

Ordinance No. 00217

[Council Meeting Minutes 99/10/18](#)

ORDINANCE NO. 217

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 5.12 of the Lakewood Municipal Code relating to licensing for Pawnshop and dealers in second-hand goods

WHEREAS, the current language of the Lakewood Municipal Code provides a limitation on the number of licenses that may be issued for pawnshop businesses to a ratio of one pawnshop business per thirty-five thousand inhabitants of the City or fractional part thereof; and,

WHEREAS, in light of questions that have been raised regarding the operation of the pawnshop ordinance, the City has received comments and suggestions from pawnshop owners regarding ways that the City's goals of preventing crime and improving regulation of pawnshops as well as other businesses that deal in second-hand goods can be enhanced, particularly with respect to new applications and requirements for licensing and reporting, the City Council has determined that clarification and amendment of the Lakewood Municipal Code is appropriate.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That Chapter 5.12 of the Lakewood Municipal Code is amended to read as follows:

Chapter 5.12

~~PAWNBROKERS PAWNSHOPS~~, SECOND-HAND, ANTIQUE, JUNK
AND/OR SALVAGE DEALERS, TRANSIENT TRADERS
IN SECOND-HAND PROPERTY, GARAGE
SALES AND FLEA MARKETS

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Cross-reference: Chapter 19.60 RCW

5.12.010 Definitions.

A. "Antique dealer" means any person engaged, in whole or in part, in the business of selling antiques.

B. "Antiques" means and includes works of art, pieces of furniture or decorative objects made at an earlier period.

C. "Flea market" means and includes, but is not limited to, arrangements whereby a person or persons sell, lease, rent, offer or donate to one or more persons a place or area where such persons may offer or display second-hand or junk items. "Flea market" includes, but is not limited to, swap meets.

D. "City" means the City of Lakewood, Washington, and also means, where consistent with the context, the City Manager or designee or other appropriate representative of the City, including the law enforcement department/agency of the City or representative(s) thereof.

E. "Garage sale" means and includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "estate sale" "yard sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

F. "Junk and/or salvage dealers" means and includes, but is not limited to, old rope, iron, brass, copper, tin, lead, rags, empty bottles, paper, bagging, parts of machinery, scrap metal of all kinds, and such other worn-out or discarded material and odds and ends as can be turned to some use but which cannot be used again for the purpose for which they were originally intended.

G. "Melted metals" means and includes all metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots produced from ore that has not previously been processed.

H. "Metal junk" means and includes any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.

I. "~~Pawnbroker~~ Pawnshop" means every ~~person~~ business where the operators and/or employees of the business are engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits, or conditional sales of personal property, or ~~who makes of making~~ a public display at or near ~~his~~ the place of business of any sign or symbol generally used by pawnbrokers or of any sign indicating that ~~he~~ the business has money to loan on personal property on deposit or pledge.

J. "Precious metal" means gold, silver and platinum.

K. "Second-hand dealer" means every person engaged, in whole or in part, in the business of buying, selling, trading, or otherwise transferring for value, second-hand or used personal property, metal junk, melted metals, or precious metals and consigned or auctioned goods.

L. "Second-hand property" means and includes, but is not limited to, any and all used or second-hand goods or items of personal property which can be used again for the purpose for which they were originally intended. For the purposes of this Chapter, "second-hand goods" also includes valuable coins (coins with a value greater than their face value), precious metals, precious stones and jewelry, but shall not include bullion in the form of fabricated hallmarked bars.

M. "Transient trader in second-hand and antique property" means any person being a natural person, corporation or any other form of entity or organization for the conduct of business, not maintaining a regular place of business for the conduct of trading in second-hand or antique property or pawnbroking within the City who advertises that they buy, trade or otherwise seek to acquire in any fashion, precious metals or second-hand property generally.

N. "Pawnbroker" means every person who owns a pawnshop or has an ownership interest of any kind in a pawnshop, or any person who is employed by a pawnshop for the primary purpose, in whole or in part, of loaning money on the security of pledges. This does not include a person who is employed for the purpose of stock, maintenance or other activities that do not involve the transacting of any business with members of the general public.

