

CHAPTER 13

PAWN BROKERS, SECONDHAND PRECIOUS METALS DEALERS, SECONDHAND STORES

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4-13-1: **GARAGE SALE DEFINED:** As used in this Chapter, a "garage sale" is a sale of new or used personal property, not more than three (3) consecutive days in duration and conducted not more frequently than once every six (6) months at the same location.

4-13-2: **PAWNBROKER DEFINED:** As used in this Chapter, "pawnbroker" is a person who engages in the business of lending or advancing money on the security of personal property pledged or deposited in his or her possession.

4-13-3: **PRECIOUS METALS DEFINED:** As used in this Chapter, "precious metals" means gold, silver, platinum and their alloys.

4-13-4: SECONDHAND GOODS DEFINED: As used in this Chapter, "secondhand goods" are articles of personal property, other than operable motor vehicles, previously possessed and used by a person other than their current possessor.

4-13-5: SECONDHAND PRECIOUS METALS DEALER DEFINED;
EXCEPTIONS:

(A) Definition: As used in this Chapter, a "secondhand precious metals dealer" is a person who engages in the business of buying, selling, exchanging or trading old or used precious metal or secondhand goods containing any precious metal.

(B) Exceptions: The following shall not be considered secondhand precious metals dealers:

(1) Persons who in the ordinary course of business buy or sell uncast precious metals primarily for use in any manufacturing or photographic developing process, jewelry manufacture or repair, or dental restoration or repair.

(2) Persons who in the ordinary course of business accept or receive secondhand goods containing precious metals as consideration for the sale of new merchandise and who subsequently dispose of such secondhand goods in the same form as they existed at the time of their receipt.

4-13-6: SECONDHAND STOREKEEPER DEFINED; EXCEPTION:

(A) Definition: As used in this Chapter, a "secondhand storekeeper" is a person who engages in the business of buying, selling, exchanging or trading secondhand goods.

(B) Exception: Persons who sponsor or conduct garage sales shall not be considered secondhand storekeepers.

4-13-7: LICENSE REQUIRED: No person shall engage in the business of a pawnbroker, secondhand storekeeper or secondhand precious metals dealer without first obtaining a license issued by the City.

4-13-8: LICENSE APPLICATION: Applications for pawnbrokers, secondhand storekeepers and secondhand precious metals dealers licenses shall be made on a form provided by the City Clerk. The application shall state the applicant's name, residential address, business name, address of place of business, type of license

applied for and a general description of the goods or materials to be purchased, sold, exchanged or traded. The relevant license fee shall accompany the application.

4-15-9: LICENSE APPROVAL AND ISSUANCE: Applications for licenses required under this Chapter shall be forwarded by the City Clerk to the City Council for its approval or denial. Upon approval of an application, the City Clerk shall issue the license. If a license application is denied by the City Council, the license fee shall be refunded to the applicant.

4-13-10: LICENSE FEES: Fees for licenses issued under this Chapter shall be as follows:

Pawnbroker	
\$50.00 per location	per calendar year or any part thereof
Second hand precious metals dealer	\$30.00 per calendar year or any part thereof
Secondhand storekeeper	
\$30.00 per calendar	year or any part thereof

4-13-11: RECORDS TO BE KEPT: All pawnbrokers, secondhand storekeepers and secondhand precious metals dealers shall keep the following written records:

- (A) An accurate description of all precious metals and personal property purchased, acquired or received.
- (B) The name, residence, driver's license number or social security number of the person from whom any, precious metals or personal property is purchased, acquired or received.
- (C) The date and place of the purchase, acquisition or reception.
- (D) The date when such property is disposed of and the name and address of the person receiving the same.
- (E) Any other records required to be kept under Idaho law.

4-13-12: RECORDS TO BE OPEN FOR INSPECTION: All records required to be kept under this Chapter shall be made available for inspection by any police officer of the City during normal business hours. Copies of all such records shall be provided and supplied to the Police Department of the City of Shelley for each month within

the first ten (10) days of the following month.

4-13-13: RETENTION OF RECORDS; TIME: All records required to be kept under this Chapter shall be kept for not less than three (3) years.

4-13-14: RETENTION OF PROPERTY: No person licensed under this Chapter shall sell, trade, rent or otherwise dispose of any property acquired for the purpose of resale or other conveyance for a period of fifteen (15) days from the date of receiving the property.

4-13-15: COMPLIANCE WITH LAW: Persons licensed under this Chapter shall conduct their businesses in compliance with all applicable federal, state and City laws, ordinances and regulations.

4-13-16: PROHIBITED PURCHASES: No person licensed under this Chapter shall purchase, acquire, accept or receive in the ordinary course of business and for the purpose of resale or other conveyance any precious metals or personal property from any person who is under the age of eighteen (18) years or who is under the influence of alcohol, drugs or a controlled substance.

4-14-17: REVOCATION OF LICENSE: Any license issued under this Chapter may be revoked by the Council upon proof that the licensee has violated any provision herein, has supplied any false or materially misleading information in his or her application or has been convicted of any felony.