



# PAWNBROKER LICENSE

## Checklist

City Clerk's office 303-538-7230  
 9500 Civic Center Drive  
 Thornton, Colorado 80229-4326

**ALL Documents must be properly executed and correspond with name of applicant exactly.**

**Please type or print legibly in BLACK ink.**

**Clear copies of all other information may be submitted.**

<b>New License Application</b>	
	Completed Application.
	\$2,500.00 Annual License Fee plus \$200.00 non-refundable Application Fee.
	Manager's Registration (if applicable).
	City Sales Tax Application - submitted to Sales Tax Division 303-538-7400.
	Zoning Referral Form signed by the City Development Department.
	Certificate of Insurance as proof of fire and property damage insurance coverage for all property the pawnbroker holds by contract, in the minimum amount of one-half of such property's contracted value in case of damage or destruction, approved by the City's Risk Management Department.
	A good and sufficient bond in the sum of \$5,000.00, approved by the City's Risk Management Department.
	A copy of the deed or lease which shows that the applicant has legal possession of the premises by virtue of ownership or under a lease. If leased, or under contract to purchase or lease, include the name and address of landlord and term of lease.
	Contact the Building Inspection Division 303-538-7250 to apply for a Certificate of Occupancy. <ul style="list-style-type: none"> <li>➤ If new construction, submit six sets of plans for review before starting construction.</li> <li>➤ If a development permit is required it must be issued before a Certificate of Occupancy can be issued.</li> <li>➤ <b>The City can not issue the license until the Certificate of Occupancy has been issued.</b></li> </ul>
	Diagram of the premises.
	Authorization to Release and Background Investigation forms to be completed for investigation of the background, character and financial responsibility of each individual applicant, partner, officer, director and/or holder of the corporate stock, and all managers of the proposed establishment.
	Each individual must be fingerprinted at the Thornton Police Department on Wednesday between 12:30 p.m. and 4:30 p.m.
<b>Renewal Application</b>	
	Completed Application.
	\$2,500.00 Annual License Fee.
	Manager's Registration (if applicable).
	Attach a copy of the lease if there have been any changes, assignments or changes in parties to the lease since the date of filing the last license application. Please identify any new parties to the lease and give their address.
	Certificate of insurance as proof of fire and property damage insurance coverage for all property the pawnbroker holds by contract, in the minimum amount of one-half of such property's contracted value in case of damage or destruction, approved by the City's Risk Management Department.
	A good and sufficient bond in the sum of \$5,000.00, approved by the City's Risk Management Department.
	If there are any new individuals (i.e., manager, applicant, partner, officer, director and/or holder of the corporate stock), Authorization to Release and Background Investigation forms will need to be completed for investigation of the background, character and financial responsibility.
	Each new individual must be fingerprinted at the Thornton Police Department on Wednesday between 12:30 p.m. and 4:30 p.m.
<b>Other Fee</b>	
	\$ .90 Pawnbroker surcharge for receipt of tangible personal property (Section 42-507)



# PAWNBROKER APPLICATION

## Chapter 42, Article VII

City Clerk's office 303-538-7230

9500 Civic Center Drive

Thornton, Colorado 80229-4326

<b>Application Date:</b>	<input type="checkbox"/> New License Fee (\$2,500.00 -or prorated amount thereof- plus initial \$200.00 non-refundable Application Fee) <input type="checkbox"/> Renewal Fee (\$2,500.00)
<b>Date License Fees Paid:</b>	

<b>Name of Applicant:</b>	
Mailing Address:	Zip Code:
<b>Trade Name of Establishment:</b>	Phone:
Address:	Zip Code:
Are the premises owned or rented?	If rented, by whom?
Colorado Sales Tax Number:	Thornton Sales Tax Number:

<b>Manager of Establishment Name:</b> (If not applicant, please complete Manager's Registration Form)	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:

Complete one of the following sections (Corporation/Individual/Partnership):	
<b>Corporation Name:</b>	Phone:
Address:	Zip Code:
<b>President Name:</b>	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:
<b>Vice-President Name:</b>	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:
<b>Secretary Name:</b>	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:
<b>Treasurer Name:</b>	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:

<b>Individual Name:</b>	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:

**If more than two Partners please attach separate sheet**

<b>Partner Name:</b>	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:
<b>Partner Name:</b>	Phone:
Address:	Zip Code:
Driver's License Number:	Date of Birth:

Has the applicant, or any other person holding any type of interest in the proposed business, ever had a Pawnbroker's License or ever been licensed for any other business enterprise by any city, county or other governmental agency?