O. "Transaction" means in whole or in part, the business of or act of lending on, the pledge of buying of, the selling of or otherwise transferring for value, second-hand or used personal property, metal, junk, melted metals, or precious metals and consigned or auctioned goods as those terms are referenced and/or defined in this chapter or generally understood to mean. (Ord. 53 Â§ 2 (part), 1996.)

(Ord. 53 Â§ 2 (part), 1996.)

5.12.020 License Required.

A. It shall be unlawful for any person, in the City, without first obtaining a City license to:

1. Engage in the business of ~~pawnbroking~~ operating a pawnshop; or
2. Deal in second-hand or antique property; or
3. Act as a transient trader in second-hand property; or
4. Engage in the business of buying or selling salvage or junk; or
5. Conduct a garage sale; or
6. Conduct a flea market.

B. The provisions of this Section shall not apply to or affect the following persons or sales:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction; or
2. Persons acting in accordance with their powers and duties as public officials; or
3. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number; or
4. Religious, charitable and nonprofit organizations; or
5. Automobile dealers regulated under the Motor Vehicle laws of the State of Washington.

C. All the provisions of ~~Ordinance no. 24~~ Chapter 5.02 of the City Code shall govern the issuance, denial, suspension and revocation of permits; provided, in the discretion of the city Manager or designee.

D. The Pawnshop license is not transferable except as provided herein. (Ord. 53 Â§ 2 (part), 1996.)

5.12.030 License Fee.

The licenses for activities licensed pursuant to this Chapter are as follows:

- A. Pawnbrokers Pawnshops: five hundred dollars per year, per location;
- B. Second-hand and/or antique dealers: one hundred dollars per year;
- C. Junk and/or salvage dealers: two hundred dollars per location per year,
- D. Transient trader in second-hand property: thirty-five dollars per year;
- E. Garage sales: no fee;

F. Flea markets: five hundred dollars per location per year. (Ord. 53 Â§ 2 (part), 1996.)

5.12.040 Investigation by City.

Prior to the issuance of any ~~Pawnbrokers Pawnshop~~, second-hand or antique dealer or transient trader license:

A. The person(s) designated by the City Manager shall investigate the applicant(s) and all employees of the pawnshop, as listed on the application or appendix thereto, as specified in Section 5.12.075 and Section 5.12.076 of this Chapter, and as specified in Section 5.02.030 of the City Code and submit a written report to the City Manager stating his or her recommendation as to approval or disapproval of the application.

B. The investigation shall also include an investigation of the premises where the activity is to be conducted to determine compliance with applicable building, fire, health, sanitation, zoning and public safety requirements and submit a written report to the City Manager stating recommendations as to approval or disapproval of the application.

C. If the reports recommend disapproval, the reports shall specify the reasons for such recommendations. (Ord. 53 Â§ 2 (part), 1996.)

5.12.050 Applications for Pawnshop License.

A. Applications for operation of a pawnshop in the City shall be on forms prepared by the Finance Department and shall be submitted to the City Manager.

B. Applications shall include such specific information regarding the applicant and anyone possessing an ownership interest in the pawnshop and any employees of the pawnshop, and the premises upon which the pawnshop activity is to be conducted as is required by the reviewing departments. (Ord. 53 Â§ 2 (part), 1996.)

5.12.060 Limitation on Number of ~~Pawnbrokers Pawnshops~~.

A. The number of licenses issued for ~~pawnbrokers pawnshops~~ shall be limited to a number of ~~pawnbroker pawnshop~~ establishments in the City based on a ratio of one ~~pawnbroker pawnshop~~ per thirty-five thousand inhabitants of the City, provided that the number of available licenses issued for ~~pawnbrokers pawnshops~~ may be increased by one (1) when the population of the city exceeds by seventeen thousand five hundred, the next increment of thirty-five thousand inhabitants, so long as the number of existing ~~pawnbrokers pawnshops~~ does not otherwise exceed the ratio of one pawnbroker per thirty-five thousand inhabitants of the City.

