

SECONDHAND GOODS*

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ARTICLE I. IN GENERAL**Secs. 23-1--23-25. Reserved.****ARTICLE II. GARAGE SALES AND FLEA MARKETS****Sec. 23-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Flea market* means any place where two or more persons occupy individual stands for the purpose of buying, selling, trading or exchanging personal property.
- (2) *Flea market promoter* means any person who solicits, invites or permits anyone to come upon property under his control for the purpose of occupying individual stands from which personal property is bought, sold, traded or exchanged.
- (3) *Garage sale* means any sale exceeding two hours duration of personal property conducted at any resident dwelling or group of dwellings.

(Gen. Ord. No. 950, § 1(13-570(a)), 4-27-92)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 23-27. License.

(a) A garage sale shall not be held until a garage sale license is obtained from the city prior to each garage sale. Applications shall be made at least one day prior to the sale upon forms furnished by the city and be accompanied by a remittance of \$5.00.

(b) Flea market promoters shall obtain an annual flea market promoter license from the city prior to promoting any flea market within the city. Applications shall be made at least one day prior to promoting a flea market upon forms furnished by the city and be accompanied by an annual remittance of \$50.00.

(c) Persons who occupy individual stands at a flea market on more than two days in any week must acquire a street stand license as provided in this Code.

(d) The director of finance shall consider all applications and issue or deny all licenses depending upon compliance herewith.

(e) Upon the issuance of any license pursuant to this section, the finance department of the city shall immediately notify the police chief in writing of the place and dates when such garage sale or flea market is to be conducted and the names, addresses and telephone numbers of the persons responsible therefor.

(f) All licenses issued pursuant to this section shall be conspicuously displayed to the public at all times when and where the garage sale or flea market is conducted.

(Gen. Ord. No. 950, § 1(13-570(b), (c)), 4-27-92)

Charter reference(s)--Licenses, art. XIV.

Sec. 23-28. Location restrictions for garage sales.

All garage sales shall be confined to the house, garage or driveway and shall not encroach upon the yard or other area.

(Gen. Ord. No. 950, § 1(13-570(d)), 4-27-92)

Sec. 23-29. Time limitations for garage sales.

A garage sale shall not be conducted for more than four days. Garage sales shall not be conducted more than four times in any calendar year at the same location.

(Gen. Ord. No. 950, § 1(13-570(d)), 4-27-92; G.O. 2223, 4-23-07; G.O. 2657, 10-29-12)

Sec. 23-30. Signs.

Signs advertising or giving directions to any garage sale or flea market shall not be used or allowed, except that one sign shall be allowed at the location of the garage sale or flea market in accordance with the zoning regulations of the city.

(Gen. Ord. No. 950, § 1(13-570(d)), 4-27-92)

Sec. 23-31. Consignment sales.

Personal property from a commercial enterprise shall not be sold on a consignment basis at any garage sale or flea market.

(Gen. Ord. No. 950, § 1(13-570(d)), 4-27-92)

Secs. 23-32--23-60. Reserved.

**ARTICLE III. ANTIQUE, AUCTION, GUN,
JEWELRY, PRECIOUS METAL/COINS
AND SECONDHAND DEALERS**

Sec. 23-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Antique dealer* means any person who buys for resale or receives on consignment or deals in the purchase or sale of antique articles of personal property.
- (2) *Appropriate law enforcement officer* means any commissioned police officer investigating transactions involving antique, auction, gun, jewelry, precious metal/coin and secondhand dealers.
- (3) *Article* means any used item acquired for resale, which is of a class of merchandise or commodity that includes, but is not limited to, automobile parts and accessories, furniture, glassware, household appliances, musical instruments, plumbing and construction materials, poles, scrap metal, sporting equipment, wearing apparel and wire.
- (4) *Auction dealer* means any person whose business is to purchase or accept articles of personal property on consignment for sale at auction.
- (5) *Gun dealer* means any person who is licensed by the city to engage in the resale of or receives on consignment or exchanges or deals in the purchase or sale of guns.
- (6) *Hold order* means a written legal instrument issued to an antique, auction, gun, jewelry, precious metal/coin or secondhand dealer by an appropriate law enforcement officer commissioned by the law enforcement agency of the municipality or county that licenses and regulates the antique, auction, gun, jewelry, precious metal/coin or secondhand dealer, ordering the said dealer to retain physical possession of an article of personal property in possession of an antique, auction, gun, jewelry, precious metal/coin or secondhand dealer or property purchased by and in the possession of such dealer and not to return, sell or otherwise dispose of such article of property, as it is believed to have been misappropriated.
- (7) *Jewelry dealer* means any person who buys for resale or receives on consignment or exchanges or deals in the purchase or sale of jewelry, including, but not limited to, precious gems, gold, silver and platinum.
- (8) *Misappropriated* means stolen, embezzled, converted or otherwise wrongfully appropriated against the will of the rightful owner or party holding a perfected security interest.
- (9) *Owner or owners* means the proprietor, if a sole proprietorship; all partners (general and limited), if a partnership; or all officers, directors and/or persons holding ten percent or more of the outstanding shares of a corporation.
- (10) *Person* means an individual, partnership, corporation, joint venture, trust, association or any legal entity, however organized.
- (11) *Precious metal/coin dealer* means any person who buys for resale or receives on consignment or deals in the purchase, exchange or sale of precious metals and/or coins.
- (12) *Purchaser* means any person who purchases an article or articles of personal property from an antique, auction, gun, jewelry, precious metal/coin or secondhand dealer.
- (13) *Secondhand dealer* means any person whose business it is to buy and sell either at wholesale or at retail used or secondhand articles of personal property.
- (14) *Seller* means any person who sells articles of personal property to an antique, auction, gun, jewelry, precious metal/coin or secondhand dealer.