Yes  No If yes, complete the following:

Name	Type of Business	Location	When

If the applicant has held a Pawnbroker's License, or a license for any other business enterprise has the license ever been revoked, suspended or allowed to lapse?  Yes  No If so, explain in detail:

Will the proposed business include purchase transactions of vehicles?  Yes  No :

List Hours of Operation each day:	Beginning Time:	Ending Time:
<b>Monday</b>		
<b>Tuesday</b>		
<b>Wednesday</b>		
<b>Thursday</b>		
<b>Friday</b>		
<b>Saturday</b>		
<b>Sunday</b>		

I declare under the penalty of perjury, that this application, including the background investigation, authorization forms, and any accompanying statements, has been examined by me and to the best of my knowledge and belief are true, correct and complete. I also declare that I have been given a copy of Chapter 42, Article VII of the Thornton City Code pertaining to Pawnbrokers.

<b>Signature of Applicant:</b>	<b>Date:</b>
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**AUTHORIZATION AND CONSENT TO RELEASE INFORMATION**

**Pawnbroker**

City Clerk's office 303-538-7230  
 9500 Civic Center Drive  
 Thornton, Colorado 80229-4326

APPLICANTS & MANAGERS – COMPLETE BELOW AND SIGN	
<b>Name of Corporation/Sole Proprietorship/Partnership</b>	
<b>Name of Individual (please print):</b>	
<b>Position:</b>	
<b>Trade Name of Establishment:</b>	
<b>Address of Establishment:</b>	

➤ I fully understand that an investigation of my background, character and financial responsibility is necessary for the approval of said license. I understand that this investigation may solicit information from and include contact with the references listed on my background investigation report, former employers, business associates, police agencies, financial institutions, credit bureaus, neighbors, friends and relatives. Moreover, I request and authorize those people or organizations selected by the Thornton Police Department to release any and all information of a confidential or privileged nature concerning me. However, upon the express condition, that said release is limited to an investigation conducted pursuant to the aforesaid licensing and operation thereunder, but this authorization shall continue to operate so long as above-named licensee shall hold said license, if granted, and for the term or terms of any renewals or extensions thereof.

➤ I hereby release you, your organization or others from any liability or damage which may be incurred as a result of furnishing information to the City of Thornton ("City") as requested. I further waive any claims that I might have against the City arising from this request for information concerning my background investigation or such information and dissemination of information to the appropriate individuals employed by the City.

➤ I hereby release and agree to hold harmless and indemnify the City against any claims that third parties should make against the City based on the City's request for information on my background or its receipt of such information from other individuals or agencies.

<b>Signature</b>	<b>Date Signed</b>
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SEAL	Subscribed and sworn to before me by:
	in the County of Adams, State of Colorado, this                      day of                      , 20
	Notary Public:
	My Commission Expires:



**CONFIDENTIAL BACKGROUND INVESTIGATION REPORT**

**Pawnbroker**

City Clerk's office 303-538-7230  
 9500 Civic Center Drive  
 Thornton, Colorado 80229-4326

REFERRAL TO THORNTON POLICE DEPARTMENT	<b>PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK ATTACH SEPARATE SHEET IF NECESSARY</b>
<b>Name of Individual (please print):</b>	
<b>Position:</b>	
<b>Trade Name of Establishment:</b>	
<b>Address of Establishment:</b>	

Pursuant to Chapter 42, Article VII of the Thornton City Code, the Thornton Police Department will investigate the background, character and financial responsibility of each individual applicant and of the partners, officers, directors and/or holders of stock of a corporate applicant, as well as each person named as a manager of a proposed pawnbroker's establishment. The Background Investigation Report provides basic information about the applicant, which is necessary for the investigation.

**Every answer you give will be checked for its truthfulness. A deliberate falsehood will jeopardize the application, as such falsehood within itself constitutes evidence regarding the reputation and character of the applicant.**

**THE MOST IMPORTANT CONSIDERATION IN THE ANSWERS  
MADE BY YOU IN THE BACKGROUND INVESTIGATION REPORT IS HONESTY.**

I will notify the City Clerk's office within 5 (five) days of any changes in the financing of this business, should the changes occur during the period for which this license is issued and for the term or terms of any renewals or extension thereof.

