

## Chapter 5.28

### PAWNBROKERS

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

A. “Melted metals” means metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots which are

produced from ore that has not previously been processed.

- B. “Metal junk” means any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.
- C. “Nonmetal junk” means any nonmetal, commonly discarded item that is worn out, or has out lasted its usefulness as intended in its original form, except nonmetal junk does not include any item made in a former period which has enhanced value because of its age.
- D. “Precious metals” means gold, silver, and platinum.
- E. “Personal property” means any item of property owned by an individual that is offered for sale which is not new, including metals in any form.
- F. “Second-hand property” means any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books, and clothing of a resale value of seventy-five dollars or less, except furs.
- G. “Antique or collectible” means any article that which, because of its age, rarity, or historical significance has a monetary value greater than its original value or has an age of 30 or more years; provided, however, the following items, regardless of age or value shall not be considered an antique or collectibles and shall be subject to regulation and reporting under this ordinance: ivory, precious and semi-precious gems, gold or silver of any purity, or items that have any of the foregoing as components or attachments.

H. "Pawnbroker" means every person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits or conditional sales of personal property.

I. "Second-hand dealer" means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value, second-hand property including metal junk, melted metals or precious metals.

J. "Antique dealer" means every person engaged in whole or in part, in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value antiques or collectibles including metal junk, melted metals or precious metals.

K. "Transaction" means a pledge, purchase or consignment by a dealer from a member of the general public.

L. "Dealer" means, for the purpose of this ordinance, any person, partnership and/or corporation conducting business covered under the provisions of this ordinance. (Ord. 1678, 1989)

**5.28.020 Fixed Place of Business.** No person may operate as a pawnbroker, second-hand or antique dealer unless the person maintains a fixed place of business within the City of Snohomish. (Ord. 1678, 1989)

**5.28.030 License Requirements.** Except as provided herein, no person, firm or corporation or any other organization shall hold out, advertise or engage in business as a pawnbroker, second-hand or antique dealer in the City of Snohomish without first having obtained a license from the City therefor. (Ord. 1678, 1989)

**5.28.040 License Issuance, Renewal, Denials, Suspension and Revocation.**

Notwithstanding the general licensing provisions as they relate to license issuance, renewal, denial, suspension and revocation, this section shall control.

A. It is unlawful to engage in business as a pawnbroker, second-hand or antique dealer in the City of Snohomish without first having obtained a license from the City Clerk permitting such business.

B. A license will be denied to any person if the Chief of Police after due investigation, finds that the applicant has done any of the following:

1. Made any false statement on the application or omitted information required on the application;

2. Had a conviction or bail forfeiture involving crimes pertaining to or directly related to the applicants honesty and integrity (fraud, larceny, extortion, theft, possession or stolen property, etc.) and ability to properly operate a pawnbroker, second-hand or antique business;

3. Exhibited conduct within the past three years in operating a pawnbroker, second-hand or antique business which would lead the Chief of Police to reasonably conclude that the applicant will not comply with ordinance requirements;

4. Been refused a pawnbroker, second-hand or antique business license or had such license revoked under the provisions of this ordinance or by any other jurisdiction within the State of Washington; provided, however, that any applicant denied a license under

this ordinance may re-apply after one year from the date of the denial if the basis for the denial no longer exists.

C. A dealer's license will be suspended or revoked if the licensee does any of the following:

1. Fails to comply with any of the requirements of this ordinance;
2. Violates any of the ordinances of the City of Snohomish or the laws of the State of Washington, the violation of which reflects unfavorably on the fitness of the license holder to engage in or work for a dealer;
3. Falsifies any record, document or information required to be kept or submitted to the City by this ordinance or by regulation prescribed hereunder;
4. Has a conviction or bail forfeiture involving crimes pertaining to or directly related to the licensee's honesty and integrity (fraud, larceny, extortion, theft, possession of stolen property, etc.) and the ability to properly operate a pawnbroker, second-hand or antique business.

D. Suspension of a license means that the licensee's privilege to operate his/her business as a pawnbroker, second-hand or antique dealer is barred for a specific period of time. A suspended license may be reinstated upon the lapse of a specific period of time or by correcting the deficiencies. The conditions or reinstatement will be determined by the City Hearing Examiner.

E. Revocation of a license means that the license has been cancelled. A licensee whose license has been revoked cannot have his/her license reinstated but must

comply with all conditions of the revocation including re-applying for a new license and paying all license fees.