(Code 1969, § 13-548; G.O. 1794, 9-18-00)

Sec. 23-62. Records required.

(a) With the exception of pawnbrokers, pursuant to RSMo. Sections 367-011 through 3670060, as applicable, every person regularly engaged in or conducting business for the purchase, sale, barter, exchange, recycling or reselling of the following described items, including, but not limited to, every flea market merchant and/or secondhand dealer, and also including, but not limited to, every coin dealer, jeweler and junk dealer, both wholesale and retail, shall keep a substantial and well-bound book, or other form of permanent record, in which he/she shall legibly and permanently enter a description of all personal property, including precious or semi-precious gems or precious metals (precious or semi-precious gems and precious metals being defined as those gems or metals commonly incorporated together or separately into jewelry), pledged with him/her or purchased by him/her, except those items purchased from wholesale dealers who operate a regular, licensed business from a physical location, with a physical address, and who are wholesale dealers in such items. Such description shall include any number, letter, marking or engraving that may be on such property for purposes of identification, including any owner applied markings, and shall also contain all of the information required pursuant to this section. The items are as follows:

- (1) antiques;
- (2) bicycles, and any self-propelled device not required to be licensed by the state department of revenue;
- (3) cameras and camera equipment, including, but not limited to, film, digital and videotape still and motion picture cameras and camcorders, and associated recording and viewing equipment;
- (4) coins;
- (5) compact digital discs (CDs) and digital video discs (DVDs);
- (6) computers;
- (7) electronic equipment;
- (8) electronic game equipment and game cartridges or discs;

- (9) firearms;
- (10) metals, both precious and scrap, including, but not limited to, aluminum, brass, bronze, copper, gold, platinum and silver;
- (11) musical instruments and equipment;
- (12) precious gems and semiprecious stones;
- (13) serviceable hand and/or power tools; and
- (14) watches.

For purposes of this article, the term “engaged or conducting business” means the purchase, sale, barter or exchange of any item mentioned in this subsection, including the advertising therefore, and including such business conducted by an established dealer in a permanent location and any temporary, transient or itinerant business, whether or not such dealer is engaged in other business activities at such locations.

(b) Every antique, auction, gun, jewelry, precious metal/coin or secondhand dealer shall keep at his or her place of business a record in which shall be entered, by number, the date and time, along with an appropriate description, of all articles purchased or taken on consignment (including any identifying numbers), together with the name and address of the person selling or consigning the property.

(c) Such records shall not be defaced or erased and shall be open to any peace officer such as defined in RSMo. 590.100, together with the articles purchased or pledged, provided that the articles shall be still in the possession of the dealer or merchant. For purposes of this article, a secondhand dealer shall include, but not be limited to, those persons who purchase items for resale at flea markets and persons other than wholesale dealers in such items. Every person or business required to keep permanent records under this section shall keep those records for a period of at least two years from the date of the last transaction recorded therein.

(d) Record entries shall be made in permanent form, whether by computer or in writing. If in writing, said entries shall be made in ink or indelible pencil and such record entry shall not be erased, obliterated or altered so as to cause the same to become illegible.

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(e) A tag bearing a register entry shall be attached to each job lot or shipment of each article or pledged good acquired. An identifying tag must be attached to all articles or pledged goods where they shall remain until sold, redeemed or otherwise disposed of.

(f) No article acquired by any antique, auction, gun, jewelry, precious metal/coin or secondhand dealer shall be disposed of until after proper records have been made by such dealer.

(g) If such property contains, in whole or in part, a precious or semiprecious gem or precious metal and such property cannot be described with the minimum required information – (such as size, weight, material, gemstone color, gemstone size, gemstone weight, description of designs and/or engraving), the property shall be photographed and the photograph shall be labeled with the item's ticket number and kept by the business. The amount of the loan or purchase price and, if a loan, the time when the loan shall be due and the interest charged therefor, shall also be recorded.

