ORDINANCE NO. 1235

ORDINANCE of the City of Kent, repealing certain sections of Kent City Ordinance No. 0.176--1907 and providing for the licensing and regulating of pawnbrokers; defining offenses, providing penalties, providing for the revocation and suspension of licenses of pawnbrokers.

THE CITY COUNCIL OF THE CITY OF KENT DO ORDAIN as follows:

Section 1. The following sections of Kent City Ordinance 0.176--1907 are hereby repealed and all Ordinances or parts of Ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not effect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance.

Kent City Ordinance 0.176 s 1--1907: (6.14.04) PAWNBROKER DEFINED. That every person in the City of Kent whose business is to take and receive by way of pledge, pawn or exchange any goods, wares or merchandise, or security of any money loaned thereon, or to loan or deposit of personal property, any money shall be deemed a pawnbroker, within the meaning of this Ordinance. (0.176 s 1--1907)

Kent City Ordinance 0.176 s 2--1907: (6.14.08) PAWNBROKER TO KEEP REGISTER. Every person who shall carry on the business of a pawnbroker as described in Section 6.14.04 of this Ordinance shall keep a register in which shall be entered in legible writing a description of all property purchased or taken as a pledge, pawn or security for any money loaned thereon of any description whatsoever together with the name and place of residence of the person or persons from whom such property was purchased or received, which register shall be in the English language and shall be open to the inspection of the Chief of Police or any Deputy or assistant of the said Chief of Police and his deputies and assistants shall have the right and authority to enter into the shop or store of any pawnbroker at all reasonable hours and examine such register and any and all goods and articles kept therein.
In case any minor shall offer to sell or pledge any goods or articles of property of whatever kind, the pawnbroker shall demand and receive from such minor the written authority of the owner of such goods or property authorizing the said minor to sell or pledge the same and such written authority shall be placed and kept on file by the said pawnbroker and shall be subject to the inspection of the Chief of Police and his deputies and assistants as provided for the register above named. (0.176 s 2--1907)

Kent City Ordinance 0.176 s 7 -- 1907 (6.14.28) PENALTY. Any violation of the provisions of this Ordinance by any pawnbroker or secondhand dealer, or any failure to comply with the requirements of the same by such pawnbroker or secondhand dealer shall be deemed a misdemeanor and any person found guilty thereof shall be punished by a fine of not to exceed $100.00 or imprisoned in jail not to exceed thirty (30) days. (0.176 s 7--1907)

Section 2. PAWNBROKER AND PAWNSHOP, DEFINED: The term "pawnbroker" as used in this Ordinance shall mean and include 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.

The term "pawnshop" shall mean and include every place at which the business of pawnbroker is being carried on.

Section 3. No business license shall hereafter be issued to person or persons engaged as a pawnbroker or operating a pawnshop as defined in this Ordinance which would increase the number of holders of such licenses to more than one (1) for every fifteen thousand (15,000) of population, or fraction thereof, according to the last preceding Federal census.

Section 4. APPLICATION FOR LICENSE: Application for a business license to operate as a pawnbroker or to
operate a pawnshop shall be in writing filed with the City Clerk on forms furnished by the City Clerk and shall be accompanied by the required fee for business license. The application shall be referred to the Police Department for recommendation to the Kent City Council Police and Fire Committee, which may thereafter direct the issuance of said license by the Kent City Clerk.

Section 5. EVERY PAWNBROKER MUST KEEP A RECORD:
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, 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 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 described thereon.
7. The price paid or the amount loaned.
8. The name, street and house number of all persons witnessing the transaction.
9. The number of any pawn tickets issued therefor.

It shall be unlawful for any pawnbroker and the clerk, agent
or employee of any 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.

Section 6. Anyone who pledges, sells or consigns any property to or with a pawnshop or pawnbroker shall sign the records required to be kept by such dealer, with his true name and shall include his correct residence address.

Section 7. TRANSCRIPT OF PAWNBROKER'S RECORD TO BE FURNISHED TO CHIEF OF POLICE: It shall be the duty of every pawnbroker before twelve (12:00) o'clock noon of every business day to report to the Chief of Police on blank form to be furnished by the Police Department a full, true and correct transcript of the record of all transactions had on the preceding day. It shall also be the duty of the pawnbroker having good cause to believe any property in his possession to have been previously lost or stolen, to report such fact to the Chief of Police, together with the name of the owner, if known, and the date of and the name of the person from whom the same was received by such pawnbroker.

Every pawnbroker and every clerk, agent or employee of such pawnbroker who shall fail, neglect or refuse to make such report, or shall report any material matter falsely to the Chief of Police, shall be guilty of the violation of this Ordinance.

Section 8. RECORDS OF PAWNBROKER TO BE OPEN FOR INSPECTION: 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 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 with said pawnbroker shall at all times be open for like inspection.

Section 9. PAWNBROKER MUST HOLD GOODS, INTEREST
CHARGES: All pawnbrokers are authorized to charge and receive interest at the rate of three (3%) per cent per month from any loan on the security of personal property actually received in pledge, and every person who shall ask or receive a higher rate of interest or discount on any such loan or on actual or pretended sale or redemption of personal property or who shall sell any property held for redemption within ninety (90) days after the period for redemption shall have expired shall be deemed guilty of violation of this Ordinance.

Section 10. GOODS NOT TO BE REMOVED FROM PAWNSHOP:
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) days after the same were purchased, received or left in pawn, unless the said goods, articles or other things have, within the time specified, been inspected as provided in this Ordinance.

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 any habitual drunkard or from any person 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 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 Ordinance.

Section 11. PAWNSHOPS TO BE CLOSED DURING CERTAIN
HOURS: It shall be unlawful for any pawnbroker to conduct
or carry on the business of pawnbroker in whole or in part,
directly or indirectly, or to open or keep open his pawnshop
for the transaction of any business whatsoever therein between
the hours of seven (7:00) o'clock P.M. and seven (7:00) o'clock
A.M., except from December 15th to December 25th of each year
and on Saturdays, when pawnbrokers may remain open until, but
not later than ten (10:00) o'clock P.M.

Section 12. PENALTY: Any violation of the provisions
of this Ordinance by any pawnbroker, or agent, clerk or employee
of such pawnbroker, or secondhand dealer, or any failure to
comply with the requirements of the same by such pawnbroker,
agent, employee or clerk of said pawnbroker or secondhand
dealer, shall be deemed a misdemeanor and any person found
guilty thereof shall be punished by a fine of not to exceed
$300.00 or imprisonment in jail not to exceed the term of
three (3) months, or both.

Section 13. This Ordinance shall appear in Chapter
6.14 "Pawnbrokers and Secondhand Dealers" of the Kent City
Code.
Section 14. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as by law provided.

ALEX THORNTON, Mayor

Attest:

CHARLES BRIDGES, City Clerk

Approved as to form:

JOHN B. BEREITER, City Attorney

PASSED the ___ day of ____, 1964.
APPROVED the ___ day of ____, 1964.
PUBLISHED the ___ day of ____, 1964.