B. In the case where the number of currently licensed ~~pawnbrokers pawnshops~~ exceeds the number of ~~pawnbrokers pawnshops~~ permitted pursuant to the provisions of Paragraph A, above, the current number of pawnshops shall represent the maximum number of pawnshops able to be licensed by the City, provided that any reduction in the number of licensed pawnshops shall reduce the maximum number of licensed ~~pawnbrokers pawnshops~~ available in the City to the reduced number until the number of licensed ~~pawnbrokers pawnshops~~ conforms to the limitation provided in Paragraph A above.

C. For the purposes hereof, any change in pawnbroker location, or in the name of the applicant for a ~~pawnbrokers pawnshop~~ license or in the ownership of a previously licensed ~~pawnbroker pawnshop~~ business, including other than a change in the

status of ownership where the person(s) having an ownership interest are unchanged, shall be considered a new ~~pawnbroker pawnshop~~ business/applicant, and shall not be eligible for licensing, unless the remaining number of ~~pawnbrokers pawnshops~~ is less than the maximum number of ~~pawnbrokers pawnshops~~ able to be licensed pursuant to the provisions of Paragraph A, above, in which case the new ~~pawnbroker pawnshop~~ business/applicant, shall be considered for licensing pursuant to the provisions of Section 5.12.070 of the City Code; Provided that the licensed pawnshop businesses operating within the City of Lakewood on the effective date of the incorporation of the City of Lakewood as a municipal corporation, namely February 28, 1996, shall be entitled to continue operating at their existing location or, if the existing location of the pawnshop is not zoned for pawnshop business uses, at another location for which the zoning codes of the City permit pawnshop businesses; and Further provided that the licensees operating their pawnshop businesses within the City of Lakewood on February 28, 1996 meet the requirements of Section 5.12.075 of this Chapter. (Ord. 151 Â§ 1, 1998; Ord. 53 Â§ 2 (part), 1996.)

5.12.065 Limitation of Preexisting Pawnshop Licenses.

A. Notwithstanding the provisions of Section 5.12.060 of this Code, the number of Licensed pawnshops operating within the City who were operating within the City on February 28, 1996, shall be reduced on the occurrence of any one of the following conditions:

1. A currently licensed pawnshop relocates outside the City;

2. The pawnshop's license is revoked pursuant to the provisions of Title 5 of the Lakewood Municipal Code;

3. A licensed pawnshop purchases the pawnshop operations of another licensed pawnshop within the City and does not continue operation of the purchased pawnshop business in the same location, or

4. A licensed pawnshop location is taken through condemnation, eminent domain, or other such proceedings by any governmental entity.

B. In the event of the destruction of the businesses of a licensed pawnshop operating within the City which was operating within the City on February 28, 1996, whether by fire, flood or other casualty, the licensed pawnshop operator shall have the ability to reconstruct his or her its businesses at the same location or, if the existing location of the pawnshop is not zoned for pawnshop business uses, then to any other location in the City subject to compliance with all zoning and land use law or regulations in place at the time of the casualty.

5.12.070 Awarding of Pawnshop Licenses.

When additional pawnshop licenses become available due to the growth in population or to the cancellation or termination of existing licenses, the City Manager or designee shall notify all prospective applicants for pawnshop licenses of whom he or she has notice, of the time, date and place at which the City Manager or designee shall conduct a drawing for the license application and:

A. The winner(s) of the drawing shall receive an application form, which must be

Completed and returned to the City Manager or designee with the license fee within three months of the date of the drawing. At the time of submission of the application, the premises upon which the pawnshop is to be conducted must be in a safe and usable condition in compliance with all applicable building, fire, zoning, health and safety regulations.

B. The City Manager or designee shall review the application and notify the applicant within thirty days of receipt thereof of its decision to approve or reject it.