(G.O. 1794, 9-18-00; G.O. 2654, 10-15-12)

Sec. 23-63. Holding period for precious gems and precious metals received by dealers.

No gold, silver, diamonds or other precious or semiprecious gems or precious metals received or purchased by any person subject to Section 23-62, including, but not limited to, all persons engaged in such business as described in Subsection 23-62(a), shall be removed from a designated location within the city within seven days after receipt thereof, except when redeemed by the owner; nor shall any such precious or semiprecious gems or precious metals be melted or recut within seven days from the receipt thereof, except when redeemed by the owner. Further, no person subject to Section 23-62, including, but not limited to, all persons engaged in such business as described in Subsection 23-62(a), shall sell, transfer ownership or possession of or otherwise remove from said designated location any goods of any kind or type, including, but not limited to, all items described in Subsection 23-62(a) received in purchase, barter or exchange, for 24 hours from the time of the receipt of such goods, except for redemption of such goods by the owner.

(G.O. 1794, 9-18-00; G.O. 2654, 10-15-12)

Sec. 23-64. Receiving property from persons under 18 years of age.

No antique, auction, gun, jewelry, precious metal/coin or secondhand dealer shall take, buy or receive any article of personal property of any value whatsoever from any persons under 18 years of age, or have in his or her possession any such article so had or obtained, without the written consent of such minor person's parent(s) or guardian(s).

(G.O. 1794, 9-18-00)

Sec. 23-65. Receiving stolen property.

Pursuant to RSMo., Section 570.080.2, as may be amended from time to time, no antique, auction, gun, jewelry, precious metal/coin or secondhand dealer shall knowingly take, buy or receive any stolen article of personal property, or any article of personal property that (from any cause) he or she may have reason to believe or suspect cannot be lawfully or rightfully sold or consigned by the person offering it.

(G.O. 1794, 9-18-00)

Sec. 23-66. Owner or employee on premises.

An antique, auction, gun, jewelry, precious metal/coin or secondhand dealer or employee with access to records required to be maintained by Article III shall be on duty at the business at all times during which said business is open for business. The name of the owner or employee on duty shall be prominently posted during business hours.

(G.O. 1794, 9-18-00)

23-67. Daily reports by dealers to chief of police.

(a) Every person required to make and maintain records pursuant to Section 23-62 shall make a daily report to the chief of police, giving a complete description of all articles purchased or taken in barter or exchange by him/her or pledged with him/her, including the date of the transaction, any number, letter, marking or engraving that may be on such property for the purposes of identification, including any owner applied markings, and the first and last name, residential address, driver's license number, military identification number, identification certificate number or other official number capable of identifying the purchase was made, if a purchase, or by whom a pledge was made, if a

pledge; and for all property purchased or taken in barter or exchange, an acknowledgement that the seller provided the dealer at the time of the sale or barter or exchange with a signed document that the seller had the right to sell the property.

(b) Every person required to make and maintain records pursuant to Section 23-62, in addition to the report required in Subsection 23-62(a), shall make a report of any purchase, barter or exchange of scrap metal, including aluminum, copper, platinum and all other metals regardless of kind or type, within 24 hours of the purchase, barter or exchange, to the chief of police in an electronic database designated by such chief. The electronic database form for reports shall be completed in full without missing data or information.

(c) Any person selling any of the items listed in Section 23-62 must provide the person taking such goods a valid government issued identification to complete required forms. (G.O. 2654, 10-15-12)

Sec. 23-68. Penalty.

(a) Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation. Each and every day upon which such violation continues shall be deemed a separate offense.

(b) Any gross negligence or willful noncompliance with the provisions of this section by a secondhand dealer, including, but not limited to, dealers in antiques, coins, guns, jewelry, junk and precious or semiprecious gems, precious metals or scrap metals, both wholesale and retail, shall be cause for the director of administrative services to suspend or revoke his or her license. Any party aggrieved by a decision under this section shall have the right to appeal as established in Chapter 2, Article XIII of this code. (G.O. 2654, 10-15-12)

Secs. 23-69--23-85. Reserved.