F. When the City Clerk suspends or revokes a license, the City Clerk shall first provide the licensee with a Notice of Proposed Suspension/Revocation which shall provide notification to the licensee that a hearing will be held on the suspension/revocation at a time and date determined by the City Clerk. The Notice of Suspension/Revocation will be sent to the licensee's address. It is the licensee's duty to keep the address information on the application current at all times. The City Hearing Examiner will preside over the hearing. In the event the licensee fails to attend the hearing, the license will automatically be suspended/revoked. Any suspension/revocation will not be effective until the City Hearing Examiner makes a determination following the hearing.

G. A license suspension/revocation shall become effective immediately without the benefit of any suspension/revocation hearing when the ordinance requires a summary suspension/revocation or when the City Hearing Examiner determines that it is in the best interest of the health and/or safety of the general public to do so.

H. Within ten (10) days following suspension or revocation of any license issued pursuant to this ordinance or within ten (10) days following the denial of any license regulated by this ordinance, an appeal may be filed with the City Council. Upon the receipt of such appeal notice, the licensee shall be afforded a hearing before the City Council after reasonable notice has been given. Said appeal shall be in writing and addressed to the City Council.

- I. Notice of the time and date of such appeal hearing shall be given by delivering a copy of the notice to the holder of the license or by mailing a copy thereof to the holder at the last address shown by the City Clerk's license records which notice shall be mailed or delivered at least five (5) days before the date fixed for the hearing. The City Council shall, within thirty (30) days after the conclusion of such hearing, issue a decision as to the suspension, revocation or denial. Such decision of the City Council shall be final and conclusive as of the date set forth in the decision, unless within fifteen (15) days from the effective date on the City Council order an aggrieved person or persons obtains a writ of certiorari from the Superior Court of Washington for the County of Snohomish for the purpose of review of the action taken.
- J. It is unlawful for a person whose license has been revoked or suspended, to keep the license issued to him/her in his/her possession or under his/her control, and the same shall immediately be surrendered to the City Clerk. When revoked, the license shall be cancelled and when suspended, the City Clerk shall retain the same during the period of the suspension. (Ord. 1678, 1989)

**5.28.050 Exceptions.** Except as otherwise provided in this ordinance, the provisions of this ordinance do not apply to transactions as conducted by the following.

- A. Motor vehicle dealers licensed under RCW 46.70;
- B. Motor vehicle wreckers or hulk haulers licensed under RCW 46.79 or 46.80;

- C. Persons giving an allowance or the trade-in or exchange of second-hand property on the purchase of other merchandise of the same kind and of a greater value;
- D. Organizations who obtain their inventories of second-hand property solely through charitable contributions or charity drop box;
- E. Persons in the business of buying empty food and beverage containers or non-metal junk;
- F. Residents of the City when engaging in the sale of second-hand property from their own residence and from their own personal property in a form commonly known as yard sales or garage sales, as long as these sales do not exceed a total of not more than four (4) days per year, and not on a total of more than four (4) separate occasions;
- G. Sales in excess of four (4) days total per year or more than four (4) separate occasions shall be construed as being a second-hand dealer business and shall be subject to all of the requirements of this ordinance and all other City ordinances;
- H. Transactions by and between antique and collectible dealers involving any antique or collectible. (Ord. 1678, 1989)

**5.28.060 Duty to Record Information.**

- A. Every dealer doing business in the City of Snohomish shall maintain, wherever that business is conducted, a record which shall be typewritten in the English language, at the time of each transaction which shall include the following information;
  - 1. The signature of the person with whom the transaction is made;

2. The date and the time of the transaction;
3. The name of the person or employee conducting the transaction;
4. The first name, last name, middle name, sex, race, age, date of birth, height, weight, hair and eye color and address, telephone number, and social security number of the person with whom the transaction is made;
5. A complete description of the property pledged, bought or consigned, including the brand name, serial number, model number, initials, engravings, size, patterns, and color, and in the case of firearms brand or country of origin if no brand is marked, type of action, manufacturer of the action if known, caliber by measurement or marking on the weapon, barrel length, type of finish (nickel, stainless, blued, satin or smooth), barrel length, and type of firearm whether it is a rifle, pistol/handgun or shotgun. In the case of jewelry, shape, number, color and type of stones, material of workmanship, whether the item is men's or women's jewelry, the type of jewelry (watch, ring, necklace, etc.) type of finish and color (black hills gold, yellow gold satin finish, silver filigree, etc.);
6. The price paid or the amount loaned;
7. The type and identifying number of the identification used by the person with whom the transaction is made, which shall consist of a valid driver's license or identification card issued by any state or two pieces of identification issued by a governmental agency, one of which

shall be descriptive of the person identified, and one which shall bear a picture of the person identified; and