C. If, after the application is approved, the pawnshop licensee fails to open for business within six months of the issuance of the license, or if the business is closed or abandoned at any time after the business is opened for a period in excess of six months, the pawnshop license granted under this Chapter shall become null and void, and shall be awarded to another

applicant according to the procedures outlined in this Chapter; provided, that the pawnshop licensee may be granted additional time to open for business upon a showing of unusual or unforeseeable circumstances causing the delay.

D. Notice of a denial of an application shall include a statement detailing the reasons therefor. If such denial is for the reasons that the premises to be used for the pawnshop do not comply with an applicable rule or regulation, the applicant shall be granted an additional thirty days to bring the premises into compliance and resubmit the application.

E. The resubmitted application shall be reviewed within fifteen days for the purposes of determining if the defect in the premises has been corrected. If the defect still exists, the City Manager or designee's denial of the application shall be final and the license fee minus one hundred dollars administrative costs shall be refunded.

F. Upon final denial of the original application, the City Manager or designee shall offer an application to the next successful applicant in the prior drawing. If there are no further applicants, the City Manager or designee shall hold another drawing at such time as he or she receives a request for an additional license. (Ord. 53 Â§ 2 (part), 1996.)

5.12.075 Additional Requirements for Pawnshop Licenses.

In order to be licensed and maintain a valid pawnshop license under this Chapter, all pawnshops must shall have a current valid Federal Firearms License, and all persons who own or possess an ownership interest of any nature whatsoever (owners) in any Pawnshop(s) located within the City of Lakewood. must satisfy the following criteria:

A. The owners must submit to the City on the pawnshop business license application form, in a form approved by the City, and shall supplement, amend and re-submit to the City any time the information thereon changes, the following information: each owner's full name, residential address, telephone number, date and place of birth, race, gender, driver's license number or state identification card number (with a photocopy of the driver's license or state identification card), the extent and nature of the ownership interest, and signature

B. The owners shall have had no criminal convictions or have been placed in any diversion programs, stipulations on continuances, deferred sentences and deferred prosecution or any similar judicial device during the period of the diversion, continuance, deferral or similar program within the previous seven years for any felonies and/or any crimes against moral turpitude, nor for any crimes involving firearms, illegal drugs, theft, possession of stolen property, pawnbroker statutes of the State of Washington or any other state, nor for any violations of the provisions of this Chapter.

C. Each owner must meet the following additional criteria:

1. He or she must meet all of the requirements and be eligible to possess a firearm and a concealed pistol permit under the provisions of RCW Chapter 9.41, including RCW 9.41.070;

2. He or she must not have a concealed pistol license in a revoked status;

3. He or she must be eligible to possess a Federal Firearms License;

4. He or she must possess a valid, current state Firearms License.

D. The City is authorized and entitled to conduct, or have conducted for and on its behalf, investigations to substantiate and verify any of the above information.

5.12.076 Requirements for employment as a pawnbroker in pawnshops.

No person shall be employed to work in a pawnshop as a pawnbroker unless that person meets the following criteria:

A. The owner(s) of each pawnshop must submit to the City a list appended to pawnshop business license application form, in a form approved by the City, and shall supplement, amend and be re-submitted to the City any time the information thereon changes, the following information: each employee's full name, residential address, telephone number, date and place of birth, race, gender, driver's license number or state identification card number (with a photocopy of the driver's license or state identification card).

B. The employee shall have had no criminal convictions or have been included in any diversion programs, stipulations on continuances, deferred sentences and deferred prosecution and any similar judicial device during the period of the diversion, continuance, deferral or similar program. within the previous seven years for any crimes against moral turpitude, nor for any felonies and/or any crimes involving firearms, illegal drugs, theft, possession of stolen property, pawnbroker statutes of the State of Washington or any other state, nor for any violations of the provisions of this Chapter.