DEALERS*

Sec. 23-86. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Junk or salvage dealer* means a person whose business is to buy and sell, either at wholesale or at retail, wornout and discarded material which may be returned to some use, such as old rope, chain, iron, copper, parts of machinery and paper, or who keeps, maintains or conducts in any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, regularly or continually, or by the buying and selling, at retail or wholesale, or dealing in old, used or secondhand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, lead or other metal or other articles which from their worn condition render them practically useless for the purposes for which they were made.
- (2) *Motor vehicle junk business or motor vehicle junkyard* means any business and any place of storage or deposit, whether in connection with another business or not, which displays or in or upon which there are displayed to view from a public street or highway two or more motor vehicles for a period of three months or more disassembled for any purpose, whether or not unfit for reconditioning for use on public highways. Any such described premises where any motor vehicle is located, not in approved storage, whether licensed or unlicensed, for any period, disassembled to salvage parts for any purpose shall also be classified as a motor vehicle junk business or motor vehicle junkyard. Any such described premises where there is located used parts of motor vehicles or old iron, metal, glass, paper, cordage or

*State law reference(s)--Junkyards, RSMo 226.660 et seq.

other waste or discarded or secondhand material which has been a part or

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intended to be a part of any motor vehicle shall also be classified as a motor vehicle junk business or motor vehicle junkyard.

- (3) *Secondhand storage and sales yard or junkyard* means such yards as are used for the sale or storage of secondhand building materials and supplies and other secondhand merchandise and materials that are not housed in an enclosed building.

(Code 1969, § 13-460; G.O. 1794, 9-18-00)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 23-87. Expiration of license.

Licenses issued to a business under the provisions of this article shall expire on December 31 of each year.

(Code 1969, § 13-468; G.O. 1794, 9-18-00)

Sec. 23-88. Maintenance of premises.

Any person operating a business under the provisions of this article shall at all times keep the premises in a neat and orderly condition and free from fire hazards. No materials kept by any of the persons operating a business under the provisions of this article shall remain outside of the premises or outside the required fence.

(Code 1969, § 13-475; G.O. 1794, 9-18-00)

Sec. 23-90. Records.

Every person operating a business under the provisions of this article shall keep or cause to be kept in a substantial and well-bound book a record of the purchase, sale, exchange or storage of any motor vehicle materials. The record shall state the name and description of the person from whom purchased; the make, state license number, motor number, body number, style and seating capacity of all secondhand motor vehicles purchased, sold, exchanged or placed in storage; the make, size and number of all motor vehicle tires; and the make and number of secondhand radiators, speedometers and magnetos and other accessories and parts purchased, sold, exchanged or otherwise dealt with. A record shall also be kept of all other materials bought, sold, exchanged or dealt with, which shall include the description and address of all persons to or from whom the dealer has sold, bought or exchanged materials in or about his or her place of business.

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The record so kept shall be open to inspection by any appropriate law enforcement officer.

(Code 1969, § 13-470; G.O. 1794, 9-18-00)

Sec. 23-90. Inspections.

Junk or salvage dealers, and others operating a business under the provisions of this article, shall permit the examination and inspection of all materials kept or stored in or around his or her place of business.

(Code 1969, § 13-472; G.O. 1794, 9-18-00)

Secs. 23-91--23-110. Reserved.

ARTICLE V. PAWNBROKERS*

DIVISION 1. GENERALLY

Sec. 23-111. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Appropriate law enforcement officer* means any commissioned police officer investigating transactions involving pawnbrokers.
- (2) *Article* means any item acquired for resale, which is of a class of merchandise or commodity that includes, but is not limited to, automobile parts and accessories, furniture, glassware, household appliances, musical instruments, plumbing and construction materials, poles, scrap metal, sporting equipment, wearing apparel and wire.
- (3) *Hold order* means a written legal instrument issued to a pawnbroker by an appropriate law enforcement officer commissioned by the law enforcement agency of the municipality or county that licenses and regulates the pawnbroker, ordering the pawnbroker to retain physical possession of pledged goods in the possession of a pawnbroker or article of personal property purchased by and in the possession of a pawnbroker and not to return, sell or otherwise dispose of the same as it is believed to have been misappropriated goods.
- (4) *Misappropriated* means stolen, embezzled, converted or otherwise wrongfully appropriated or pledged against the will of the rightful owner or party holding a perfected security interest.
- (5) *Month* means that period of time from one date in a calendar month to the corresponding date in the following month, but if there is no such corresponding date, then the last day of such following month, and when computations are made
- (6) *Net assets* means the book value of the current assets of a person or pawnbroker less its applicable liabilities as stated herein. Current assets include the investment made in cash, bank deposits, merchandise, inventory and loans due from customers excluding the pawn service charge. Current assets do not include the investments made in fixed assets of real estate, furniture, fixtures or equipment; investments made in stocks, bonds or other securities; or investments made in prepaid expenses or other general intangibles. Applicable liabilities include trade or other accounts payable; accrued sales, income or other taxes; accrued expenses; and notes or other payables that are unsecured or secured in whole or part by current assets. Applicable liabilities do not include liabilities secured by assets other than current assets. Net assets must be represented by a capital investment unencumbered by any liens or other encumbrances to be subject to the claims of general creditors.
- (7) *Owner or owners* means the proprietor, if a sole proprietorship; all partners (general and limited), if a partnership; or all officers, directors and persons holding ten percent or more of the outstanding shares of a corporation.
- (8) *Pawnbroker* means any person engaged in the business of lending money on the security of pledged goods or engaged in the business of acquiring tangible personal property on condition that it may be redeemed or reacquired by the original owner for a fixed price within a fixed period of time.
- (9) *Pawnshop* means the location at which, or the premises in which, a pawnbroker regularly conducts business.
- (10) *Person* means an individual, partnership, corporation, joint venture, trust, association or any other legal entity, however organized.

