

**ORDINANCE Ord # 2017-003**

**AN ORDINANCE TO ADOPT  
CHAPTER 4. LICENSES, ARTICLE 1. - PAWNBROKERS,  
SECONDHAND AND JUNK DEALERS**

**WHEREAS,** the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

**WHEREAS,** the Commission recognizes the most expeditious way of adopting such Ordinances is by adoption in a near sequential manner over a term of months to give the Commission and the public time to review the material;

**WHEREAS,** it appears in the best public interest that the following ordinances be adopted for the City of Polson;

**NOW, THEREFORE, BE IT ORDAINED** by the City of Polson that the following Articles of the Ordinances of the City of Polson be adopted in full as attachments hereto:

**CHAPTER 4. LICENSES**

**Article 1. - Pawnbrokers, Secondhand And Junk Dealer**

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: August 21, 2017

First Reading:       6   ayes          nays       1   absent

Date: September 6, 2017

Second Reading:     5   ayes          nays          abstentions

Effective Date:    **October 6, 2017**

\_\_\_\_\_ Mayor

Attest: \_\_\_\_\_ City Clerk

## CHAPTER 4. LICENSES

### ARTICLE 1. - PAWNBROKERS, SECONDHAND AND JUNK DEALERS

#### Sections:

- 4.01.010 Definitions
- 4.01.020 Daily record required
- 4.01.030 Inspection of record permitted
- 4.10.040 Weekly report to police chief
- 4.01.050 Internet subscription.
- 4.01.060 Purchase or receipt from minors prohibited
- 4.01.070 Inspection by police; stolen articles
- 4.01.080 Stolen property to be reported
- 4.01.190-4.01.250. Reserved.

4.01.010 Definitions. The following words and phrases used in this chapter shall be given the following meanings:

- A. "Junk" shall mean all old iron, glass, paper, rubber, or other discarded material that may be used again in some form.
- B. "Junk dealer" shall mean any person engaged in or conducting the business of buying, selling, or dealing in junk.
- C. "Pawnbroker" shall mean any person who, as a business, loans money on the deposit of any personal property on the condition of selling such property back to the depositor at a stipulated price and within a stipulated period of time.
- D. "Secondhand dealer" shall mean any person who as a business engages in the purchase, sale, trade, consignment, or exchange of any secondhand merchandise other than junk; provided this chapter shall not apply to the bona fide trade-in of a secondhand appliance on the purchase of a newly manufactured appliance as long as no cash is paid to the person trading the appliance by the merchant or dealer with whom such trade-in is made.

#### 4.01.020 Daily record required.

Every person conducting the business of a pawnbroker, secondhand or junk dealer within the city limits shall keep and maintain a daily record of information as required herein and by state law at Section 31-1-402, MCA, written in ink or electronically maintained without changes or erasures, showing the exact time of acceptance of any article in the course of business, an accurate description of each and any article received so that same can be easily identified by giving number, color, size, unusual marks, the make and any other matter of identification, also the name and residence of the person from whom such article is received together with his height, weight, age, nationality, color, complexion, color of hair, eyes, sex and distinguishing marks.

#### 4.01.030 Inspection of record permitted.

Such record of every item of merchandise that is so purchased or received by a pawnbroker, secondhand or junk dealer shall be open to the inspection of any member of the city police department or county sheriff's department at any reasonable time. All records required to be kept under this article 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 years after the date of redemption or forfeiture and sale of the property.

#### 4.01.040 Weekly report to police chief.

It shall be the duty of persons conducting a business under the provisions of this chapter to make out and deliver to the chief of police every Monday a legible and correct copy of the records required in the preceding sections giving an accurate account and description of each and all articles and things purchased during the preceding week, the precise time of purchase and the names and residences of the persons from whom such purchases were made.

#### 4.01.050 Internet subscription.

Every pawnbroker who shall own, maintain and operate a computer system with internet access shall file all records electronically on a weekly basis directly to the police department and/or to an internet subscription service designated as an agent of the police department as prescribed by the chief of police. The pawn shop or pawnbroker shall enter and upload all information from its database of records regarding contract for purchase, pledges, and purchase transactions.

#### 4.01.060 Purchase or receipt from minors prohibited.

It shall be unlawful for any pawnbroker, secondhand or junk dealer to purchase or receive any merchandise from a person under 18 years of age without authorization of the parent or guardian

#### 4.01.070 Inspection by police; stolen articles.

All articles shall be produced for inspection on demand by the chief of police or other police officer. Any article designated by any police officer as being by the description thereof stolen property shall not be offered for sale, returned to the person from whom received, sold, or otherwise disposed of for 30 days upon issuance of an administrative warrant by a peace officer and/or judge. except upon permission of the chief of police or order from a court of record. Following the expiration of the 30-day period, the pawnbroker or dealer shall surrender the property

#### 4.01.080 Stolen property to be reported.

Persons doing business under this chapter shall report immediately to the chief of police any article coming into the possession of said persons or their place of business which has been reported or advertised as lost or stolen.

Secs. 4.01.190-4.01.250. Reserved.