

ORDINANCE NO. 30

AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF PAWNBROKERS.

Whereas South Dakota Statutes require that any pawnbroker obtain a license to operate; and

Whereas the Meade County Board of County Commissioners determine that pawnbrokers may be used for the transfer of stolen property or in furtherance of other illegal activities; and

Whereas the Meade County Board of County Commissioners is specifically authorized by South Dakota Statutes to regulate and license pawnbrokers.

NOW, THEREFORE BE IT ORDAINED by Meade County as follows:

1. Definitions.

A. Pawnbroker: Any person, firm or corporation who:

1. Engages in the business of lending money on the deposit or pledge of personal property, other than choices in action, securities or evidence of indebtedness; or
2. Purchases personal property with an expressed or implied agreement or understanding to sell it back at a stipulated price.
3. Any pawnbroker may effect the purchase of secondhand personal property for resale purposes under the terms of this chapter by acquiring any pawn ticket of his or her own issued by transfer.

2. License-Required.

It is unlawful for any person, firm or corporation to engage in the business of pawnbroker, without first obtaining a license from the Meade County Auditor. The application for the license shall contain all pertinent information required by this Ordinance and the Meade County Auditor, and shall be issued and governed in accordance with this Ordinance. Any person applying for a pawnbroker's license, must, before their application will be considered, come to the Meade County Sheriff's Office and furnish adequate identification. No license under this chapter shall be issued to any person who has been convicted of a felony; no license under this chapter shall be issued to any corporation, 1 or more officers or directors of which have been convicted of a felony.

3. License-Fee.

The annual license fee for a pawnbroker's license shall be \$100, payable in

advance.

4. License-Term.

The term of the license shall be in for one year, from January 1 through December 31, with renewal applications submitted no later than November 15.

5. License-Display.

The licenses required by this Ordinance for pawnbrokers shall at all times be on display in a conspicuous place and available for inspection by Sheriffs Deputies during reasonable business hours.

6. Fixed premises required.

A. No person shall engage in business as a pawnbroker unless the person has a fixed premises where the business is conducted, either on a continuing basis or from time to time, and unless the person has first obtained a license to engage in that business at that premises.

B. For the purposes of this section, fixed premises shall include any nonmobile premises where the business is conducted and the pawned or purchased secondhand articles are held according to the provisions of § 13, whether or not that premises remains in the same location during the period the license is in effect.

7. Bond.

Each pawnbroker doing business in the county shall furnish a good and sufficient bond, with a surety to be approved by the Meade County Board of County Commissioners, in the sum of \$1 ,000, conditioned for faithful observance of this chapter and conditioned for the safekeeping or return of all articles held in pledge of the pawnbroker

8. Separate places of business-License and bond requirements.

Any person, firm or corporation conducting several or separate places of business shall pay the appropriate license fees and procure the appropriate licenses and bond for each place of business. The above-mentioned proprietor's license shall be sufficient for all clerks, agents and employees engaged at the place named in the license.

9. Change in location of licensed premises.

If, during the effective period of a license issued under this chapter, a pawnbroker changes the location of the licensed premises within the County, the dealer shall inform the Meade County Auditor of the change of location and shall have the new premises to be licensed noted on the license. There shall be no additional fee charged for changing the location of the licensed premises.

10. License-Suspension or revocation.

A license issued to a licensee under this chapter, who shall have violated the provisions of this Ordinance, may be revoked, or suspended for a prescribed period not to exceed 60 days, such penalties solely within the discretion of the Meade County Board of County Commissioners, in the event of a failure on the part of the licensee to comply with the provisions of this Ordinance after 10-days written notice and a public hearing.

11. Recordkeeping requirements.

A. Every pawnbroker shall keep books or records of pawn tickets in a manner satisfactory to the Meade County Sheriff, where he or she shall accurately and intelligibly enter, in ink, in the English language, at the time of purchasing or receiving any personal property, and after requiring and observing identification from the person seeking to pawn the property, a record of the following information:

1. The name of the person from whom the property is purchased or received, his or her place of physical residence, his or her telephone number, and his or her date of birth;
2. Verification of the identification of the person from whom the property is purchased or received by recording the type of identification exhibited, the issuing agency and the number thereon;
3. A detailed and accurate description of each article, which shall include, if available, the manufacturer's name, style model number, serial number, engraved initials or other identifying marks;
4. The date and time of transaction;
5. The amount necessary for redemption;
6. The date when the article is to be redeemed; and
7. Any mortgage or bill of sale taken, or receipt of pawn ticket given.

B. Every pawnbroker shall also record the date of disposition or redemption from pawn of the article or any part or portion thereof. The disposition report shall be located in the same book and at the same place where the receiving records of the article are located.