*State law reference(s)--Pawnbrokers, RSMo ch. 367.

- (11) *Pledged goods* means tangible personal property other than choses in action, securities or printed evidences of indebtedness, which is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his or her business in connection with a pawn transaction.
- (12) *Pledgor* means a person who pledges property to a pawnbroker.
- (13) *Purchaser* means a person who purchases an article(s) of personal property from a pawnbroker.
- (14) *Secured personal credit loan* means every loan of money made in this state, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation.
- (15) *Seller* means a person who sells articles of personal property to a pawnbroker.

(Code 1969, § 13-487; G.O. 1794, 9-18-00)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 23-112. Register requirements.

(a) Every pawnbroker acquiring any article or pledged good for trade or sale shall keep at his or her place of business a register in which shall be entered, by number, the date and time the article or pledged good was received by the pawnbroker along with an appropriate description of the article or pledged good (including any identifying numbers), together with the name and address of the person leaving the article or pledged good, his or her description and his or her driver's license number, military identification number, identification certificate number or other official number capable of identifying the person leaving the article or pledged good, as well as the amount paid for or loaned upon the article or pledged good, the interest charges and the time when the loan falls due.

(b) Register entries shall be completed within a reasonable time after the receipt or purchase of any article or pledged good, but in no event later than eight hours after the same.

(c) Every register entry shall be made in permanent form, whether by computer or in writing. If in writing, said entries shall be made in ink or indelible pencil and such register entry shall not be erased, obliterated or altered so as to cause the same to become illegible.

(d) A tag bearing a register entry number shall be attached to each job lot or shipment of each article or pledged good acquired. An identifying tag must be attached to all articles or pledged goods where they shall remain until sold, redeemed or otherwise disposed of.

(e) Articles or pledged goods need not be tagged if by their nature they are in such form as to make it impossible for them to be appropriately tagged. This exception does not eliminate other record keeping requirements of this article.

(f) Every pawnbroker shall deliver or otherwise make available a copy of the pawnbroker's register upon the request of an appropriate law enforcement officer, without prior notice or necessity of obtaining a search warrant during regular business hours and in a manner so as to minimize interference with or delay to the pawnbroker's business operations.

(g) No article or pledged good acquired by any pawnbroker shall be disposed of until after proper registration has been made by the pawnbroker.
(Code 1969, § 13-489; G.O. 1794, 9-18-00)

Sec. 23-113. Receipt for personal credit loans.

(a) At the time of making any secured personal credit loan, a pawnbroker shall execute and deliver to the borrower a receipt for and describing the pledged goods subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:

- (1) The name and address of the pawnshop;
- (2) The name, address and date of birth of the pledgor or seller, his or her description and his or her driver's license number, military identification number, identification certificate number or other official number capable of identifying the pledgor;
- (3) The date and time of transaction;

- (4) An identification and description of the pledged goods, including brand name, model and serial numbers if reasonably available;
- (5) The amount of cash advanced or credit extended to the pledgor or seller;
- (6) The amount of the pawn service charge;
- (7) The total amount which must be paid to redeem the pledged good(s) on the maturity date;
- (8) The maturity date of the pawn transaction; and
- (9) A statement to the effect that the pledgor is not obligated to redeem the pledged good(s), and that they may be forfeited to the pawnbroker 60 days after the specified maturity date.

(b) If the pawn ticket is lost, destroyed or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged good(s) or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given and the number of the pawn ticket lost, destroyed or stolen. The affidavit shall be signed by a notary public appointed by the secretary of state, pursuant to Section 486.205 RSMo, to perform notarial acts of the state.

(c) Receipt entries shall be made in permanent form, whether by computer or in written form. If the latter, said entries shall be made in ink or indelible pencil and said entries shall not be erased, obliterated or altered in any way so as to cause said entries to become illegible.

(d) Receipts must be maintained in a form which contains a sequential numbering or lettering system.

(e) An identifying tag must be attached to all pledged goods where they shall remain until redeemed or otherwise disposed of.

(f) Every pawnbroker shall deliver or otherwise make available a copy of all receipts upon request of an appropriate law enforcement officer, without prior notice or necessity of obtaining a search warrant during regular business hours and in a manner so as to minimize interference with or delay to the pawnbroker's business operations.

