

ORDINANCE 2009 - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELGRADE, MONTANA, ESTABLISHING CHAPTER 4 OF TITLE 2 OF THE BELGRADE CITY CODE FOR THE REGULATION OF PAWNBROKERS OPERATING WITHIN THE CITY OF BELGRADE.

WHEREAS, the City of Belgrade, provides licenses to individuals and entities allowing them to do business as pawnbrokers with the City of Belgrade, and;

WHEREAS, the City Council has determined that it is necessary to adopt the following ordinance for the regulation of pawnbroker businesses within the City of Belgrade to protect the health, safety and general welfare of the citizens of Belgrade.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Belgrade, Montana:

That Chapter 4 of Title 2 of the Belgrade City Code is hereby adopted as follows:

2-4-1 License Required

Every pawnbroker before doing any business in the City of Belgrade shall first procure a license therefore as provided in Chapter 2-1.

2-4-2 Definitions

As used in this chapter, the following words shall have the following meanings:

1. “Pawnbroker” means any person whose business it is to take or receive by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, for the repayment or security of money loaned thereon.

2-4-3 Required Records

1. Every pawnbroker shall keep a database of records sufficient to identify each pledge, contract for purchase, or purchase transaction, and each forfeiture of property pursuant to the terms of a contract for purchase. Every customer shall provide to the pawnbroker the following information for such records:
 - (a) The customer’s name and date of birth;
 - (b) The current street address, city, state and zip code of the customer’s residence;
 - (c) The customer’s identification from which will be of one or more of the following;

*A valid state identification card;

- *A valid state driver's license;
- *A military identification card;
- *A valid passport;
- *An alien registration card;
- *An official identification document lawfully issued by a state or federal government

2. All transactions shall be kept in a numerical register in the order in which they occur, which register shall show the printed name and written or electronic signature of the pawnbroker or agent, the purchase price or other monetary amount of the transaction, the date, time and place of the transaction, and an accurate and detailed account and description of each item of tangible personal property involved, including, but not limited to, any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks on such property.

2-4-4 Records-Examination by Police

No person keeping Records as required in Section 2-4-3 shall fail, neglect, or refuse to exhibit the same to the Chief of Police, or any policeman, or any third party accompanied by such officer, or any person brought as a friend to redeem property pledged by another, when requested to do so, or refuse to permit the Chief of Police, or any policeman, or any third party brought by a pledge or to redeem the property pledged, to inspect any such article purchased or received.

2-4-5 Persons From Whom Articles Shall Not Be Taken

It shall be unlawful for any pawnbroker, secondhand dealer or valuable article dealer to receive, purchase or trade any article from a person who is under the influence of alcohol, under the influence of drugs, or under the age of eighteen (18) years.

2-4-6 Duration Articles must be held

A pawnbroker shall hold all purchases made through a purchase transaction for a period of ten (10) days, during which time the property shall not be disposed of or altered from the form in which it was received. The holding period shall begin on the day the purchase transaction is uploaded into the Belgrade Police Department designated database.

2-4-7 Internet Subscription Requirements

Every pawnbroker shall own, maintain and operate a computer system with internet access. Every pawn shop or pawn broker shall file all records electronically on a daily basis directly to an internet subscription service designated as an agent of the police department as prescribed by the Chief of Police or to the police department if no internet service is available as agreed by the Chief of Police or his designate. The pawn shop or pawn broker shall enter and

upload all information from its database of records regarding contract for purchase, pledges, and purchase transactions.

2-4-8 Requirement for Records

1. All records required to be kept under this chapter must be kept in the English language, in a legible manner and shall be preserved and made accessible for inspection for a period of three (3) years after the date of redemption or forfeiture and sale of property.
2. Upon demand of any Belgrade Police Department or agent, the pawnbroker shall produce and show any tangible personal property given to the pawnbroker in connection with any contract for purchase or purchase transaction. The pawnbroker's database shall list the date on which each contract for purchase was canceled, whether it was redeemed, or forfeited or sold, and, upon demand, such records shall be made available to any Belgrade Police Department officer or agent.

2-4-9 Declaration of Ownership

1. The pawnbroker shall at the time of making the loan contract for purchase or purchase transaction obtain a written declaration of ownership from the customer stating whether the property that is the subject of the transaction is solely owned by the customer and, if not solely owned by the customer, the customer shall attach a power of attorney from all co-owners of the property authorizing the customer to sell or otherwise dispose of the property;
2. The pawnbroker shall require the customer to sign his or her name, in the presence of the pawnbroker on the declaration of ownership.

2-4-10 Penalty

Any person violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor, and shall upon conviction thereof, be punishable as provided in Section 1-4-1 of the Belgrade City Code. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

2-4-11 Repealer

All resolutions, ordinances and sections of the Belgrade Municipal Code and parts thereof in conflict herewith are hereby repealed.

2-4-12 Severability

If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this

end, the provisions of this ordinance are declared to be severable.

2-4-13 Effective Date

This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

PASSED, ADOPTED AND FINALLY APPROVED by the City of Belgrade, Montana, on second reading at a regular session held on the ____ day of _____, 2009.

Russell C. Nelson, Mayor

ATTEST:

Marilyn Foltz, Director of Finance