

PAWNBROKER LICENSE APPLICATION

The undersigned applicant hereby makes application for a Pawnbroker license, under Ordinance No. 1510 of the City of Newton, Iowa, providing for such license. And in support of said application hereby completes the following questions:

1. Name and title of business _____
2. Address of business _____
3. Name of owner or owners _____
4. Home address of owner or owners _____
5. Length of time to be covered by this license:

First quarter	_____	\$ 50.00
Second quarter	_____	\$100.00
Third quarter	_____	\$150.00
Fourth quarter	_____	\$200.00

Signature of Applicant

Date

ORDINANCE NO. 1510

AN ORDINANCE REGULATING THE BUSINESS OF PAWNBROKING IN THE CITY OF NEWTON, IOWA BY AMENDING THE CODE TO PROVIDE A NEW CHAPTER FOR THAT PURPOSE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE ORDAINED BY THE COUNCIL OF THE CITY OF NEWTON, IOWA:

SECTION 1. PURPOSE.

The purpose of this ordinance is to regulate the business of pawnbroking in the city because of the facility such business furnishes for the commission or concealment of crime whereby such a business belongs to a class of businesses as to which the strictest police regulation shall be imposed by the City.

SECTION 2. DEFINITION

Unless otherwise expressly stated, or the context clearly indicates a different intention, the following terms shall, for the purpose of this ordinance, have the meanings in this section.

"Pawnbroker." Every person or entity who makes loans or advancements upon pawn, pledge or deposit of personal property, or who receives actual possession of personal property as security for loans, with or without a mortgage, or bill of sale thereon, except any person or entity subject to truth in lending and all other federal credit reporting acts, or who by advertisement, sign or otherwise holds himself or herself out as a pawnbroker, is a "pawnbroker" within the meaning of this ordinance.

SECTION 3. COMPLIANCE WITH ORDINANCE PROVISIONS.

(a) No person shall engage in, or carry on the business of a pawnbroker in the City, without first paying the fee and procuring the license provided for in this ordinance, nor shall any person carry on such business in any manner contrary to the provisions of this ordinance.

(b) Every clerk, agent or employee of any pawnbroker shall be subject to, and bound by all ordinance provisions, as his or her employer or principal for any violation thereof.

SECTION 4. LICENSE.

Every pawnbroker shall pay each year to the City Clerk a license fee of \$200.00 if the license is issued during the first quarter of the calendar year, \$150.000 if it is issued during the second quarter of the year, \$100.00 if it is issued during the third quarter of the year and \$50.00 if it is issued during the last quarter of the year.

SECTION 5. ISSUANCE AND CONTENTS OF LICENSE,

Upon receiving the license fee, the City Clerk shall issue a license to the person applying therefore. The license shall state the name and place of residence of the person licensed, the business to be transacted and the place where it is to be carried on, the date when issued, and the time when it will expire.

SECTION 6. EXPIRATION DATE OF LICENSE.

All pawnbroker's licenses shall expire on the last day of December next after they are issued.

SECTION 7. SEPARATE LICENSE FOR EACH PLACE OF BUSINESS.

Any person conducting several or separate places of business shall pay the license fee and procure a license for each place. The proprietor's license shall be sufficient for all clerks, agents, and employees engaged or employed at the place named in the license. A license issued under the provisions of this ordinance is not transferable in any situation.

SECTION 8. SUSPENSION OR REVOCATION OF LICENSE.

The City Council, after notice and hearing, may suspend or revoke any license issued under this ordinance where the licensee in the application for the license, or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this ordinance or has otherwise conducted the business in an unlawful manner.

SECTION 9. RECORDS.

(a) Every pawnbroker shall keep a register at each place of

SECTION 9. RECORDS. (continued)

business in which he or she shall accurately and intelligently enter, in ink, in the English language, at the time of purchasing or receiving personal property;

- (1) The name, social security number, birthday, height and weight, sex, telephone number, and motor vehicle license plate number of each person from whom property is purchased or received and his or her place of residence;
- (2) A particular, detailed and accurate description of each article, including any serial number, model number, or identifiable markings;
- (3) The estimated value of each article;
- (4) The amount paid, advanced or loaned;
- (5) The date and hour of any transactions;
- (6) The time when the article is to be redeemed or brought back;
- (7) Any mortgage or bill of sale taken, or pawnticket given;
- (8) When, and by whom, an article was bought back or redeemed;
- (9) When, to whom, and how, an article was disposed of, if not redeemed.

(b) The pawnbroker's license and the register shall, at all times, be open to examination by any police officer, sheriff, deputy sheriff, county or city attorney.

- (c) Any person shall be guilty of a misdemeanor who shall;
- (1) Fail to keep such record;
 - (2) Fail to make the required entries therein;
 - (3) Intentionally or knowingly make any false or unintelligible entry, or any entry he or she has reason to believe untrue;
 - (4) Fail to make the inquiries necessary to enable him or her to make such entries or any of them;
 - (5) Fail to produce his or her license or register when requested by any person having authority to examine it;
 - (6) Destroy or negligently permit such register to be destroyed or lost.

SECTION 10. DAILY REPORTS TO CHIEF OF POLICE: INFORMATION TO BE SHOWN.

