

CHAPTER 5.44 - JUNK DEALERS AND SECONDHAND DEALERS AND PAWNBROKERS

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5.44.010 - Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- A. *"Melted metals"* means metals derived from metal junk 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. *"Non-metal junk"* means any non-metal, commonly discarded item that is worn out, or has outlasted its usefulness as intended in its original form, except non-metal 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. *"Second-hand dealer"* means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value, second-hand property, including melted metals and precious metals, whether or not the person maintains a fixed place of business within the City.
- G. *"Second-hand property"* means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, baseball and other trading cards, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books, used comic books, and clothing of a resale value of \$75.00 or less, except furs.

H. "*Transaction*" means a pledge, purchase, or consignment by a pawnbroker or a second-hand dealer from a member of the general public.

(Ord. 2548 § 1 (part) 10/15/1989; Ord. 2050 Ch. 11 § 1, 1/1/1980)

5.44.020 - License—Required.

A. No person may operate as a pawnbroker or second-hand dealer in the City of Port Angeles without first having secured from the City Clerk a business license for such purpose.

B. No person other than the licensee under this chapter shall display any sign or other device in or about the premises of business or in any advertising matter or other printed matter which in any way resembles the emblem or sign commonly used by pawnbrokers, nor shall the word "pawnbroker" be used in or about the premises of business or in any advertising matter, nor shall any person hold himself out to the public to be a pawnbroker, either through advertising, soliciting, signs, or otherwise.

(Ord. 2548 § 1 (part) 10/15/1989; Ord. 2050 Ch. 11 § 2, 1/1/1980)

5.44.030 - Fixed place of business required.

No person may operate as a pawnbroker in the City of Port Angeles unless such business is conducted from a fixed place of business within the City.

(Ord. 2548 § 1 (part) 10/15/1989; Ord. 2050 Ch. 11 § 3, 1/1/1980)

5.44.040 - Duty to record information.

A. Every pawnbroker and second-hand dealer doing business in the City of Port Angeles 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 date of the transaction;
2. The name and signature of the person or employee conducting the transaction;
3. The name and signature of the person with whom the transaction is made;
4. The 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 if purchased, or if a loan, the amount loaned, the loan period, interest charged, and fee assessed;
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 governmental 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 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.
- C. The transaction number shall be from an ascending numerical series, the sequence of which shall not be interrupted from which each individual transaction may be accounted.
- D. For the purpose of this section, record entries, excluding signatures, shall be deemed to be legibly written if made by typewriter or computer printer.
- E. No entry in said record shall be erased or in any manner obliterated or defaced.
- F. The form for this record keeping requirement shall be approved by the Chief of Police and provided at the licensee's expense.
- G. It shall be the responsibility of the pawnbroker or second-hand dealer to obtain and keep in adequate supply those forms required for reporting and record keeping.

(Ord. 2548 § 1 (part) 10/15/1989; Ord. 2050 Ch. 11 § 4, 1/1/1980)

5.44.050 - Report to be furnished to law enforcement.

- A. Every pawnbroker and second-hand dealer doing business in the City of Port Angeles shall deliver within 24 hours to the Chief of Police of the City, on such forms as approved by the Chief of Police, and provided at the licensee's expense, a duplicate original of the record required in section 5.44.040
- B. The Chief of Police may, at his discretion, accept a report in form other than a duplicate original.
- C. If a pawnbroker or second-hand dealer has good cause to believe that any property in his or her possession has been previously lost or stolen, the pawnbroker or second-hand 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.

(Ord. 2548 § 1 (part) 10/15/1989; Ord. 2050 Ch. 11 § 5, 1/1/1980)

5.44.060 - Duties upon notification that property is reported stolen.

- A. Following notification from a law enforcement agency that an item of property has been reported as stolen, the pawnbroker or second-hand dealer shall hold that property intact and safe from alteration, damage, or commingling. The pawnbroker or second-hand dealer shall place an identifying tag or other suitable identification upon the property so held. Property held shall not be released for 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 second-hand dealer shall give ten days' written notice before the expiration of the 120-day holding period to the applicable law enforcement agency about the stolen property. If notice is not given within the required ten-day period, then the hold on the property shall continue for an additional 120 days. The applicable law enforcement agency may renew the holding period for additional 120-day periods as necessary.
- B. Whenever a law enforcement agency or prosecuting authority shall require such property for use

as evidence upon examination or trial or to restore said property to the owner, the pawnbroker or second hand dealer shall, upon demand, deliver said property over to the applicable agency or authority and take receipt therefor, after which such agency or authority shall be answerable for same.