I have read and I do understand the above statement. I further acknowledge that I have obtained and examined a copy of Chapter 42, Article VII of the Thornton City Code of the City of Thornton, Colorado, pertaining to Pawnbrokers.

I further certify the facts contained within this Background Investigation Report to Pawnbrokers Application are true and correct and I understand that any falsification or misrepresentation will result in a rejection of this application or a revocation of said license.

I further certify under penalty of law that no other person, excluding the officers, partners and/or managers of the licensed premises has any direct or indirect financial interest in the business to be conducted under the license herein applied for.

<b>Signature</b>	<b>Date Signed</b>
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SEAL	Subscribed and sworn to before me by:
	in the County of Adams, State of Colorado, this                      day of                      , 20
	Notary Public:
	My Commission Expires:



**SECTION I - TO BE COMPLETED BY ALL APPLICANTS – INCLUDING MANAGERS**

Aliases			
Home Phone:		Date of Birth:	Place of Birth:
Sex:	Race:	Height:	Weight:
Social Security Number:		Hair Color	Eye Color:

Home Address:	Zip Code
How long at current address?	

Driver's License Number:	State Issued:
Has your driver's license ever been suspended or revoked? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, complete the following:	
Where:	When: Reason:

Marital Status:	Maiden name, if applicable (include any other name changes and the date changed)	Name of Spouse	Spouse's date of birth (if applicable):

Military Service (branch):	From:	To:	Type of Discharge:

List residences and dates lived there within the past five years and all previous states resided within (including military service):	

Name of school from which graduated or last attended:
Address: Date Graduated:

Current occupation:	
Employer:	Phone:
Address:	Zip Code:

Starting with current employment, list all for the past 10 years	Name	Address	Position	Dates Employed

If ever discharged from a position, complete the following:	Where:	When:	Reason:

Do you have a direct or indirect financial interest in any other Pawnbroker License? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please list full details of any such interest(s):

**SECTION I CONTINUED - TO BE COMPLETED BY ALL APPLICANTS – INCLUDING MANAGERS**

List four References - two Professional & two Personal:	Name	Address	Phone	Time Known

List at least three Bank and/or Credit References of applicant and spouse (if different):	Name	Address	Phone	Time Known

List all <b>CONVICTIONS</b> , including traffic:	Violation	When	Where	Final Disposition

List all civil action pertaining to or in anyway affecting the proposed licensed premises (including bankruptcy proceeding, assignments for the benefit of creditors, divorces and name changes):

Name of Litigant	Address	Date	Place	Cause of Action



**SECTION II - THE FOLLOWING SECTION DOES NOT APPLY TO MANAGERS**

Describe in detail the building containing the premises to be licensed:	
Type of structure:	
What type of anti-theft/burglary devices will be installed for security purposes:	
Specify the floor and room areas where merchandise will be stored:	

Are the premises owned or leased by the applicant?	
Please provide complete details concerning the lease agreement (If business is being purchased, provide a copy of the contract.):	

If the applicant does not reside in Colorado, provide the following for your authorized agent in Colorado upon whom service of process can be made in any proceedings against the applicant pursuant to any statute, ordinance, or regulation applicable to the conduct of said business:

Name:	Date of Birth:
Residence Address:	

Has the applicant agreed to permit any person to receive, or agreed to pay to any employee or other person (by way of rent or otherwise) all or any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?  Yes  No If yes, please explain in detail: \_\_\_\_\_

\_\_\_\_\_

Complete the following information on loans obtained:	Name & Business of Lender:	Address	Amount of Loan:	Term of Obligation:

Complete the following for bank where business account will be maintained:	Name of Bank:	Address of Bank:	Name on Account & Individuals authorized to draw thereon:





# MANAGER'S REGISTRATION FORM

## Pawnbroker

City Clerk's office 303-538-7230  
9500 Civic Center Drive  
Thornton, Colorado 80229-4326

Pawnbroker Establishments employing a separate and distinct manager or supervisor must have the manager or supervisor complete this form.  
ALL questions must be completed in black ink or typewritten and both the manager/supervisor and Licensee must sign.  
Any false statement or answer made by the licensee and/or manager constitutes "perjury" and may result in the revocation of the license.