C. Each employee shall also meet the following additional criteria:

1. He or she must not be ineligible to possess a firearm under the provisions of RCW Chapter 9.41, and he or she, if twenty-one years of age or older, shall have a current valid concealed weapons permit pursuant to RCW 9.41.070; including RCW 9.41.040 or 9.41.045;

2. He or she must not be ineligible to possess a Federal Firearms License;

3. He or she must not be ineligible to possess a state Firearms License; Provided, that with respect to the criteria set forth in sub-paragraphs 1, 2 and 3 hereof, these provisions shall not be construed as precluding a pawnshop from employing an employee who does not meet the requirements of said sub-paragraphs 1, 2 and 3 where the failure of the employee to meet the requirements is solely because the employee's age is under twenty-one (21) years, so long as the employee is at least eighteen (18) years of age and the employee does not engage in or become involved with any transactions involving firearms or any other property where a customer must be twenty-one years of age (21).

D. The City is authorized and entitled to conduct, or have conducted for and on its behalf, investigations to substantiate and verify any of the above information.

5.12.080 Garage Sales Licenses.

No more than four garage sale licenses shall be issued to any one person within a twelve-month period and no such license shall be issued for more than four consecutive days. Anyone attempting to conduct more than four garage sales in any one year shall be deemed to be a second-hand dealer, subject to the requirements contained in this Chapter. (Ord. 53 Â§ 2 (part), 1996.)

5.12.090 Customer Identification.

It shall be the duty of every pawnbroker, second-hand and antique dealer, and transient trader in second-hand property doing business in the City, by some bona fide means of identification, to verify the identity of each customer from whom he acquires property by pawn, purchase or otherwise to secure the type and identifying number of the identification used by the person with whom the transaction was made, which shall consist of a valid driver's license or identification card issued by a state, or two pieces of the identification issued by a governmental agency, one of which shall be descriptive of the person identified; provided that, under all circumstances not less than one piece of current government issued picture identification will be required. (Ord. 53 Â§ 2 (part), 1996.)

5.12.100 Record of Transactions.

A. It shall be the duty of every pawnbroker, second-hand and antique dealer, and transient trader in second-hand property, ~~at the time of each loan or purchase to legibly record in ink or type in the English language~~ doing business in the City to maintain at the location where the business was transacted a record written legibly in the English language, on such forms as the City may require, the following information which shall be maintained on the premises for a minimum of three years:

1. The date of the transaction;
2. The name of the person or employee ~~conducting the same~~ or the identification number of the person or employee conducting the transaction;
3. The driver's license number of the person with whom the transaction is made; except in the case of pawnbrokers or when a driver's license is not available, the following information is also required: the name, birth date, address, sex, weight, height, hair and eye color, race, social security and/or military ID number, and written signature;
4. A description of the property pledged or bought, including brand names, serial numbers, model, and in the case of jewelry and/or items made of precious metals, a description of all letters and marks inscribed thereon, design details, size and description of type and size of any gemstones set therein, and in the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle or shotgun;
5. The price paid or amount loaned; and
6. The number of any ~~pawn ticket~~ loan contract issued therefor.

B. Second-hand, antique dealers and transient traders are not required to record purchases of the following items:

1. Clothing with a current resale value of less than seventy-five dollars, except for items made partially or wholly from fur or leather;
2. Nonidentifiable items or collections of items which the purchaser can establish with certainty have both an original retail price and a current value of less than twenty-five (25) dollars and which contain no precious metals or precious or semiprecious stones. (Ord. 53 Â§ 2 (part), 1996.)