8. The nature of the transaction, a number identifying the transaction, the name and address of the business conducting the transaction, the location of the property and the licensee's reporting number as assigned by the Chief of Police or his designee.
- B. Each dealer who obtains property from private individuals shall keep an accurate record which shall be typewritten at the time of each transaction and an accurate description. In addition, the record shall contain the amount of money paid therefor or loaned thereon, the percentage rate to be repaid on any loan, the time within which said loan or pawn is to be redeemed and the identifying information as previously specified. (Ord. 1678, 1989)

**5.28.070 Retention of Records.**

- A. Every dealer shall retain complete business records for three (3) years following the date of the transaction.
- B. Every dealer shall retain complete business records until notified otherwise if said transactions will be involved in a criminal prosecution.

Notification of said criminal prosecution shall be in writing from the Police Department or from any law enforcement agency or prosecutor within the State of Washington.

- C. The records shall be maintained at the place of business. (Ord. 1678, 1989)

**5.28.080 Identification of Property within Business.** At the time of receipt of property

from a customer the property shall be marked with a number corresponding to the number assigned the transaction in the store's bookkeeping method. Such numbering shall be in ascending sequence and the transaction number shall be affixed to the item throughout the items tenure within the store. (Ord. 1678, 1989)

**5.28.090 Inspections.** All records, books, and other records of any dealer as well as goods, ware, and any other merchandise connected to or relating to any pledge, purchase, exchange, receipt of goods, wares, or merchandise received from private individuals or other articles of value connected with the dealer acting as a pawnbroker or second-hand dealer shall be open to inspection to any commissioned police officer of the State of Washington, or of any of its political subdivisions at all times.  
(Ord. 1678, 1989)

**5.28.100 Seller or Consignee to Give Truthful Information to the Dealer.** All persons selling or consigning property to a dealer shall read and sign an affirmation statement on the transaction report to be completed at the time of the transaction which shall read as follows: "I certify that the information contained on this form is true and accurate. I further certify that the item(s) have no liens or financial claims against them and that the item(s) are not stolen. I realize that falsifying this form is a violation of the ordinances of the City of Snohomish and is subject to imprisonment for not more than ninety (90) days or a fine of not more than one thousand dollars (\$1,000) or both." (Ord. 1678, 1989)

**5.28.110 Duty to Report to Chief of Police.**

A. Every dealer who accepts, purchases, trades, takes on consignment or by other means receives property from private individuals within the City of

Snohomish shall deliver to the City of Snohomish Police Department no later than 1800 hours (6:00 p.m.) a full, true, and correct transcript of the record of all transactions conducted within the preceding twenty-four (24) hours. The report shall be made on forms approved by the Chief of Police or his designee. It shall be the responsibility of the dealer to obtain and keep in adequate supply, at his own expense, those forms required for reporting and records keeping. No forms may be utilized which do not contain the previously specified required information and which have not obtained the prior approval of the Police Department.

- B. If a dealer or any employee thereof has reason to believe that goods in his possession are lost or stolen goods, such information shall be promptly reported to the Chief of Police or his designee, together with the name of the owner/pawner/or consignor and the date when the item was received by the business, as well as the customer's name from whom the item was received.
- C. It is unlawful for any person to provide false information to a dealer, and any person doing such shall be guilty of a violation of this ordinance and shall be subject to a fine or imprisonment. (Ord. 1678, 1989)

**5.28.120 Stolen Goods.**

A. In addition to retention of property required by this Chapter, any police officer having probable cause to believe that any item in possession of a licensee is stolen, may seize such item at any time. In the event of such seizure, the licensee shall be entitled to a written receipt.

B. In lieu of immediate seizure, any police officer having probable cause to believe that any item in the possession of the licensee is stolen may place a "Police Hold" on the item by notation to the record.

C. While an item is being held on "police hold" the dealer is required to:

1. Tag the item and note the hold on the transaction record;
2. Hold the item in a secure area and keep it separate from normal inventory. It shall be accessible at any time during the dealer's normal business hours;
3. In any event the hold shall expire at the end of one hundred and twenty (120) days unless written notification is given to the dealer. Renewal of the "police hold" results in an additional one hundred and twenty (120) day holding period for each renewal.

D. No licensee shall dispose of any item subject to a "police hold" in any manner. (Ord. 1678, 1989)

**5.28.130 Police Hold and Police Property Seizure Hearings.**

A. Any licensee who has had property placed on "police hold" or had property seized by a law enforcement officer may obtain a hearing to obtain additional information. The licensee shall cause notice to be served on the Chief of Police not more than fifteen (15) days after the "police hold" has been placed or the property seized.

