEREAS, in accordance with Minnesota Statutes Chapter 375.51, a Public Hearing was held on June 13, 2006, to consider adoption of a Pawnshop Ordinance for Crow Wing County.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota adopts the Countywide Pawnshop Ordinance, on file in the Office of the County Auditor, which rewrites the current Ordinance Relating to the Licensing and Regulations of Pawnbrokers in Crow Wing County, effective upon proper publication.

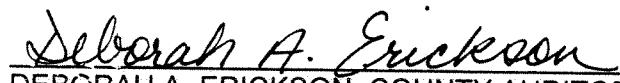
Which resolution being seconded by Commissioner Tautges was duly adopted, all members voted "AYE".



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ED LARSEN, CHAIRMAN  
BOARD OF COUNTY COMMISSIONERS  
CROW WING COUNTY, MINNESOTA

ATTEST:



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DEBORAH A. ERICKSON, COUNTY AUDITOR  
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 13th day of June 2006.

APPROVED AS TO FORM AND EXECUTION:



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DONALD F. RYAN, COUNTY ATTORNEY  
CROW WING COUNTY, MINNESOTA

DATED THIS 27TH DAY OF JUNE 2006.

## **I. Statement of Policy.**

Pursuant to the provisions of Minnesota Statute Chapter 325J entitled "Pawnbroker Regulation," the County of Crow Wing has the power, for the purpose of promoting health, safety, morals and welfare, to adopt an ordinance to regulate "pawn transactions" and issue licenses to qualified applicants to enable said applicants to engage in business as a "pawnbroker."

To help the Sheriff's Office better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities through the timely collection and sharing of pawn transaction information, this Section also implements and establishes the required use of the automated pawn system (APS).

## **II. Definitions.**

As used in this Section, the following terms have the meanings given to them:

A) "Pawnbroker" means a person engaged, in whole or in part, in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. To the extent that a pawnbroker's business includes buying personal property previously used, rented or leased, or selling it on consignment, the provisions of this chapter shall be applicable.

B) "Pawnshop" means the location at which or premises in which a pawnbroker regularly conducts business.

C) "Pawn transaction" means any loan on the security of pledged goods or any purchase of pledged goods on the condition that the pledged goods are left with the pawnbroker and may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

D) "Person" means an individual, partnership, corporation, limited liability company, joint venture, trust, association, or any other legal entity, however organized.

E) "Pledged goods" means tangible personal property other than those in action, securities, bank drafts, or printed evidence of indebtedness, that are purchased by, deposited with, or otherwise actually delivered into the possession of a pawnbroker in connection with a pawn transaction.

F) "Reportable transaction" means every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended or redeemed, or for which a unique transaction number or identifier is generated by their point-of-sale software, or an item is confiscated by law enforcement, is reportable except:

1) The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.

2) Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

G) "Billable transaction" means every reportable transaction conducted by a pawnbroker except renewals, redemptions or extensions of existing pawns on items previously reported and continuously in the licensee's possession, voided transactions, and confiscations.

## **III. License Required.**

A) No person shall engage in the business of pawnbroker within the County without first obtaining a license from the County.

B) Any pawn transaction made without the benefit of a license is void.

C) Licenses shall be issued only upon approval by the County Board.

D) A separate license is required for each place of business. More than one license may be issued to a person if all provisions of this Section and state law are complied with.

E) No expiration, revocation, suspension, or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any pledgor.

F) A licensee obtains no vested interest in a license issued under this Section and the County reserves the right to not renew the same.

#### **IV. License Term.**

Each license shall be granted for a calendar year and shall expire at the conclusion of business on December 31 of the license year.

#### **V. Licensee Ineligibility.**

A) No license shall be issued to a person if the applicant:

- 1) Is a minor at the time the application is filed.
- 2) Is not a citizen of the United States.
3. Is not of good moral character and repute.
4. Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statute Section 356.03, Sub D. 2, unless the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under Minnesota Statute Chapter 325J, this Ordinance and as prescribed by Minnesota Statute 364.03, Sub D) 3.

B) No license shall be granted to an applicant who fails to provide all information required in Section 1146.13 or who provides false or misleading information in the application.