5.12.110 Daily Reports to Law Enforcement.

Every ~~pawnbroker pawnshop~~ pawnshop ~~doing business in the City~~ shall furnish, and every second-hand and antique dealer and transient trader in used property ~~doing business in the City~~ shall, upon request, furnish ~~daily reports to the law enforcement department/agency of the City on the original of the forms required pursuant to Section 5.12.100, containing a full, true and correct record of all transactions made on the previous day. Goods taken in trade or left on consignment shall be recorded in the same manner as property purchased outright~~ a full, true, and correct transcript of the record of all transactions conducted on the preceding day. These transactions shall be recorded on such forms as may be provided and in such format as may be required by the Chief of Police or such other person who has the responsibility and authority of being the chief law enforcement official for the City, within a specified period of time not less than twenty-four (24) hours. The information of this report may be transmitted to the chief law enforcement official for the City electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk, subject to the requirements of and approval by the Chief of Police or such other person who has the responsibility and authority of being the chief law enforcement official for the City, or such person's designee. If such pawnbroker, second-hand and antique dealer, or transient trader in used property shall have reasons or cause to believe that any property in his or her possession had been previously lost or stolen, he or she shall forthwith report such fact to the law enforcement department/agency of the City together with the name of the owner, if known, and the date when and the name of the person from whom the same was received by him or her. (Ord. 53 Â§ 2 (part), 1996.)

5.12.120 Issuance of Pawn-Tickets Loan Contracts.

A. Every ~~pawnbroker pawnshop~~ shall issue a numbered ~~pawn-tickets~~ loan contract for ~~all~~ each item of property received by him or her as pledges for loans, which ~~tickets~~ loan contract shall be considered receipt for such property. Tags shall be attached to all such property and upon each tag shall be written in legible figures a number which shall correspond to the number on the

~~pawn tickets loan contract~~ issued for such article or articles.

Every ~~pawnbroker pawnshop~~ shall issue a numbered ~~pawn tickets loan contract~~ for ~~all~~ each item of property received by him or her as pledges for loans, which ~~tickets loan contract~~ shall be considered receipt for such property. Tags shall be attached to all such property and upon each tag shall be written in legible figures a number which shall correspond to the number on the ~~pawn tickets loan contract~~ issued for such article or articles.

B. All loan contracts must contain all of the elements prescribed by RCW 19.60.061(3). (Ord. 53 Â§ 2 (part), 1996.)

5.12.130 Retention of Property.

A. Property purchased or received in pledge by any ~~pawnbroker pawnshop~~ shall not be removed from that place of business, except when redeemed by or returned to the owner thereof, within thirty (30) days after receipt ~~thereof shall have been recorded, and reported to the law enforcement department/agency of the City of the property.~~

B. Property purchased by any second-hand or antique dealer with a permanent place of business in the City except that property exempted from recording in Subsection (B). of Section 5.12.100, shall not be removed from that place of business within ~~fifteen~~ thirty (30) days after receipt ~~thereof shall have been recorded of the property.~~

C. Property purchased in the City by any second-hand or antique dealer, or transient trader in second-hand property without a permanent place of business in the City, shall be held within the City for fifteen days after receipt thereof shall requested herein.

D. No ~~pawnbroker pawnshop~~ shall sell any property held by him or her as security for a loan until ~~one hundred twenty days have expired from the date of the original transaction~~ the term of a loan as prescribed in RCW 19.60.010(9) has expired.

E. All property held pursuant to Subsections A., B. and C. of this Section shall be available for inspection during regular business hours and/or other reasonable time by any commissioned law enforcement officer of the State or any of its political subdivisions.

F. Property purchased from a second-hand dealer licensed in the City is exempt from the retention requirements set forth in this Section; provided, the property was previously held for the required minimum time by the second-hand dealer selling the property; and further provided, that the purchaser maintain a proper record of the purchase. (Ord. 53 Â§ 2 (part), 1996.)

5.12.140 Prohibited Transactions.

No pawnbroker, second-hand and antique dealer, or transient trader shall purchase or receive any property from any person under the age of eighteen years, nor from any person under the influence of intoxicating liquor and/or drugs, nor from any habitual criminal, nor from any known thief, nor from a receiver of stolen property whether such person is acting in his or her own behalf or as the agent or another. No pawnbroking transaction, or any other part of such transaction, shall be carried on or conducted on any day before eight a.m. or after nine p.m.; nor on New Year's Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day; provided, however, that such establishment may remain open for carrying on the business of retail merchandising at any time upon any day of the week unless otherwise prohibited by law. (Ord. 53 Â§ 2 (part), 1996.)