Name of Manager/Supervisor (any aliases):	
Address:	Zip Code:
Effective date of Employment as Manager:	

Name of Licensee (same as on application):	
Trade Name (or DBA) of Establishment:	Phone Number of licensed premises:
Address of Premises:	

Have you ever managed any other Pawnbroker Establishments in any state?  Yes  No If yes, complete the following:

Name:	Address of Establishment:	Dates of Employment:

Have you ever been a partner, in a partnership or a principal owner in any Pawnbroker Establishment?  Yes  No  
If yes, please explain:


<b>OATH OF MANAGER</b>	
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct and complete to the best of my knowledge.	
<b>Signature of Manager:</b>	<b>Date:</b>

<b>VERIFICATION OF LICENSEE</b>	
The Manager of the above licensed establishment and I have read the foregoing manager's registration form and verify that the contents thereof are true and correct to the best of my knowledge.	
<b>Signature of Licensee:</b>	<b>Date:</b>
<b>Title:</b>	



# ZONING REFERRAL

## Form 5

City Clerk's office 303-538-7230  
 9500 Civic Center Drive  
 Thornton, Colorado 80229-4326

Applicant - complete the first three questions, check appropriate box, and submit this form with a copy of the site plan of the premises to the City Development Department  
**Return the signed form with your application to the Deputy City Clerk in the City Clerk's office**

**Applicant – Complete this Section Only**

<b>Business Name:</b>	
<b>Business Address:</b>	
<b>Type of License applying for:</b>	
<input type="checkbox"/> <b>New License</b> <input type="checkbox"/> <b>Change of Location</b> <input type="checkbox"/> <b>Modification of Premises</b>	

**To Be Completed & Signed By City Development / Zoning Division**

Zoning for the property is:		
Is the property zoned for the type of license applied for?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Will the Development Review Process be required for this application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, what type of Development Permit is required?	<input type="checkbox"/> Major	<input type="checkbox"/> Minor

If a review is scheduled, please indicate the anticipated hearing date for both the Development Permits and Appeals Board (DPAB) & City Council:	DPAB:
	City Council:

Is the building going to be expanded/enlarged?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Please address parking issues as part of your review:

Comments:

Signature City Development/Zoning Division:	Date:
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## **ARTICLE VII. PAWNBROKERS\***

\*State law reference(s)--Pawnbrokers, C.R.S. § 12-56-101 et seq.

### **DIVISION 1. GENERALLY**

#### **Sec. 42-471. 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: Contract for purchase means a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer to the pawnbroker on the condition that the customer, for a fixed price and within a fixed period of time, not to exceed 90 days, has the option to cancel the contract and recover from the pawnbroker the tangible personal property. Fixed price means the amount agreed upon to cancel a contract for purchase during the option period. The fixed price shall not exceed:

- (1) One-tenth of the original purchase price for each month, plus the original purchase price, on amounts of \$50.00 or over; or
- (2) One-fifth of the original purchase price for each month, plus the original purchase price, on amounts under \$50.00.

Fixed time means that period of time, not to exceed 90 days, as set forth in a contract for purchase, within which the customer may exercise an option to cancel the contract for purchase. LeadsOnline is an online system, available free of charge to pawnbrokers, used to track and record information regarding contracts for purchase, pledges and purchase transactions for subscribing law enforcement agencies.

Local law enforcement agency means any marshal's office, police department, or sheriff's office with jurisdiction in the locality in which the customer enters into a contract for purchase or a purchase transaction.

Option means the fixed time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may be but does not have to be canceled by the customer.

Pawnbroker means a person regularly engaged in the business of making contracts for purchase or purchase transactions in the course of such person's business.

Pawnbroking means the act of a person engaging in the business of making contracts for purchase or purchase transactions in the course of a pawnbroker's business.

Purchase transaction means the purchase by a pawnbroker in the course of business of tangible personal property for resale, other than newly manufactured tangible personal property which has not previously been sold at retail, when such purchase does not constitute a contract for purchase.

Tangible personal property means all personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of business in connection with a contract for purchase or purchase transaction.

(Code 1975, § 16-1; Ord. No. 2267, § 1, 7-12-93; Ord. No. 3254, § 1, 8-13-13)

Cross reference— Definitions generally, § 1-2.