C) No license shall be granted for a location where a building is under construction or otherwise is not ready for occupancy.

D) No license shall be granted on any premises which the Council determines is unsuitable for this type of business. This determination shall not be made by the Council except after a public hearing following notice to the applicant.

E) No license shall be issued to an applicant that is a partnership if such applicant has any general partner or managing partner in violation of, or who is non-qualifying, under this Section.

F) No license shall be issued to an applicant that is a corporation or other business organization if such business has a manager, proprietor or agent in charge of the organization/business to be licensed if said person or persons are in violation of, or are non-qualifying, under this Section.

G) No application for initial or renewal license will be accepted if there are past due property taxes on the property described in the license application.

H) No license will be issued if there are past due property taxes on the property described in the license application.

I) If property taxes become past due for any property described in a license application, any license issued pursuant to that application shall be immediately suspended by operation of this Ordinance without further notice. Reinstatement of a suspended license can only be obtained by payment in full of such past due property taxes.

#### **VI. Change in ownership.**

Licenses issued hereunder are not assignable and any change, directly or beneficially, in the ownership of any licensed pawnshop shall require the application for a new license, and the applicant must satisfy all eligibility requirements and pay all licensing fees.

#### **VII. Application Content.**

A) Any person desiring a pawnbroker's license shall file with the County Auditor an application in writing upon a form furnished by the County Auditor's Office. Such applications shall require that any or all of the following information be set forth upon the application:

- 1) If the applicant is a natural person:
  - a) the name, place, and date of birth, resident street address, and telephone number of the applicant;
  - b) whether the applicant is a citizen of the United States;
  - c) whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places where used;
  - d) the name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a copy of the certificate as required by Minn. Stat. 333.01;

- e) the street addresses at which the applicant has lived during the preceding five (5) years;
- f) the type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five (5) years and the name (s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding (5) years;
- g) whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance or law other than traffic laws. If so, the applicant shall furnish information as to the time, place, and offense for which the convictions were had;
- h) the physical description of the applicant;

2) If the applicant is a partnership:

- a) the name(s) and addresses of all general and limited partners and all information concerning each general partner required in subpart (1) of this Section;
- b) the name(s) of managing partner(s) and the interest of each partner in the pawnbroker business;
- c) a copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to Minn. Stat. 333.01, a copy of such certificate shall be attached to the application.

3) If the applicant is a corporation or other organization:

- a) the name of the corporation or business form, and if incorporated, the State of incorporation;
- b) a true copy of the Certificate of Incorporation, Articles of Incorporation, or Association Agreement, and By laws shall be attached to the application. If the applicant is a foreign corporation, a certificate of Authority as required by Minn. Stat. 303.06, shall be attached;
- c) the name of the manager(s), proprietor(s), other agent(s) in charge of the business, and all owners of 10% or more of the business, and all information concerning each manager, proprietor, agent or owner as required in subpart (1) of this Section.

4) For all applicants:

- a) whether the applicant holds a current pawnbroker license from any other governmental unit and whether the applicant is licensed under Minn. Stat. 471.924;
- b) whether the applicant has previously been denied a pawnbroker license from any other governmental unit, or had a license revoked or canceled;
- c) the names, resident street addresses, and business addresses of three references who are of good moral character and who are not related to the applicant and not holding any ownership in the premises or business, who may attest to the character of the applicant, or manager;
- d) the location of the business premises and a diagram or blueprint of the premises to be licensed;
- e) whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid;
- f) whether the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans or design are already on file with County of Crow Wing, no plans need to be submitted;
- g) such other information as the County Board or issuing authority may require.