(Code 1969, § 13-490; G.O. 1794, 9-18-00)

State law reference(s)--Receipts for pledged property, RSMo 367.031.

Sec. 23-114. Report and records.

(a) Every pawnbroker shall complete and deliver to the appropriate law enforcement officer a daily report of all articles or pledged goods or other valuable items received, deposited or purchased during the preceding day, together with the date and time received, deposited or purchased and including an identification and description of the articles or pledged goods, including brand name, model and serial numbers, if reasonably available, together with the name and address of the person who left the articles or pledged goods in pawn or from whom said articles or pledged goods were purchased, his or her description and his or her driver's license number, military identification number, identification certificate number or other official number capable of identifying such person. The report shall be made by using the Pawn Inventory for Law Enforcement Tracking (PILET) software system as directed by the appropriate law enforcement officer and shall indicate the name and address of the business making the report. All records and information that relate to a pawnbroker's pawn, purchase or trade transactions and that are delivered to or otherwise obtained by an appropriate law enforcement officer are confidential and may be used only by such appropriate law enforcement officer and only for the following official law enforcement purposes: the investigation of a crime specifically involving the item of property delivered to the pawnbroker in a pawn, purchase or trade transaction; the investigation of a pawnbroker's possible specific violation of the record-keeping or reporting requirements, but only when the appropriate law enforcement officer, based on a review of the records and the information received, has probable cause to believe that such a violation has occurred; and the notification of property crime victims of where property that has been reported misappropriated can be located. Each dealer shall have six months

from the effective date of this section to implement the PILET software system or a comparable software program that has been previously approved, in writing, by the police department.

(b) No report need be made of any articles or pledged goods purchased from manufacturers or wholesale dealers having an established place of business. However, when requested by an appropriate law enforcement officer, the pawnbroker shall produce a bill of sale or other evidence of purchase of such articles or pledged goods.

(c) Each pawnbroker shall keep, consistent with accepted accounting practices, adequate books and records relating to the pawnbroker's transactions, which books and records shall be preserved for a period of at least two years from the date of the last transaction recorded therein. (Code 1969, § 13-491; G.O. 1794, 9-18-00)

Sec. 23-115. Time limit for retention.

No article(s) or pledged good(s) received on deposit, taken in trade or purchased by any pawnbroker shall be sold from the place of business of such pawnbroker until the expiration of at least 24 hours from the time the daily report was made available showing such transaction to the appropriate law enforcement officer. Sundays and all legal holidays shall not be included in the computation of this length of time. Article(s) or pledged good(s) purchased from manufacturers or wholesale dealers need not be retained, unless so specifically ordered by the appropriate law enforcement officer.

(Code 1969, § 13-492; G.O. 1794, 9-18-00)

Sec. 23-116. Receiving property from persons under 18 years of age.

No pawnbroker shall take, buy or receive any articles or pledged goods of any value whatsoever from any persons under 18 years of age, or have in his or her possession any such articles or pledged goods so had or obtained, without the written consent of such minor person's parent(s) or guardian(s).

(Code 1969, § 13-493; G.O. 1794, 9-18-00)

Sec. 23-117. Receiving stolen property.

Pursuant to RSMo., Section 570.080.2, as may be amended from time to time, no pawnbroker

shall knowingly take, buy or receive in pledge or deposit any stolen article or personal property, or any article of personal property that (from any cause) he or she may have reason to believe or suspect cannot be lawfully or rightfully sold, pawned or pledged by the person offering it.

(G.O. 1794, 9-18-00)

Sec. 23-118. Restriction on pawnshop operations.

A pawnbroker shall not:

- (1) Make any agreement requiring the personal liability of a pledgor or seller in connection with a pawn transaction;
- (2) Accept any waiver, in writing or otherwise, of any right or protection accorded a pledgor or seller under state law or city ordinance;
- (3) Fail to exercise reasonable care to protect article(s) or pledged goods from loss or damage;
- (4) Fail to return articles or pledged goods to a pledgor upon payment of the full amount due the pawnbroker for the pawn transaction. In the event such articles or pledged goods are lost or damaged as a result of pawnbroker negligence while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kind of merchandise. Pawnbrokers shall not be responsible for loss of articles or pledged goods due to acts of God, acts of war or riots, insurrection, strikes, labor disputes, government restrictions or priorities, litigation or other causes beyond the control of the pawnbroker. Each pawnbroker shall employ, if reasonably available, a reputable company for the purpose of fire and theft security;

(G.O. 1794, 9-18-00)

Sec. 23-119. Compliance with other city ordinances required.