#### **Sec. 42-472. Violations and penalties.**

Any person violating any of the provisions of this article shall be punished as provided in Section 1-8(a). Each day a violation of the provisions of this article exists shall be considered a separate

punishable offense.

(Code 1975, § 16-22; Ord. No. 2267, § 1, 7-12-93)

Sec. 42-473. Compliance; license required.

It is unlawful for any person to engage in the business of pawnbroking except as provided in and authorized by this article and without first having obtained an annually renewable and nontransferable pawnbroker's license issued by the city.

(Code 1975, § 16-2; Ord. No. 2267, § 1, 7-12-93)

Sec. 42-474. Required acts.

(a) A pawnbroker shall keep a numerical register in which shall be recorded the following information: the name, address, and date of birth of the customer; the customer's fingerprint; the customer's driver's license number or other identification which is allowed for sale of valuable articles pursuant to C.R.S. § 18-16-103, or for the sale of secondhand property pursuant to C.R.S. § 18-13-114; the date, time and place of the contract for purchase or purchase transaction; and an accurate and detailed account and description of each item of tangible personal property, including but not limited to any and all trademarks, identification numbers, motor vehicle identification numbers, serial numbers, model numbers, brand names, owner's identification numbers, and other identifying marks on such property. The pawnbroker shall also obtain a written declaration of the customer's ownership which shall state whether the tangible personal property is totally owned by the customer, or shall have attached to such declaration a power of sale from the partial owner to the customer, how long the customer has owned the property, whether the customer or someone else found the property, and, if the property was found, the details of the finding.

(1) If the contract for purchase or the purchase transaction involves more than one item, each item shall be recorded on the pawnbroker's register and on the customer's declaration of ownership.

(2) The customer shall sign their customer's name in the register and on the declaration of ownership and shall receive a copy of the contract for purchase or a receipt of the purchase transaction.

(3) The register shall be made available to any local law enforcement agency for inspection upon request during business hours.

(4) The pawnbroker shall keep each register for at least three years after the date of the last transaction entered in the register.

(b) A pawnbroker shall hold all goods obtained pursuant to a contract for purchase within such pawnbroker's jurisdiction for a period of ten days following the maturity date of the contract for purchase, during which time such goods shall be held separate and apart from any other tangible personal property and shall not be changed in form or altered in any way.

(c) A pawnbroker shall hold all property purchased by such pawnbroker through a purchase transaction for 30 days following the date of purchase, during which time such property shall be held separate and apart from any other tangible personal property, shall not be displayed to the public, and shall not be changed in form or altered in any way.

(d) Every pawnbroker shall provide the local law enforcement agency, on a weekly basis and, on a form to be provided or approved by the local law enforcement agency, a list of all tangible personal property accepted during the preceding week and one copy of the customer's declaration of ownership. The form shall contain the same information required to be recorded in the pawnbroker's register pursuant to subsection (a) of this section. The local law enforcement agency shall be provided two copies of the form and shall designate the day of the week on which the records and declarations shall be provided.

(e) Every pawnbroker shall provide a secure location on the premises for keeping the tangible personal property of the customers.

(f) In addition to the registry required by subsection (a), every pawnbroker shall digitally photograph customers and tangible personal property as detailed below and video record all transactions, including those which do not result in a contract for purchase or purchase transaction.

(1) The video recording media shall be in a format approved by the local law enforcement agency and of such quality that it clearly displays an identifiable image of the customer. All such video recordings shall be kept by the pawnbroker for a minimum of 90 calendar days and shall be subject to review immediately upon request by any authorized agent of the local law enforcement agency, or person otherwise authorized by law during business hours. If the video recording contains photographic evidence of the tangible personal property pledged or attempted to be pledged in any actual or proposed contract for purchase, it shall be held for 180 calendar days.

(2) Every pawnbroker shall take a digital photograph of all customers entering into contracts for purchase or purchase transactions with the pawnbroker and for each item of tangible personal property, including the item's serial number or, in the case of a motor vehicle, the motor vehicle's vehicle identification number in all contracts for purchase. These photographs shall be attached to the books and records of each pledged property, under a contract for purchase, or tangible personal property acquired under a purchase transaction and shall be maintained with said document. The photographs shall be available for inspection by any authorized agent of the local law enforcement agency, or person otherwise authorized by law during business hours.