5.12.150 Termination of Business.

Whenever any person engaged in business as a pawnbroker pawnshop business ceases, terminates or winds up such business, such intention shall be publicized by an advertisement in a newspaper of general circulation in the City, and such business shall be continued for a period of not less than one hundred twenty (120) days from the date of such publication, during which period no additional loan shall be made; provided, however, that this Section shall not apply where such business is sold in its entirety to a pawnbroker pawnshop, duly licensed pursuant to the provisions of this code, in which case a written list of all outstanding loans for which redemption periods have not expired shall be furnished to the law enforcement department/agency of the City prior to the actual date of sale of such business. (Ord. 53 Â§ 2 (part), 1996.)

5.12.160 Purchasing of Property.

Every pawnbroker pawnshop, second-hand and antique dealer or transient trader licensed under this Chapter shall have the authority and the power to purchase used property, wares, merchandise, except motor vehicles, in their ordinary course of business as pawnbrokers pawnshops, second-hand and antique dealers and transient traders; provided, that every purchase by a pawnbroker pawnshop, second-hand and antique dealer and transient trader shall be pursuant to the regulations set forth in this Chapter; and provided further, that no pawnbroker Pawnshop shall purchase outright any junk as defined elsewhere in this code. (Ord. 53 Â§ 2 (part), 1996.)

5.12.170 Altered Serial Numbers.

When any vehicle, equipment, device, or parts thereto is being inspected and a record thereof made as required in Section 5.12.100, if it appears that any of the numbers required to be recorded by said Section are intentionally defaced, changed or altered, in any manner, the person so recording shall immediately notify the law enforcement department/agency of the City of such fact. (Ord. 53 Â§ 2 (part), 1996.)

5.12.180 Flea Market Reports.

A. Every proprietor of a flea market shall furnish weekly reports to the law enforcement department/agency of the City, on such forms as the City may require therefor, a record which shall include:

1. The name, address, telephone number and flea market stall number of each person renting a stall; and
2. Such other information as is deemed necessary by the City to protect the public health, safety and welfare.

B. Violation of this Section shall constitute grounds for revocation of the flea market license. (Ord. 53 Â§ 2 (part), 1996.)

5.12.190 Holds.

If an item of property in the possession of a licensee under this Chapter is reported to a law enforcement agency as stolen, and the law enforcement department/agency of the City provides oral notification, followed by written notification within seventy-two hours to the licensee of said report, the property shall be held intact by the licensee, and tagged or otherwise suitably identified. The items so tagged or marked shall then be held by the licensee on its business premises until released by instrument in writing signed by the City Manager or designee, or by order of a court of competent jurisdiction. In any event, the hold will expire at the end of one hundred twenty days, unless renewed in writing by a law enforcement agency. The renewal period shall be of the same duration. Following notification from a law enforcement agency that an item of property has been reported as lost or stolen, the pawnbroker/pawnshop or second-hand dealers shall hold that property intact and safe from alteration, damage or commingling. The pawnshop/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 at least one hundred twenty (120) days from the date of notification to the police unless released by written consent of the applicable law enforcement agency or by order of a court of competent jurisdiction. In cases where the applicable law enforcement agency has placed a verbal hold on an item, that agency must then give written notice within ten (10) business days. If such a written notice is not received within that time period, then the hold order will cease. The pawnbroker/pawnshop or second-hand dealer shall give a twenty (20) day written notice before the expiration of the one hundred twenty (120) day holding period to the applicable law enforcement agency about the lost or stolen property. If notice is not given within twenty (20) days, then the hold on the property shall

continue for additional one hundred twenty (120) days. The applicable law enforcement agency may renew the holding period for additional one hundred twenty (120) day periods as necessary. After the receipt of notification from a pawnbroker or second-hand dealer, if an additional holding period is required, the applicable law enforcement agency shall give the pawnbroker/pawnshop or second-hand dealer written notice, prior to the expiration of the existing hold order. A law enforcement agency shall not place on hold any item of personal property unless that agency reasonably suspects that the item of personal property is a lost or stolen item. Any hold that is placed on an item will be removed as soon as practicable after the item on hold is determined not to be stolen or lost. (Ord. 53 Â§ 2 (part), 1996.)

