Ordinance No. 2529
(Amending or Repealing Ordinances)

CFN = 175 Business License
Passed - 2/4/1985
Repealing and enacting a new 5.10 “Pawnbrokers”
(now Chapter 5.05)

Amended by 4007 (5.05.080;5.05.090)
AN ORDINANCE of the City of Kent, Washington, relating to pawnbrokers and second-hand dealers; repealing Chapter 5.10 Kent City Code (Ordinance 1235, as amended by Ordinances 1923 and 1971); enacting a new Section 5.10A Kent City Code.

WHEREAS, the incidents of dealings in stolen property continues to be a significant problem for the public and law enforcement; and

WHEREAS, an effective deterrent to property crimes is the elimination of markets for stolen goods; and

WHEREAS, to protect the public from property losses that result when stolen goods circulate in the marketplaces, it is necessary to regulate used goods dealers whose business have historically been subject to close regulation in order to control the flow of stolen property; and

WHEREAS, it is in the public interest to regulate pawnbrokers and secondhand dealers to maintain and provide an honest and fair marketplace for the lawful sale and exchange of secondhand and used goods; and

WHEREAS, the State by Chapter 10, Laws of 1984, has revised Chapter 19.60 RCW relating to pawnbrokers and secondhand dealers; and

WHEREAS, it is the intent of the City to maintain regulation and enforcement by the City consistent with regulation and enforcement under State law; NOW THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 5.10 Kent City Code (Ordinance 1235 as amended by Ordinances 1923 and 1971), be and the same is hereby repealed.
Section 2. A new Chapter 5.10A Kent City Code is added as follows:

5.10A.010. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this Section apply throughout this chapter.

A. Melted metals means metals derived from junk metal or precious metals that have been reduced to a melted state from other than ore or ingots which are produced from ore that has not previously been processed.

B. Metal junk means any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.

C. Nonmetal junk means any nonmetal, commonly discarded item that is worn out, or has outlasted its usefulness as intended in its original form except nonmetal junk does not include an item made in a former period which has enhanced value because of its age.

D. Pawnbroker means every person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits or conditional sales of personal property.

E. Precious metals means gold, silver, and platinum.

F. Secondhand dealer means every person engaged, in whole or in part, in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value, secondhand property including metal junk, melted metals, precious metals, whether or not the person maintains a fixed place of business within the State.

G. Secondhand property means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, and clothing of a resale value of seventy-five dollars ($75.00) or less, except furs.

H. Transaction means a pledge, purchase, or consignment by a pawnbroker or secondhand dealer from a member of the general public.

5.10A.014. FIXED PLACE OF BUSINESS. No person may operate as a pawnbroker unless the person maintains a fixed place of business within the City of Kent.
5.10A.020. RECORDS OF TRANSACTIONS.

A. Every pawnbroker and secondhand dealer doing business in the City of Kent 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:

1. the signature of the person with whom the transaction is made;
2. the date of the transaction;
3. the name of the person or employee conducting the transaction;
4. the name, date of birth, sex, height, weight, race and address of the person with whom the transaction is made;
5. a complete description of the property pledged, bought, or consigned, including the brand name, serial number, model number, initials, engravings, size, patterns, and color, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun;
6. the price paid or the amount loaned;
7. the type and identifying number of identification used by the person with whom the transaction is 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 government agency, one of which shall be descriptive of the person identified; and
8. the nature of the transaction, a number identifying the transaction, the name and address of the business conducting the transaction, and the location of the property.

B. 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 City, 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.

5.10A.040. REPORT TO CHIEF OF POLICE.

A. Upon request every pawnbroker and secondhand dealer doing business in the City of Kent shall furnish or mail within twenty-four (24) hours to the Chief of the Kent Police Department
on such forms as are provided by the Chief, a full, true, and correct transcript of the record of all transactions conducted on the preceding day within the City of Kent.

B. If a pawnbroker or secondhand dealer has good cause to believe that any property in his or her possession has been previously lost or stolen, the pawnbroker or secondhand dealer shall promptly report that fact to the Chief of Police together with the name of the owner, if known, and the date when, and the name of the person from whom it was received.

5.10A.045. LAW ENFORCEMENT HOLDS. Following notification from a law enforcement agency that an item of property has been reported as stolen, the pawnbroker or secondhand dealer shall hold that property intact and safe from alteration, damage, or commingling. The pawnbroker or secondhand dealer shall place an identifying tag or other suitable identification of property so held. Property held shall not be released for one hundred twenty (120) days from the date of police notification unless released by written consent of the applicable law enforcement agency or by order of a court of competent jurisdiction. The pawnbroker or secondhand dealer shall give ten (10) days written notice before the expiration of the one hundred twenty (120) day holding period to the applicable law enforcement agency about the stolen property. If notice is not given within the required ten (10) day period, then the hold on the property shall continue for an additional one hundred twenty (120) days. The applicable law enforcement agency may renew the holding period for additional one hundred twenty (120) day periods as necessary.

5.10A.050. RETENTION OF PAWNED PROPERTY - INSPECTION. Property bought or received in pledge by any pawnbroker shall not be removed from that place of business, except when redeemed by the owner, within fifteen (15) days after receipt of the property. Property shall at all times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the City, State or any of its political subdivisions.