1. Notice shall be served by certified mail, addressed to the Chief of Police, Snohomish Police

Department, 230 Maple Avenue, Snohomish, WA 98290.

2. The request for hearing shall contain the following:

- a. Name, address, and phone number of the licensee requesting the hearing;
- b. Name of the business involved, address and phone of the business;
- c. Complete description of the item(s) of property involved;
- d. Date those items came into the licensee's possession;
- e. The nature of the transaction and number identifying the transaction through which the licensee received the items;
- f. Brief statement describing the reason for the licensee's concern.

B. Upon receipt of the notice requesting the hearing the Chief of Police or his designee shall schedule a hearing. The hearing shall be conducted within thirty (30) calendar days of the receipt of notice.

1. Property hearings will be held at the Snohomish Police Department;
2. The Chief of Police shall notify the Hearings Officer as provided in this ordinance.
3. The Hearing Officer shall have the power to:

- a. Administer oaths and affirmations, examine witnesses and receive evidence;

- b. Rule on offers of proof and receive relevant evidence;
  - c. Regulate the course of the hearing;
  - d. Make decisions which shall be so ordered;
  - e. Establish rules and procedures to conduct hearings consistent herewithin.
- C. The following procedures will be followed at a Hearing:
- 1. At the hearing the licensee may produce any relevant evidence to substantiate his claim of ownership;
  - 2. The police report shall be admitted as probative evidence;
  - 3. All evidence including, but not limited to, records and documents in the possession of the licensee or the police department shall be admitted as evidence and no other factual information or evidence shall be considered in the determination of the case;
  - 4. The Hearing Officer may take notice of judicially cognizable facts;
  - 5. The Hearing Officer may exclude incompetent, irrelevant, immaterial and unduly repetitious information or evidence;
  - 6. Any order of the Hearing Officer shall be supported by proof by a preponderance of the evidence.
- D. At the conclusion of the hearing, the Hearing Officer shall order:
- 1. That the item(s) shall remain in the possession of the licensee, subject to a "police hold" upon the item(s) or order from a court of competent jurisdiction, or;
  - 2. That possession of the item(s) shall be transferred to the Snohomish Police Department. The Snohomish Police Department may retain the item(s) for use as evidence in court or be directed to return the item(s) to the rightful owner, or;
  - 3. That the item(s) shall remain in the possession of the Snohomish Police Department for use in court as evidence or be directed to return the item(s) to the rightful owner.
- E. Any person, including the City, aggrieved by the final decision in a property hearing is entitled to review thereof in the Snohomish County Superior Court.
- 1. Proceedings for review under this section shall be instituted by filing a petition in Superior Court.
  - 2. Filing of the petition shall not stay enforcement of the Hearing Officer's decision except by order of the court.
  - 3. Review shall be by the court without a jury. The review shall be de novo unless provided otherwise by ordinance.
  - 4. The court may affirm the decision of the Hearing Officer or remand the case for further proceedings; or it may reverse the decision if substantial rights of the petitioners may be prejudiced because the administrative findings, inferences, conclusion or decisions are:

- a. In violation of constitutional provisions;
- b. In excess of the statutory authority of jurisdiction of the Hearing Officer. (Ord. 1678, 1989)

- B. Property purchased, traded, bartered, consigned, or otherwise received from another dealer may be sold, traded, bartered, consigned, or removed from the place of business at any time. (Ord. 1678, 1989)

**5.28.140 Consignment Selling.**

- A. Property bought or received on consignment by a dealer with a permanent place of business in the City shall not be removed from that place of business or co-mingled with normal inventory, except consigned property returned to the owner, within fifteen (15) days after the receipt of the property. Property shall at all times during the ordinary hours of business be open to inspection to any commissioned law enforcement officer of the State or any of its political subdivisions.
- B. Property bought or received on consignment in the City of Snohomish by a second-hand dealer without a permanent place of business in the City shall be held within the City of Snohomish, except consigned property returned to the owner within fifteen (15) days after receipt of the property. The property shall be available for inspection at reasonable times by any commissioned law enforcement officer of the State or any of its political subdivisions. (Ord. 1678, 1989)

**5.28.150 Dealers - Removal of Property from Place of Business.**

- A. Property bought or received in pledge by any dealer shall not be removed from that place of business, except when redeemed by the bearer or a pawn ticket within fifteen (15) days after the receipt of the property.