It shall be the duty of pawnbrokers to comply with the building, fire, health, property maintenance and zoning codes and ordinances of the city and with the corresponding regulations of any department of the city. Failure to comply with such codes, ordinances or regulations may

be a basis for suspension, revocation or nonrenewal of the license referred to in Division 2 below.

(G.O. 1794, 9-18-00)

Sec. 23-120. Pawnbroker compliance with state law required.

It shall be the duty of pawnbrokers to comply with all applicable provisions of RSMo Chapter 367, and any subsequent amendments thereto.

(G.O. 1794, 9-18-00)

Sec. 23-121. Penalty.

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation. Each and every day upon which such violation continues shall be deemed a separate offense.

(G.O. 1794, 9-18-00)

Sec. 23-122. Annual Report.

An appropriate law enforcement officer shall compile and maintain information that will reflect the total number of records reviewed, and all misappropriated goods recovered, from all antique, auction, gun, jewelry, precious metal/coin, or second hand dealers and pawnbrokers doing business within the city. Such information shall be incorporated into the St. Joseph Police Department Annual Report, which is produced in the spring of each calendar year, filed with the city clerk and distributed to the mayor, city council and city manager. A copy of the annual report shall be made available, at no charge, to all pawnbrokers and other dealers whose information contributed to such report.

(G.O. 1794, 9-18-00)

Secs. 23-123--23-140. Reserved.

DIVISION 2. LICENSE

Sec. 23-141. Pawnshop license required.

(a) No person shall operate a pawnshop unless such person obtains a pawnshop license issued pursuant to this section. To be eligible for a pawnshop license an applicant shall:

- (1) Be of good moral character;

- (2) Provide proof of general liability insurance coverage;

- (3) If applying for a license for the first time, have net assets of at least \$50,000.00 readily available for use in conducting business as a pawnshop for each licensed pawnshop; and

- (4) Demonstrate that the pawnshop will be operated lawfully and fairly under state law and city ordinances.

(b) An application for a new pawnshop license, the transfer of an existing pawnshop license or the approval of a change in the ownership of a licensed pawnshop shall be under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted and other relevant information required by the finance department.

(c) The finance department shall not issue a pawnshop license to any applicant who has a felony or misdemeanor conviction that directly relates to the duties and responsibilities of a pawnbroker or otherwise makes the applicant presently unfit for a pawnshop license.

(d) If applying for a license for the first time, the finance department may require the applicant to produce documentation, including the presentation of a current balance sheet prepared by an independent certified public accountant, which states that the accountant has reviewed the books and records of the applicant and that the applicant meets the net asset requirements of this division.

(e) Each application shall be accompanied by a one-time investigation fee of \$500.00, if the applicant is unlicensed at the time of applying for a pawnshop license; or \$250.00 if the application involves a second or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location.

(f) Each application shall be accompanied by an annual fee of \$500.00

(G.O. 1794, 9-18-00)

Sec. 23-142. Continuation of existing businesses.

The city shall permit any person lawfully operating a pawnshop on September 18, 2000 (the effective date of the ordinance) to continue operating such pawnshop without obtaining a license required by this Division 2 so long as such person does not violate any of the provisions of the same, except that such person shall be required to pay the \$500.00 annual fee prescribed in Subsection 23-110 (f) above in lieu of the occupation license fee.

(G.O. 1794, 9-18-00)

Sec. 23-143. Display of license.

The license provided for in this division shall be posted conspicuously on the premises.

(G.O. 1794, 9-18-00)

Sec. 23-144. License required for each place of business.

It shall be unlawful for anyone to act as agent or solicitor for any pawnbroker at a place other than a place specified to operate business in the pawnbroker license.

(G.O. 1794, 9-18-00)

Sec. 23-145. Issuance of licenses or permits - findings.

After an investigation, the finance department shall issue the applicable license authorized by this division if the finance department finds:

- (1) That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and property maintenance ordinances of the city, as well as the requirements of this division;
- (2) That the applicant has not made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the finance department (as part of the original license application or application for renewal thereof);

- (3) That the applicant has not been convicted of a felony or released from confinement for conviction of a felony, whichever event is later, within five years immediately preceding the application, or has not been convicted of a misdemeanor, or released from confinement for conviction of a misdemeanor, whichever event is later, within two years immediately preceding the application, where such felony or misdemeanor involved the operation of a pawnshop, theft, stealing, robbery, burglary or receipt of stolen property and related offenses, as defined in the Missouri Criminal Code, or similar statutes, or has not been convicted of a municipal ordinance violation, or released from confinement for conviction of a municipal ordinance violation, whichever event is later, within two years immediately preceding the application where such municipal ordinance violation involved the operation of a pawnshop, theft, stealing, robbery, burglary or receipt of stolen property; and

- (4) That the applicant has not had a license or permit issued under the provisions of this article revoked within five years immediately preceding the application.