Every pawnbroker who shall purchase or receive from any person any discarded or secondhand copper, brass, lead, zinc, or babbitt metal, or article made therefrom, any article of jewelry or precious stones, or any secondhand sheet copper or brass, copper or brass wire, lead (sheet or pipe), zinc (sheet or pipe), plumbing or plumbing materials or fixtures; electric bells, hinges or other door fixtures, window locks, bolts, weights, curtain rods and hooks, and other window fixtures, nickel or nickel-plated articles, silver-plated articles, any guns, pistols, tools, instruments or implements, or parts thereof, or any used bicycle or automobile, or parts thereof, or who shall purchase or receive, except from the manufacturer thereof, any bicycle, motorcycle or automobile tube, tire or other accessory shall within 24 hours after purchasing or receiving such articles report the same in writing to the Chief of Police on forms supplied by the police department for that purpose which require the information set out in the previous section of this ordinance.

SECTION 11. DESTROYING, DISPOSING OR DIMANTLING ARTICLES FOR 15 DAYS.

No person purchasing or receiving any article described in the preceding section shall melt, destroy, or dispose of the same without making the report required in the preceding section or within 15 days after the report is made, except upon written permit from the Chief of Police. No person purchasing, or receiving any used bicycle, motorcycle, automobile or any bicycle, motorcycle, or automobile tube, or tire or other accessory shall sell or dispose of the same without making such report, or within 15 days after such report is made, except upon written permit from the Chief of Police. Every bicycle, motorcycle, or automobile purchased or received shall be kept intact for a period of 15 days unless permission to dismantle the same has been obtained in writing from the Chief of Police.

SECTION 12. CHANGE OR MUTALATION OF JEWELRY.

No article of jewelry shall be changed in its form or altered or mutilated in any way within the time fixed for sale and redemption.

SECTION 13. PURCHASES FROM MINORS.

No pawnbroker shall purchase or receive any personal property from any minor without first receiving consent in writing of the parent or guardian, a copy of which must be filed with the Chief of Police at the time of filing the report required in section 10 of this ordinance.

SECTION 14. HOURS WHEN PROPERTY MAY BE PURCHASED OR RECEIVED ON PLEDGE.

Property shall be received as a pledge or purchased by any pawnbroker only between 7:00 a.m. and 9:00 p.m. on any day of the week.

SECTION 15. 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 an officer or any person claiming to own the same.

SECTION 16. SALES DURING REDEMPTION PERIOD.

No pawnbroker shall sell or otherwise dispose of any article during the time any person has the right to buy back or redeem the same.

SECTION 17. HOLDING ARTICLES OF CLOTHING.

All articles of clothing taken in pawn or purchased outright shall be held in the same condition in which they were received for 15 days following, and during this period shall not be cleaned, repaired, dyed or altered in any manner whatsoever.

SECTION 18. SEARCH FOR STOLEN PROPERTY.

Whenever any police officer shall have reason to believe that any pawnbroker has in his or her possession or on his or her premises any stolen property, he or she shall have the right and duty to enter and search the premises of such person for the purpose of discovering stolen property.

SECTION 19. EXAMINATION OF PREMISES BY OFFICERS.

No pawnbroker or any other person shall refuse, resist, or attempt to prevent any police officer, with or without warrant, from examining the premises occupied by the pawnbroker for the purpose of discovering stolen property.

SECTION 20. DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS AN ADVERSE CLAIM.

No pawnbroker shall sell, or permit to be redeemed, or otherwise dispose of any article which he or she has reason to believe has been stolen, or which is adversely claimed by any person, or which he or she has been notified not to sell, release or otherwise dispose of by any police officer, without first obtaining a permit in writing from the Chief of Police.

SECTION 21. ALL REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 22. PENALTY.

One found guilty of violating any of the terms of this ordinance, shall, upon conviction, be punished by a fine not exceeding \$100.00 or imprisonment in jail not to exceed 30 days in duration.

SECTION 23. SEVERABILITY CLAUSE.

In any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

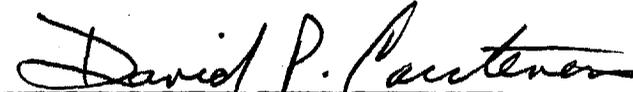
SECTION 24. EFFECTIVE DATE AND CODIFICATION.

This ordinance shall be in full force and effect after its final passage, approval and publication as provided by law. It shall be codified as chapter 23A of the City Code.

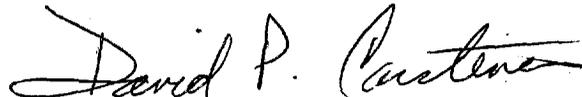
Passed and approved this 7th day of July, 1986.


Robert L. Smith, Mayor

ATTEST:


David P. Casstevens, City Clerk

I, David P. Casstevens, City Clerk of the City of Newton, Iowa, hereby certify that the foregoing ordinance was passed and approved by the City Council the City of Newton, Iowa, on the 7th day of July, 1986 and was published in the Newton Daily News, a newspaper of general circulation in the City of Newton on the 17th day of July, 1986.


David P. Casstevens, City Clerk