### **VIII. Bonds, Insurance, Renewals and Transfers**

A) Before a license will be issued, every applicant must submit to the County Auditor a bond with a corporate surety in the amount of \$5,000.00 for approval by the County Board. All bonds shall be conditioned that the principal will observe all laws in relation to such licensed business, including in particular, compliance with each and every requirement of Section 1146; will pay when due all fees, taxes, penalties and other charges provided by law; and will account for the delivery to any person legally entitled thereto any goods of that person which have come into the principal's possession through the principal's business as a pawnbroker, or, in lieu thereof, will pay the reasonable value of the goods in money to the person. The bond shall contain a provision that it may not be canceled except upon thirty (30) days written notice to the County, which shall be served upon the licensing authority. All bonds shall be for the period of the license year. The

amount specified in the bond required is declared to be a penalty; provided, however, that the surety thereof shall not be liable for any amount in excess of the penal amount of the bond. Such bond shall run to the County, as oblige, and in the event of a forfeiture of any such bond for violation of the said conditions, the District Court of Crow Wing County may forfeit the penal sum of the said bond to the County.

B) The licensed business and its principals shall obtain and keep current all insurance as required by the State of Minnesota, including workers compensation coverage, and shall provide proof thereof upon demand to the County Auditor.

C) An application for renewal of a pawnbroker's license shall require the applicant to re-verify or update all of the information contained on the original license application.

D) An applicant seeking to obtain approval for the transfer of a pawnbroker's license which is currently held by another person or organization, shall complete and furnish to the County Auditor an application form as in the case of an original application for the same type and class of license. In addition, the current license holder must sign the application form indicating its approval of the transfer.

## **IX. County Codes.**

The licensed business shall at all times be located and operated in compliance with all existing requirements of the zoning, building, fire, health and all other applicable codes of the County of Crow Wing.

## **X. Execution of Application and Investigation of Applicant.**

A) The application shall be signed, verified and sworn to at the County Auditor's Office. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof authorized to execute documents on behalf of the corporation; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

B) Each application shall be referred by the County Auditor to the Sheriff's Office, the Building Official and the Fire Chief for investigation and comment. Each such official shall conduct such investigation as the official deems necessary to determine whether the statements contained in the application accurately reflect the facts as discovered in the investigation, and whether or to what extent the proposed premises or the applicant appear to have violated any laws or regulations for which the agency has enforcement responsibility.

C) All applications with reports, as well as recommendations if deemed necessary, shall be returned to the County Auditor and shall thereafter be presented to the County Board. The County Board may order and conduct such additional investigation as it deems necessary.

## **XI. Approval and Issuance.**

A) An application for a pawnbroker's license shall be deemed completed when all of the information required on the application form has been provided to the County Auditor; all fees, bonds, insurance documents and other required documentary materials have been paid or filed, as appropriate with the County Auditor; and all investigative reports have been submitted to the County Auditor.

B) At the first meeting of the Council following receipt of the afore described documents and fees, the County Auditor shall present same to the County Board. The County Board, if it deems the applicant is suitable and proper, shall by motion approve the issuance of the license to the applicant.

## **XII. License and Application Fees.**

A) The license fee shall be established by County Board action.

B) The license fee shall be paid in full when the application is filed. Said fee shall be refunded if the application is withdrawn before County Board approval or if the County Board rejects the application except, however, in the instance where the rejection is for a willful misstatement in the license application.

C) The license fee shall be paid annually, the initial fee to be prorated from the date of issuance.

D) All new applicants shall pay a non refundable initial investigative fee as set forth in the county fee schedule to cover the costs involved in verifying the matters set forth in the license application and to cover the expense of any investigation needed to assure compliance with this Section and other applicable laws.

E) Applicants who are reapplying for their annual license shall pay an investigative fee as set forth in the county fee schedule to cover the costs of re-verifying application data and compliance with applicable laws since the initial application.

### **XIII. Records Required**

A) Transaction records. At the time of any reportable transaction other than renewals, extensions, redemptions or confiscations, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by the Sheriff's Office:

- 1) a complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item.
- 2) the full name, current residence address, current residence telephone or cell phone number, date of birth and accurate description of the pledgor or seller, including: sex, height, weight, race, color of eyes and color of hair;
- 3) date and time of pawn or purchase transaction, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records;
- 4) the identification number and State of issue from one of the following forms of identification of the seller or pledgor: current valid Minnesota driver's license; current valid Minnesota identification card; or current valid photo identification card issued by another state or a province of Canada;
- 5) the purchase price, amount of money loaned upon, or pledged therefore;
- 6) the maturity date of the pawn transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges; and
- 7) the signature of the person identified in the transaction.