**5.28.160 Pawnbrokers - Interest.**

- A. All pawnbrokers are authorized to charge and receive interest and other fees at the following rates for money loaned on the security of personal property actually received in pledge. The interest charged shall not exceed the rules set forth in RCW 19.60.060, as it now reads or is hereafter amended.
- B. The fee for preparation of documents, pledges or reports required under the laws of the United States, the State of Washington or the counties, cities, towns or other political subdivision thereof, shall not exceed the amounts set forth in RCW 19.60.060, as it now reads or is hereafter amended.
- C. Fees as set forth above may be charged only one time during the term of a pledge. A copy of the fees as set forth in RCW 19.60.060, as it now reads or is hereafter amended, set in twelve (12) point type or larger, shall be posted prominently in each business subject to this ordinance. (Ord. 1678, 1989)

**5.28.170 Dealers - Sale of Property.**

- A. Neither dealers nor their employees shall sell any property received in pledge within ninety (90) days after the term of the loan expires. However, if a pledged article is not redeemed within the ninety (90) day period, the pawnbroker has all rights, title and interest of the pledger or the pledger's assigns.

B. Every transaction entered into by a pawnbroker or his employee shall be evidenced by a written document, a copy of which shall be furnished to the pledger. The document shall set forth the loan period, the date on which the loan is due and payable, and shall inform the pledger or the pledger's right to redeem the pledge within ninety (90) days after the expiration of the loan term. (Ord. 1678, 1989)

**5.28.180 Acts of Employees - Deemed Act of Dealer.** The act of any servant or employee of any dealer or pawnbroker, shall also be deemed the act of such licensed dealer or pawnbroker. (Ord. 1678, 1989)

**5.28.190 City Non-Liability.**

- A. It is expressly the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.
- B. It is the specific intent of this ordinance that no provision nor term used in this ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this ordinance shall be discretionary and not mandatory.
- C. Nothing contained in this ordinance is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure to comply with the provisions of this ordinance, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval

authorized or issued or done in connection with the implementation or enforcement of this ordinance, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this ordinance by its officers, employees or agents. (Ord. 1678, 1989)

**5.28.200 Violation - Penalty.**

- A. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor, and each person shall be deemed guilty of a separate offense for each and every day during which any violation of any of the provisions of this ordinance is committed, continued or permitted; and upon conviction of any such violation, such person shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than ninety (90) days, or both such fine and imprisonment.
- B. Any violation of the provisions of this ordinance constitutes a public nuisance which the City can abate by an action in Snohomish County Superior Court. The costs of such action shall be taxed against the violator.
- C. Penalty and enforcement provisions provided in this article are not exclusive, and the City may pursue any remedy or relief it deems appropriate.
- D. It shall also be a violation of this ordinance for:
  - 1. Any person to remove, alter or obliterate any manufacturer's make, model or serial number, personal identification number or identifying marks engraved or etched upon an item of personal property that was

purchased, consigned or received in pledge;

2. Any person to knowingly make, cause or allow to be made any false entry or misstatement of any material matter in any book, record or writing required to be kept under this ordinance;
3. Any pawnbroker or second-hand dealer to receive any property from any person under the age of eighteen years, any person under the influence of intoxicating liquor or drugs, or any person known to the pawnbroker or second-hand dealer as having been convicted of burglary, robbery, theft or possession of or receiving stolen property within the past ten years whether the person is acting in his or her own behalf or as the agent of another; or
4. Any person to violate any other provisions of this ordinance, or amendments thereto. (Ord. 1678, 1989)

**5.28.210 Repealer.** Ordinance No. 98, effective date May 23, 1893, is hereby repealed in its entirety. All other ordinances or parts thereof in conflict herewith are hereby repealed. (Ord. 1678, 1989)

**5.28.220 Rules and Regulations.** The Chief of Police and City Clerk are authorized to promulgate rules and regulations consistent with the terms of this ordinance. (Ord. 1678, 1989)

**5.28.230 Title-Gender.**

- A. All references in the ordinance to the City Clerk and Chief of Police shall include their respective designees.

- B. Any reference or use of the terms he, she, him, her, or other gender-based classification, if applicable as shown by the context thereof, shall apply to the opposite gender, also. (Ord. 1678, 1989)

**5.28.240 Conflicting Provisions.** In the event any of the provisions of this ordinance conflict with any provision of any other ordinance, the provisions set forth in this ordinance shall supersede. (Ord. 1678, 1989)

**5.28.250 Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Snohomish hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 1678, 1989)