(g) A pawnbroker shall maintain a computer system with internet access capability. Pawnbrokers shall maintain a subscription to the LeadsOnline online reporting service currently used by the police department. The pawnbroker shall upload all information from the pawnbroker's books and records regarding contracts for purchase, pledges and purchase transactions to the online report service and ensure the police department has access to the data, on a daily basis, during the term of the pawnbroker's license.

(Code 1975, § 16-13; Ord. No. 2267, § 1, 7-12-93; Ord. No. 3254, § 2, 8-13-13)

#### Sec. 42-475. Identification acceptable.

No licensee under this article or any principal, employee, agent or servant of such licensee shall engage in a purchase transaction or shall enter into a contract for purchase transaction with any customer without securing one of the following kinds of current and valid identification:

- (1) A Colorado driver's license;
- (2) Identification card issued in accordance with C.R.S. § 42-2-402, which is an identification card issued by the state;
- (3) A valid driver's license containing a picture, issued by another state;
- (4) A military identification card;
- (5) A valid passport;
- (6) An alien registration card; or
- (7) A non-picture identification document issued by a state or federal government entity.

(Code 1975, § 16-14; Ord. No. 2267, § 1, 7-12-93; Ord. No. 3254, § 3, 8-13-13)

#### Sec. 42-476. Prohibited acts in the course of doing business.

(a) No pawnbroker, employee, or agent of the pawnbroker shall enter into a contract for purchase or purchase transaction with any person under the age of 18 years or with any person under the influence of alcoholic beverages or drugs.

(b) No pawnbroker, employee, or agent of the pawnbroker shall enter into a contract for the purchase or purchase transaction with any person known to be a thief or to have been convicted of larceny or burglary, without first notifying the city clerk or a member of the police department. Such notice shall not be deemed as authorization by the city for the pawnbroker to enter into

any contract with such person.

(c) With respect to a contract for purchase, no pawnbroker, employee or agent of a pawnbroker may permit any customer to become obligated on the same day in any way under more than one contract for purchase agreement with the pawnbroker which would result in the pawnbroker obtaining a greater amount of money than would be permitted if the pawnbroker and customer had entered into only one contract for purchase covering the same tangible personal property.

(d) No pawnbroker, employee or agent of a pawnbroker shall violate the terms of the contract for purchase.

(e) No pawnbroker, employee or agent of a pawnbroker shall enter into a contract for purchase or purchase transaction for any tangible personal property wherein the identification number, serial number, model number, brand name, owner's identification number or other identifying marks on such property have been totally or partially obscured.

(f) No pawnbroker, employee or agent of a pawnbroker shall enter into a contract for purchase or a purchase transaction when the property which is the subject of the contract for purchase or purchase transaction is other than tangible personal property.

(g) The violation of this section by an agent or employee of a pawnbroker shall be deemed to be a violation of this section by the pawnbroker.

(Code 1975, § 16-15; Ord. No. 2267, § 1, 7-12-93)

Sec. 42-477. Intermediate payment; receipts.

Pawnbrokers shall accept intermediate payments upon a loan made under a contract for purchase which has not matured. No payment need be accepted which is less than ten percent of the unpaid principal balance together with accrued charges. A receipt showing the date of the payment and the amount shall be given to the customer for all monies received on account of or in payment of loans made under a contract for purchase.

(Code 1975, § 16-16; Ord. No. 2267, § 1, 7-12-93)

Sec. 42-478. Sale of tangible personal property; notice to customer.

Under this article, if the customer fails or neglects to redeem such property upon the maturity of the contract for purchase by repayment of the balance of the principal and payment of all accrued interest charges, the pawnbroker shall immediately, upon the maturity of the contract for purchase, mail with sufficient postage a notice of the impending sale of the property delivered under the contract. Such notice shall be mailed to the customer at the address shown on the contract for purchase pertaining to the transaction. Ten days shall be allowed from the date of mailing of the notification for the customer to appear and reclaim the property or make satisfactory payments upon it. The pawnbroker shall not sell or otherwise dispose of the property prior to the expiration of the ten-day period.

(Code 1975, § 16-17; Ord. No. 2267, § 1, 7-12-93)

Sec. 42-479. Hold orders and surrender of property.