8) Effective sixty (60) days from the date of notification by the Sheriff's Office of acceptable video standards the licensee must also take a color photograph or color video recording of:

- a) Each customer involved in a billable transaction.
- b) Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

If a photograph is taken, it must be at least two (2) inches in length by two (2) inches in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the Sheriff's Office, or the Sheriff's designee, upon request. The major portion of the photograph must include an identifiable front facial image of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must record the person pawning or selling the item so as to include an identifiable image of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three (3) months.

9) Digitized photographs. Effective sixty (60) days from the date of notification by the Sheriff's Office licensees must fulfill the color photograph requirements in this section by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in subdivision 8.

10) Renewals, extensions, redemptions and confiscations. For renewals, extensions, redemptions and confiscations, the licensee shall provide the original transaction identifier, the date of the current transaction, and the type of transaction.

B) Receipt Required. Every licensee must provide a receipt to the party identified in every reportable transaction except voids and confiscations and must maintain a duplicate of that receipt for three (3) years. The receipt must include all the transaction record information required in 1146.25 (a) 1 through 7, and at least the following information:

- 1) the name, street address, mailing address if different from the street address, and the phone number of the pawnbroker.
- 2) the statement that "Any personal property pledged to a pawnbroker within this State is subject to sale or disposal when there has been no payment made on the account for a period of not less than 60 days past the date of the pawn transaction, renewal, or extension; no further notice is necessary. There is no obligation for the pledgor to redeem pledged goods."

- 3) the statement that "The pledgor of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledgor has the right to sell or pawn the item.;"
- 4) the statement that "This item is redeemable only by the pledgor to whom the receipt was issued, or any person identified in a written and notarized authorization to redeem the property identified in the receipt, or a person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor. Written authorization for release of property to person other than the original pledgor must be maintained along with the original transaction recordD); and
- 5) a blank line for the pledgor's signature.

C) The pledgor shall sign the pawn ticket and receive an exact copy of the same.

#### **XIV. Inspection of Records; Retention.**

Transaction records must at all reasonable times be open to inspection by the Sheriff's Office. Data entries shall be retained for at least three (3) years from the date of transaction. Entries of required digital images shall be retained a minimum of ninety (90) days.

#### **XV. Daily reports to Sheriff's Office**

A) Effective no later than sixty (60) days after the Sheriff's Office provides licensees with the current version of the Automated Pawn System Interchange File Specification; licensees must submit every reportable transaction to the Sheriff's Office daily in the following manner:

1) Licensees must provide to the Sheriff's Office all reportable transaction information by transferring it from their computer to the Automated Pawn System via modem using the current version of the Automated Pawn System Interchange File Specification. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. Any transaction that does not meet the Automated Pawn System Interchange File Specification must be corrected and resubmitted the next business day. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs patrons that all transactions are reported to the Sheriff's Office daily.

B) Billable transaction fees. Licensees will be charged \$1.00 for each billable transaction reported to the Sheriff's Office.

- 1) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide the Sheriff's Office, upon request, printed copies of all reportable transactions along with the video tape(s) for that date, by noon the next business day;
- 2) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must continue to provide the required reports as detailed in section (b)(1), and shall be charged a twenty-five dollar (\$25.00) reporting failure penalty, daily, until the error is corrected; or
- 3) If the problem is determined to be outside the licensee's system, the licensee must continue to provide the required reports in (b)(1), and resubmit all such transactions via modem when the error is corrected;
- 4) If a licensee is unable to capture, digitize or transmit the photographs required in 1146.25 (9), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to the Sheriff's Office upon request.
- 5) Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
- 6) (b) (1) through (3) notwithstanding, the Sheriff's Office may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

#### **XVI. Effect of Nonredemption.**

A) A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction. Pledged goods not redeemed within at least 60 days of the date of the pawn transaction, renewal, or extension shall automatically be forfeited to the pawnbroker and qualified right, title, and interest in and to the goods shall automatically vest in the pawnbroker.