5.10A.055. RETENTION OF CONSIGNED PROPERTY - INSPECTION. A. Property bought or received on consignment by a secondhand dealer with a permanent place of business in the State
shall not be removed from that place of business, except consigned property returned to the owner, within fifteen (15) days after the receipt of the property. Property shall, at all times during the ordinary hours of business, be open to inspection to any commissioned law enforcement officer of the City, State or any of its political subdivisions.

B. Property bought or received on consignment by a secondhand dealer without a permanent place of business in the City, shall be held within the City, except consigned property returned to the owner, for fifteen (15) days after receipt of the property. The property shall be available for inspection at reasonable times by any commissioned law enforcement officer of the City, State or any of its political subdivisions.

5.10A.060. RATES OF INTEREST AND OTHER FEES. All pawnbrokers are authorized to charge and receive interest and other fees at the following rates for money loaned on security of personal property actually received in pledge:

A. The interest shall not exceed:
   1. for an amount loaned up to $19.99 - interest at $1.00 per month;
   2. for an amount loaned from $20.00 to $39.99 - interest at the rate of $1.50 per month;
   3. for an amount loaned from $40.00 to $75.99 - interest at the rate of $2.00 per month;
   4. for an amount loaned from $76.00 to $100.99 - interest at the rate of $2.50 per month;
   5. for an amount loaned from $101.00 to $125.99 - interest at the rate of $3.00 per month;
   6. for an amount loaned from $126.00 or more - interest at the rate of 3% per month;

B. The fee for preparation of documents, pledges, or reports required under the laws of United States of America, the State of Washington or Counties, or the City of Kent, shall not exceed:
   1. for the amount loaned up to $4.99 - sum of $.50 of $2.00;
   2. for the amount loaned from $5.00 to $9.99 - sum of $2.00;
   3. for the amount loaned from $10.00 - $19.99 - the sum of $3.00;
4. for the amount loaned from $20.00 - $29.99 -
   the sum of $4.00;
5. for the amount loaned from $30.00 - $39.99 -
   the sum of $5.00;
6. for the amount loaned from $40.00 - $49.99 -
   the sum of $6.00;
7. for the amount loaned from $50.00 - $59.99 -
   the sum of $7.00;
8. for the amount loaned from $60.00 - $69.99 -
   the sum of $8.00;
9. for the amount loaned from $70.00 - $79.99 -
   the sum of $9.00;
10. for the amount loaned from $80.00 - $89.99 -
    the sum of $10.00;
11. for the amount loaned from $90.00 - $99.99 -
    the sum of $11.00;
12. for the amount loaned from $100.00 - $124.99 -
    the sum of $12.00;
13. for the amount loaned from $125.00 - $149.99 -
    the sum of $13.00;
14. for the amount loaned from $150.00 - $174.99 -
    the sum of $14.00;
15. for the amount loaned from $175.00 - $199.99 -
    the sum of $15.00;
16. for the amount loaned from $200.00 - $249.99 -
    the sum of $16.00;
17. for the amount loaned from $250.00 - $299.99 -
    the sum of $17.00;
18. for the amount loaned from $300.00 - $399.99 -
    the sum of $18.00;
19. for the amount loaned from $400.00 - $499.99 -
    the sum of $19.00;
20. for the amount loaned from $500.00 or more -
    the sum of $20.00;
C. Fees under Subsection (B) of this Section may be
   charged one time only during the term of a pledge.
D. A copy of this Section set in 12 point type or
   larger, shall be posted prominently in each premises subject to
   this Chapter.
5.10A.061. SALE OF PLEDGED PROPERTY LIMITED - 90 DAY REDEMPTION PERIOD.

A. A pawnbroker shall not sell any property received in pledge within ninety (90) days after the term of the loan expires. However, if a pledged article is not redeemed within the ninety (90) day period, the pawnbroker has all rights, title, and interest of the pledgor or the pledgor's assigns.

B. Every transaction entered into by a pawnbroker shall be evidenced by a written document, a copy of which shall be furnished to the pledgor. The document shall set forth the loan period, the date of which the loan is due and payable, and shall inform the pledgor of the pledgor's right to redeem the pledge within ninety (90) days after the expiration of the loan term.

5.10A.066. It is a misdemeanor for:

A. Any person to remove, alter, or obliterate any manufacturer's make, model or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge;

B. Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any matter in a book, record, or writing required to be kept under this Chapter;

C. Any pawnbroker or secondhand dealer to receive any properties from any person under the age of 18 years, any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or secondhand dealer as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten (10) years whether the person is acting in his or her own behalf or as the agent of another; or

D. Any person to violate knowingly any provisions of this Chapter;

E. Violation of any of the Sections of this Chapter is a misdemeanor punishable by not more than one year in jail and/or a fine of not more than $5,000, or both.

5.10A.085. TRANSACTIONS EXCLUDED. The provisions of this Chapter do not apply to transactions conducted by the following:
A. Motor vehicle dealers licensed under Chapter 46.70 RCW;

B. Motor vehicle wreckers or hulk haulers licensed under Chapter 46.79 or 46.80 RCW;

C. Persons giving an allowance for the trade-in or exchange of secondhand property on the purchase of other merchandise of the same kind or greater value; and

D. Persons in the business of buying empty food and beverage containers or nonmetal junk.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances is not affected.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ATTEST:

ISABEL HOGAN, MAYOR

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 4th day of February, 1985.

APPROVED the 6th day of February, 1985.

PUBLISHED the 8th day of February, 1985.
I hereby certify that this is a true copy of Ordinance No. 2529, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(SEAL)

MARIE JENSEN, CITY CLERK