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5.12.200 Disposal of Goods.

Sale of antiques and second-hand goods must be in compliance with all State laws and regulations, as now enacted or hereafter amended, which govern the sale of second-hand goods. Violation of State laws and regulations governing the sale of second-hand goods shall constitute a violation of this Code. (Ord. 53 Â§ 2 (part), 1996.)

5.12.210 Penalties.

A. Every pawnbroker, second-hand, antique, junk and/or salvage dealer, flea market operator, or transient trader in second-hand property, and every clerk, agent or employee thereof, who intentionally commits any of the following violations shall be guilty of a gross misdemeanor:

1. ~~Fails~~ Failing to make an entry of any material matter in the record kept as provided in Section 5.12.100; or
2. ~~Makes~~ Making any false entry therein; or
3. ~~Falsifies, obliterates, destroys or removes~~ Falsifying, obliterating, destroying or removing from his or her place of business such record; or
4. ~~Refuses~~ Refusing to allow a law enforcement officer of the City to inspect the same, or any property in his or her possession, during the ordinary hours of business; or
5. ~~Reports~~ Reporting any material matter falsely to the City; or
6. ~~Fails~~ Failing to report forthwith to the law enforcement department/agency the possession of any property which he or she may have ~~good cause~~ reason to believe has been lost or stolen, together with the name of the owner, if known, and the date when, and the name of the person from whom the same was received by him or her; or
7. ~~Removes, or allows~~ Removing, or allowing to be removed from his or her place of business, except upon redemption by the owner thereof, any property received in violation of the retention times contained in Sections 5.12.130 and 5.12.190; or
8. ~~Removes, alters, or obliterates~~ Removing, altering, or obliterating any manufacturer's make, model or serial or identifying marks engraved or etched upon an item of personal property that was purchased, consigned or received in pledge; or

9. ~~Receives~~ Receiving any property from any person under the age of eighteen years, any habitual user of narcotic drugs, any habitual criminal, any person in an intoxicated condition, any known thief or receiver of stolen property, or any known associate of such thief or receiver of stolen property, whether such person is acting in his or her own behalf or as the agent of another; ~~shall be guilty of a gross misdemeanor.~~

B. Every person conducting a garage sale without a license shall be guilty of a misdemeanor, Provided that the City's law enforcement officers shall be authorized to issue a garage sale license to the operator of a garage sale at anytime on the day of the garage sale so long as no more than four garage sales have been held at that location or by that operator in a year.

C. In addition to any other remedies provided by law, if the City has probable cause to believe that a ~~pawnbroker~~ pawnshop, second-hand or antique dealer or transient trader in used property has violated any requirements of this Section, it may:

1. Serve the alleged violator with a written notice of intent to suspend or revoke the license of the alleged violator; which notice shall include language contained in Subsection C.2. of this Section, explaining the right to a hearing.

2. Any person who has received a notice of intent by the law enforcement department/agency of the City to suspend or revoke a license shall have the right to a hearing of the suspension or revocation before the City's Hearing Examiner. The request for such hearing shall be initiated by serving on the City Manager a request for hearing within thirty days of the receipt of the notice of intent to suspend or revoke. If a request for hearing is not made within thirty days of receipt of the notice of intent, the suspension or revocation set forth in the notice of intent shall automatically become effective. (Ord. 53 Â§ 2 (part), 1996.)

5.12.220 Intent.

The intent of this Chapter is to supplement the provisions of RCW Chapter 19.60. (Ord. 53 Â§ 2 (part), 1996.)

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 18th day of October, 1999.

CITY OF LAKEWOOD

Attest: _____

Bill Harrison, Mayor

Alice M. Bush, CMC/AAE, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

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