C. Any person who fails to keep the records or fails to make the required entries therein, or shall intentionally or knowingly make any false or unintelligible entry, or any entry which he or she has reason to believe is untrue, or who shall fail to make the inquiries necessary to enable him or her to make the entries or any of them, or who shall fail to produce his or her records when requested by a County Sheriffs Deputy during reasonable

business hours, or who shall destroy or wilfully permit the records to be destroyed or lost, shall be guilty of a Class 1 misdemeanor.

D. The records required by this section shall be maintained 1 year after the date of purchase or receipt and shall be made available for inspection to Meade County Sheriffs Deputies during reasonable business hours.

12. Pawn tickets.

A. At the time of receiving a pledge and upon the subsequent renewal of a loan, the pawnbroker shall deliver to the pledgor or his or her agent a pawn ticket, which pawn tickets shall be correspondingly serially numbered, and shall contain the following information:

1. The name and address of the pawnbroker,
2. A generic description of the pledge with the particular details of description noted whenever possible in order to distinguish the article or articles;
3. The date and time of the transaction; and
4. The amount, duration and terms of the loan.

B. The pawnbroker may insert on the pawn ticket any other terms, conditions and information that are not inconsistent with the provisions of this chapter.

Holding period-New or secondhand goods purchased from individual not engaged in trade.

A. Any person licensed as a pawnbroker, who shall purchase any new or secondhand goods of any individual not engaged in trade, shall keep the same for inspection for 10 days from the time of the transfer, except on written release from the Meade County Sheriff or his or her designee. The property shall be held during this period on the licensed premises or some other secure location within the county and shall not be disposed of or altered from the form in which it was received.

B. When articles are acquired by a pawnbroker in a group, they shall be kept together for identification purposes and not separated until the 10-day period has elapsed, unless released prior on written authorization by the Meade County Sheriff or his or her designee.

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14. Holding periods-Pawned articles.

Every article of any kind or description which is taken in pawn by a pawnbroker shall be held by the pawnbroker for a period of 40 days, during which time the same shall not be shown either for sale or for inspection, to any person, other than a Meade County Sheriffs Deputy, during reasonable business hours.

15. Hold orders-Effect.

The Meade County Sheriff or any authorized police officer may, by written order, order a pawnbroker to hold any specified article or articles, deposited with or in custody of the pawnbroker, for purposes of further investigation by the Meade County Sheriffs Office, when the item or items are believed to be stolen. A hold order shall remain in effect for a period of 30 days commencing the day on which the hold order was delivered to the pawnbroker. A hold order shall supersede the provisions of §§ 13 and 14 of this Ordinance and no sale or other disposition may be made of the article or articles while the hold order remains outstanding, unless released by officers issuing the hold order.

16. Lost or stolen property-Title-Liability.

A pawnbroker who accepts in pledge any article as security for a loan from a pledgor who is not the owner thereof, obtains no property in the article, either by reason of maturation of the loan or by transference of the pawn ticket to the pawnbroker by the pledgor or holder thereof. Ignorance of the fact that the pledged article was lost or stolen shall not be construed to affect the question of title, and if the pawnbroker shall sell the article to a third person, he or she shall remain liable to the original owner.

17. Unlawful transactions with minors.

It is unlawful for any pawnbroker to accept any articles in pawn or purchase any secondhand personal property by acquiring a pawn ticket by transference from any person under 18 years of age.

18. Inspection-Sheriffs Office authority/duty.

A. It shall be the duty of Meade County Sheriffs Department to periodically contact the licensed premises under this chapter to inspect or obtain copies of records required to be kept according to this Ordinance.

B. The Meade County Sheriff or his or her designee shall have the power and authority to require the reports to be made in a manner and form subject to his or her approval.

19. Inspection-Premises.

No pawnbroker or any other personnel shall refuse, resist or attempt to prevent any Meade County Sheriff s Deputy without a warrant from examining the licensed premises occupied by the pawnbroker, or other secured premises within the county where property is stored, during reasonable business hours for the purpose of discovering stolen property.

20. Inspection-Records and pledged property-Availability.

A. The books or records required by this Ordinance to be kept by pawnbrokers shall be open to the inspection of Meade County Sheriff s Deputies during reasonable business hours.

B. The pawnbroker shall, at the request of any Meade County Sheriffs Deputy, produce and show any article pledged in connection with any loan.

21. **Inspection-Concealing articles to prevent identification.**

No pawnbroker shall conceal, secrete or destroy, for the purpose of concealing, any article purchased or received by him or her, for the purpose of preventing identification thereof by Meade County Sheriff s Deputies.

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Dated this 1st day of May, 2007

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