C. Stolen property obtained by a pawnbroker or second-hand dealer, whether by unredeemed pledge or purchase or consignment, whether the transaction was made in good faith or not, shall not divest the owner of his rights to such property and it shall be restored to him.

(Ord. 2548 § 1 (part) 10/15/1989; Ord. 2050 Ch. 11 § 6, 1/1/1980)

5.44.070 - Retention of property by pawnbrokers—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 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 State or any of its political subdivisions.

(Ord. 2548 § 1 (part) 10/15/1989; Ord. 2050 Ch. 11 § 7, 1/1/1980)

5.44.080 - Retention of property by second-hand dealers—Inspection.

A. Property bought or received on consignment by a second-hand dealer with a permanent place of business in the City of Port Angeles shall not be removed from that place of business, except consigned property returned to the owner, within 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 State or any of its political subdivisions.

B. Property bought or received on consignment by a second-hand dealer without a permanent place of business in the City of Port Angeles shall be held within said City, except consigned property returned to the owner, for 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 State or any of its political subdivisions.

(Ord. 2548 § 1 (part) 10/15/1989; Ord. 2050 Ch. 11 § 8, 1/1/1980)

5.44.090 - 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 the 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 three percent a

month.

B. The fee for the preparation of documents, pledges, or reports required under the laws of the United States of America, the State of Washington, or the counties, cities, town, or other political subdivisions thereof, shall not exceed:

1. For the amount loaned up to \$4.99 - the sum of \$0.50;
2. For the amount loaned from \$5.00 to \$9.99 - the sum of \$2.00;
3. For the amount loaned from \$10.00 to \$19.99 - the sum of \$3.00;
4. For the amount loaned from \$20.00 to \$29.99 - the sum of \$4.00;
5. For the amount loaned from \$30.00 to \$39.99 - the sum of \$5.00;
6. For the amount loaned from \$40.00 to \$49.99 - the sum of \$6.00;
7. For the amount loaned from \$50.00 to \$59.99 - the sum of \$7.00;
8. For the amount loaned from \$60.00 to \$69.99 - the sum of \$8.00;
9. For the amount loaned from \$70.00 to \$79.99 - the sum of \$9.00;
10. For the amount loaned from \$80.00 to \$89.99 - the sum of \$10.00;
11. For the amount loaned from \$90.00 to \$99.99 - the sum of \$11.00;
12. For the amount loaned from \$100.00 to \$124.99 - the sum of \$12.00;
13. For the amount loaned from \$125.00 to \$149.99 - the sum of \$13.00;
14. For the amount loaned from \$150.00 to \$174.99 - the sum of \$14.00;
15. For the amount loaned from \$175.00 to \$199.99 - the sum of \$15.00;
16. For the amount loaned from \$200.00 to \$249.99 - the sum of \$16.00;
17. For the amount loaned from \$250.00 to \$299.99 - the sum of \$17.00;
18. For the amount loaned from \$300.00 to \$399.99 - the sum of \$18.00;
19. For the amount loaned from \$400.00 to \$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 assessed one time only during the term of a pledge.

D. In no event shall any other charges be made for any reason whatsoever except as provided in the foregoing.

E. A copy of this Section, set in 12-point type or larger, shall be posted prominently in each premise subject to this Chapter.

(Ord. 2548 § 1 (part) 10/15/1989)

5.44.100 - Pawnbrokers—Sale of pledged property limited—Written document required for transactions.

A. A pawnbroker shall not sell any property received in pledge within 90 days after the term of the loan expires. However, if a pledged article is not redeemed within the 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 on which the loan is due and payable, and shall inform the pledgor of the pledgor's right to redeem the pledge within 90 days after the expiration of the loan term.

(Ord. 2548 § 1 (part) 10/15/1989)

5.44.110 - Attorney fees and costs in action to recover possession.