(G.O. 1794, 9-18-00)

Sec. 23-146. Owner or employee on premises.

A pawnshop owner or employee with access to records required to be maintained by this article shall be on duty at the pawnshop at all times during which said pawnshop is open for business. The name of the owner or employee on duty shall be prominently posted during business hours.

(G.O. 1794, 9-18-00)

Secs. 23-147--160. Reserved.**DIVISION 3. CRIMINAL INVESTIGATIONS****Sec. 23-161. Hold order for criminal investigation, return of property--court order.**

(a) Upon written notice from an appropriate law enforcement officer indicating that articles or pledged goods in the possession of an antique, auction, gun, jewelry, precious metal/coin or secondhand dealer or a pawnbroker and subject to

a hold order are needed for the purpose of furthering a criminal investigation and prosecution, such dealer or pawnbroker shall release the articles or pledged goods subject to the hold order to the custody of an appropriate law enforcement officer for such purpose and such officer shall provide a written acknowledgment that the articles or pledged goods have been released to him/her. The release of the articles or pledged goods to the custody of an appropriate law enforcement officer shall not be considered a waiver or release of the dealer's or pawnbroker's property rights or interest in the articles or pledged goods. Upon completion of the criminal investigation, the articles or pledged goods shall be returned to the dealer or pawnbroker who consented to their release; except that if an appropriate law enforcement officer has not completed the criminal investigation within 120 days after its release, he/she shall immediately return the articles or pledged goods to the dealer or pawnbroker or obtain and furnish to the dealer or pawnbroker a warrant for the continued custody of the articles or pledged goods.

(b) Except as provided in subsection (a) above, the dealer or pawnbroker shall not release or dispose of the articles or pledged goods except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions.

(G.O. 1794, 9-18-00)

Sec. 23-162. Inspection without search warrant, hold order.

(a) Upon request of an appropriate law enforcement officer to inspect the pledged goods that are described in information furnished by an antique, auction, gun, jewelry, precious metal/coin or secondhand dealer or a pawnbroker pursuant to Subsections 23-113(a)(1) through (4) above, such officer shall be entitled to inspect the articles or pledged goods described, without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the dealer's or pawnbroker's business operation. When an appropriate law enforcement officer has probable cause to believe that any articles or pledged goods in the possession of a dealer or pawnbroker are misappropriated, he/she may place a hold order on the same. The hold order shall contain the following:

(1) The name of the dealer or pawnbroker;

- (2) The name and mailing address of the business or pawnshop where the articles or pledged goods are held;
- (3) The name, title and identification number of the law enforcement officer placing the hold order;
- (4) The name and address of the agency to which the law enforcement officer is attached and the claim or case number, if any, assigned by the agency to the claim regarding the articles or pledged goods;
- (5) A complete description of the articles or pledged goods to be held including model and serial numbers; and
- (6) The expiration date of the holding period.

The hold order shall be signed and dated by an appropriate law enforcement officer and signed and dated by the dealer or pawnbroker or the dealer's or pawnbroker's designee as evidence of the hold order's issuance by such officer, receipt by the dealer or pawnbroker and the beginning of the initial holding period. The officer issuing the hold order shall provide an executed copy of the hold order to the dealer or pawnbroker for the dealer's or pawnbroker's record keeping purposes at no cost to the dealer or pawnbroker.

(b) Upon receiving the hold order, and subject to the provisions of Section 23-161 above, the dealer or pawnbroker shall retain physical possession of the articles or pledged goods subject to the order in a secured area. The initial holding period of the hold order shall not exceed two months, except that the hold order may be extended for up to two successive one-month holding periods upon written notification prior to the expiration of the immediately preceding holding period. A hold order may be released prior to the expiration of any holding period or extension thereof by written release from the agency placing the initial hold order. The initial hold order shall be deemed expired upon the expiration date if the holding period is not extended pursuant to this subsection.

(c) Upon the expiration of the initial holding period or any extension thereof, the dealer or pawnbroker shall deliver written notice to the appropriate law enforcement officer issuing the hold order that such order has expired and that title to the articles or pledged goods subject to the

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hold order will vest in the pawnbroker in ten business days. Ownership shall only vest in the dealer or pawnbroker upon the expiration of the ten-day waiting period subject to any restriction contained in the pawn contract or state statute, but only after taking into account the provisions of Section 570.080 RSMo.

(d) In addition to the penalty provisions contained in Section 367.050 RSMo, gross negligence or willful noncompliance with the provisions of this section by a dealer or pawnbroker shall be cause for the director of financial services to suspend or revoke the dealer's or pawnbroker's license.

(e) Any party aggrieved by a decision under this section shall have the right to appeal as established in Chapter 2, Article XIII of this code.

(G.O. 1794, 9-18-00; G.O. 1901, 10-14-02)