B) The pawnbroker's right, title, and interest in the pledged goods under paragraph (a) is qualified only by the pledgor's right, while the pledged goods remain in possession of the pawnbroker and not sold to a third party, to redeem the goods by paying the loan plus fees and/or interest accrued up to the date of redemption.

## **XVII. Holding Period.**

A) Any item purchased or accepted in trade by a licensee must not be sold or otherwise transferred for twenty-one (21) days from the date of the transaction. An individual may redeem an item seventy-two (72) hours after the item was received on deposit, excluding Sundays and legal holidays.

B) Any person pledging, pawning or depositing an item for security must have a minimum of sixty (60) days from the date of that transaction to redeem the item before it may be forfeited and sold. During the sixty (60) day period, items may not be removed from the licensed location except as provided in 1146.47 (b). Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the police license inspector. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with 1146.26 (a).

## **XVIII. Permitted Charges.**

The pawnbroker is entitled to contract for such charges as is permitted by Minnesota Statute 325J.07 and is subject to the terms and requirements therein contained as well as future amendments to same.

## **XIX. Sheriff's Order to Hold Property.**

A) Investigative hold. Whenever a law enforcement official from any agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. The investigative hold shall be confirmed in writing by the originating agency within seventy-two (72) hours and will remain in effect for fifteen (15) days from the date of initial notification, or until the investigative order is canceled, or until an order to hold or confiscate is issued, pursuant to 1146.33 (b) or (c), whichever comes first.

B) Order to hold) Whenever the Sheriff, or the Sheriff's designee, notifies a licensee not to sell an item, the item must not be sold or removed from the licensed premises until authorized to be released by the Chief or the Sheriff's designee. The order to hold shall expire ninety (90) days from the date it is placed unless the Sheriff or the Sheriff's designee determines the hold is still necessary and notifies the licensee in writing.

C) Order to confiscate. If an item is identified as stolen or evidence in a criminal case, the Sheriff's Office or Sheriff's designee may:

1) Physically confiscate and remove it from the shop, pursuant to a written order from the Sheriff's Office or the Sheriff's designee, or

2) Place the item on hold or extend the hold as provided in 1146.33 (b), and leave it in the shop.

When an item is confiscated, the person doing so shall provide identification upon request of the licensee, and shall provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

When an order to hold/confiscate is no longer necessary, the Sheriff, or Sheriff's designee shall so notify the licensee.

## **XX. Labels Required.**

A) Licensees must attach a label to every item at the time it is pawned, purchased or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the Sheriff's Office, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

## **XXI. Hours of Operation.**

No pawnbroker shall keep the pawnbroker business open for the transaction of business on any day of the week before 9 A.M. or after 9 p.m. and shall not be open for the transaction of business on Sundays, New Year's Day, Fourth of July Day, Thanksgiving Day and Christmas Day.

## **XXII. Minors.**

The pawnbroker will not purchase or receive personal property of any nature on deposit or pledge from a person under the age of 18 years.

## **XXIII. Inspection of Items.**

The pawnbroker shall, at all times during the term of the license, allow the Crow Wing County Sheriff's Office and other law enforcement authorities associated with the Crow Wing County Sheriff's Office to enter the premises where the pawnbroker business is located during normal business hours, except in an emergency, for the purpose of inspecting such premises and inspecting the items, wares, and merchandise and records therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of.

#### **XXIV. License Display.**

A license issued under this Section must be posted in a conspicuous place in the premises for which it is used. Also, the licensee must display a sign, in a conspicuous place in the premises and of a sufficient size, which informs all patrons that all transactions are reported to the Crow Wing County Sheriff's Office.

#### **XXV. Prohibitions.**

A) A pawnbroker and the agents and employees of the pawnbroker shall not:

- 1) make any false entry in the records of pawn transactions or use any pawn ticket not meeting the requirements of this Section;
- 2) falsify, obliterate, destroy, or remove from the place of business the records, books, or accounts relating to the licensee's pawn transactions;
- 3) refuse to allow the appropriate law enforcement agency, the Attorney General, or any other duly authorized state or federal law enforcement officer to inspect the pawn records or any pawn goods in the person's possession during the ordinary hours of business or other times acceptable to both parties;
- 4) fail to maintain a record of each pawn transaction for three years;
- 5) accept a pledge or purchase property from a person under the age of 18;
- 6) make any agreement requiring the personal liability of a pledgor or seller, or waiving any provisions of this Section, or providing for a maturity date less than one month after the date of pawn;
- 7) fail to return pledged goods to a pledgor or seller, or provide compensation as set forth in Section 1146.45, upon payment of the full amount due the pawnbroker unless either the date of redemption is more than 60 days past the date of the pawn transaction, renewal, or extension and the pawnbroker has legally sold the pledged goods or the pledged goods have been taken into custody by a court or a law enforcement officer or agency;
- 8) sell or lease, or agree to sell or lease, pledged or purchased goods back to the pledgor or seller in the same, or a related, transaction;
- 9) sell or otherwise charge for insurance in connection with a pawn transaction;
- 10) sell pledged goods before the time to redeem has expired;
- 11) fail to maintain order in the business;
- 12) keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice, slot machines, roulette wheels, punch boards, blackjack tables, or pinball machines which return coins or slugs, chips, or tokens of any kind, which are redeemable in merchandise or cash;
- 13) accept any item of property which contains an altered or obliterated serial number or "Operation Identification" number or any item of property whose serial number has been removed.
- 14) accept items of property without the seller or pledgor providing a proper form of identification.
  - a) No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own; nor shall any person pawn, pledge, sell, consign, leave or deposit the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, consign, leave or deposit any article of property in which another has a security interest; with any licensee.
  - b) No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name; nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor present a false or altered identification, or the identification of another; to any licensee.

#### **XXVI. Redemption: Risk of Loss.**

A) The date by which a pawned item of property must be redeemed by the pledgor, without risk that the item will be sold, must be a day in which the pawnbroker is open for regular business.

B) Any person to whom the receipt for pledged goods was issued, or any person identified in a written and notarized authorization to redeem the pledged goods identified in the receipt, or any person identified in writing by the pledgor at the time of the initial transaction and signed by the pledgor shall be entitled to redeem or repurchase the pledged goods described on the ticket. In the event the goods are lost or damaged while in possession of the pawnbroker, the pawnbroker shall compensate the pledgor, in cash or replacement goods acceptable to the pledgor, for the fair market value of the lost or damaged goods. Proof of compensation shall be a defense to any prosecution or civil action.

## **XXVII. Pawnshop Location**

A) No pawnshop shall be located within ten driving miles of any gambling casino. No pawnshop lawfully operating as of April 2, 1996, shall be required to relocate or close as a result of this section.

B) A license under this chapter authorizes the licensee to carry on its business only the permanent place of business designated in the license. However, upon written request, the Sheriff's Office or Sheriff's designee may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with 1146.39 (a). All provisions of this chapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the County code. The licensee must either own the building in which the business is conducted, or have a lease on the business premise that extends for more than six (6) months.

## **XXVIII. Suspension or Revocation**

A) The County Board may suspend or revoke a license issued under this Chapter upon finding a violation of:

- 1) any of the provisions of this chapter;
- 2) any state statute regulating pawnbrokers; or
- 3) any state or local law relating to moral character and repute; or
- 4) a conviction of the pawnbroker for theft or receiving stolen property.

B) Whenever it appears to the County Board that adequate grounds exist for the suspension or revocation of a specific pawnbroker's license, the County Board shall by resolution specify the nature of the alleged grounds and order that a hearing on the matter be held as hereinafter provided.

C) A revocation or suspension by the County Board shall be preceded by written notice to the licensee and a public hearing. The written notice shall be mailed to the address listed on the application at least ten days prior to the hearing and shall designate the time and place of hearing and shall state the nature of the charges against the pawnbroker.

D) Upon a finding that the licensee has violated any of the provisions of this chapter or any state statutes designated in this section, the council may suspend the license for up to the 60 days or revoke the license.

## **XXIX. Violation**

A violation of this chapter is a misdemeanor.

## **XXX. Severability**

If any section or portion of any section of this Chapter is deemed invalid or unconstitutional by Court, such invalidity or unconstitutionality shall not effect the validity of other sections or portions of sections of the Chapter.