In an action brought by an owner to recover goods in the possession of a pawnbroker or second-hand dealer, the prevailing party is entitled to reasonable attorney's fees and costs.

(Ord. 2548 § 1 (part) 10/15/1989)

5.44.120 - Certain conditional sales prohibited.

No purchase of property shall be made on condition of selling it back at a stipulated price greater than the purchase price so as to avoid interest and fee restrictions of this chapter.

(Ord. 2548 § 1 (part) 10/15/1989)

5.44.130 - Transactions with minors—Prohibited.

No pawnbroker or second-hand dealer shall make a transaction herein described with any person under the age of 18 years.

(Ord. 2548 § 1 (part) 10/15/1989)

5.44.140 - Prohibited acts—Penalty.

It is a Class I 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 material matter in any book, record, or writing required to be kept under this chapter;

C. Any pawnbroker or second-hand dealer to conduct any transaction with 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 second-hand dealer as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past ten 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 other provision of this chapter.

(Ord. 2548 § 1 (part) 10/15/1989)

5.44.150 - Chief of Police—Rulemaking authority.

The Chief of Police shall have the authority to promulgate such rules, not inconsistent with this chapter, as may be necessary from time to time for its effective and orderly administration.

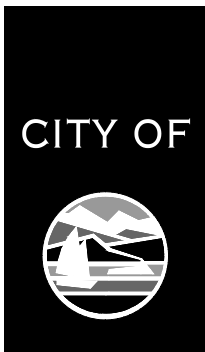
(Ord. 2548 § 1 (part) 10/15/1989)

5.44.160 - Exemptions.

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 Chapters 46.79 or 46.80 RCW;
- C. Persons giving an allowance for the trade-in or exchange of second-hand property on the purchase of other merchandise of the same kind of greater value;
- D. Persons in the business of buying or selling empty food and beverage containers or metal or non-metal junk;
- E. Persons selling wholly donated goods;
- F. Persons holding less than seven garage or yard sales, or the like, in any one-year period;
and
- G. Persons selling used compact disks, laser disks, and videos.

(Ord. 2949 2/14/1997; Ord. 2548 § 1 (part) 10/15/1989)



PORT ANGELES

WASHINGTON, U. S. A.

SECOND HAND DEALER/JUNK DEALER/PAWN BROKER LICENSE APPLICATION

Applicant's Name: _____
Last First Middle Initial

Applicant's Street Address: _____
City State Zip

Home Phone: _____ Business Phone: _____

Birthdate: _____ Driver's License # _____
Mo. Day Year

Email: _____

Name of Business: _____

Address of Business: _____
City State Zip

Zoning Classification of Property of Business: _____

Brief Description of Business: _____

Other permits/licenses required to operate proposed business in the State of Washington: _____

Is the company required to be registered with the Secretary of State? _____ *If so, please attach a copy of the registration.*

Washington State Tax I.D. # _____ *(Please attach a copy of Registration with Washington Department of Revenue)*

State Returns Filed: Monthly _____ Quarterly _____ Annually _____

NOTE: The total retail sales tax collected in the City of Port Angeles is 8.8%. The local tax portion will be rebated to the City of Port Angeles according to the information you report on your tax return under City of Port Angeles Tax Code 0502 for sales tax collected in Port Angeles.

Is Business: _____ Temporary _____ Permanent

Signature of Applicant: _____

Date: _____

Please submit the license fee, the completed application and any attachments to:

Kari Martinez-Bailey, City Clerk
 Phone: 360-417-4634
cityclerk@cityofpa.us
 City of Port Angeles
 321 East Fifth Street
 Port Angeles, WA 98362
www.cityofpa.us

| <u>Full Year License Charge:</u> | <u>Partial Year License Charge:</u> | <u>Temporary License Charge:</u> |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <p>\$25 (July 1 – June 30)</p> | <p>Application Date:</p> <p>July 1-31: \$23 August 1-31: \$21 September 1-30: \$19 October 1-31: \$17</p> <p>November 1-30: \$15 December 1-31: \$13 January 1-31: \$11 February 1 - June30: \$10</p> | <p>\$10 per month</p> |