(a) Any police officer may order a pawnbroker to hold any tangible personal property deposited with or in custody of any pawnbroker for purposes of further investigation. No sale or other disposition may be made of such property held by any pawnbroker while the hold order remains outstanding. Any such hold order shall be effective for 30 days only unless a criminal prosecution is undertaken in regard to any such property within such 30-day period, in which event the hold order shall be effective until the prosecution shall have been completed or dismissed.

(b) If any police officer determines that any article of personal property held by a pawnbroker is stolen or illegally obtained property, such officer may immediately confiscate such property and must provide the pawnbroker with a receipt setting forth the basis for the confiscation.

(Code 1975, § 16-18; Ord. No. 2267, § 1, 7-12-93; Ord. No. 2403, § 5, 1-8-96)

Sec. 42-480. Hours establishments closed.

It is unlawful for any pawnbroker to be open for business or to operate the establishment wherein the business of pawnbroking is carried on during the following hours and the following days:

- (1) After 6:00 p.m. on any day other than Saturday; after 7:00 p.m. on Saturday; and before 8:00 a.m. on any day.
- (2) On Sunday.
- (3) On January 1, commonly called New Year's Day; on the last Monday of May, commonly called Memorial Day; on July 4, commonly called Independence Day; on the first Monday of September, commonly called Labor Day; on Thanksgiving Day; and on December 25, Christmas Day.
- (4) On the Monday following the Sunday on which any of the holidays enumerated in subsection (3) of this section falls.

(Code 1975, § 16-19; Ord. No. 2267, § 1, 7-12-93)

Sec. 42-481. Liability.

(a) A pawnbroker who accepts any article in a purchase or contract of purchase transaction from a customer who is not the owner thereof obtains no title in the article either by reason of the expiration of the contract or by transfer of the receipt to the pawnbroker by the customer or holder thereof. Ignorance of the fact that the article was lost or stolen shall not be construed to affect the question of title. If the pawnbroker shall sell such article to a third person, the pawnbroker shall remain liable to the original owner in an action to recover the article. The lawful owner may, upon proof of ownership of the article lost or stolen, claim the article from the pawnbroker or recover the article by appropriate legal means including, without limitation, forfeiture of the fair market value of such article out of the bond required by Section 42-509.

(b) A pawnbroker shall be liable for the loss of tangible personal property or part thereof or for damage thereto, whether caused by fire, theft, burglary or otherwise, resulting from such pawnbroker's failure to exercise reasonable care in regard to it.

(Code 1975, § 16-20; Ord. No. 2267, § 1, 7-12-93)

Secs. 42-482—42-505. Reserved.

## DIVISION 2. LICENSE

Sec. 42-506. Application.

The city clerk shall issue a license according to the requirements of this division. The application for a license shall contain the information required in this division and any other pertinent information required by the city clerk. The license issued under this division shall be applicable only for the location identified in the license application. Each applicant shall pay a nonrefundable application fee, as established by resolution of the city council, at the time of filing an application.

(Code 1975, § 16-3; Ord. No. 2267, § 1, 7-12-93)

Sec. 42-507. Fee; transferability; surcharge.

(a) The annual license fee for carrying on the business of pawnbroking shall be as established by resolution of the city council, payable prior to issuance of the license. Any license issued pursuant to this division shall expire on December 31 of each year. Such license fee shall be prorated for the calendar year in which the pawnbroker's license is first issued. A pawnbroker's license issued pursuant to this division is not transferrable to either another

person or a location other than that listed in the license application.

(b) Every pawnbroker licensed, as provided herein, shall pay monthly, or as otherwise required by the city, a surcharge to the city for every item of tangible personal property received as a result of entering into a contract for purchase or a purchase transaction. The amount of the surcharge will be established by resolution of the city council.

(1) Every pawnbroker shall be subject to audit by the city and shall be required to provide the city with accounts, books, ledgers or other records sufficient to verify, to the satisfaction of the city, that surcharges have been appropriately remitted.

(2) Every pawnbroker shall file a report with the city and pay the required surcharges due to the city pursuant to this section on or before the twentieth day of the month for the preceding month's activity.

(3) If any pawnbroker fails, neglects or refuses to pay or does not pay the proper amount, such deficiency will allow the city to impose an additional penalty fee and interest on said deficiency, which shall be added to such surcharges due and imposed. The penalty assessed shall be \$15.00 or ten percent of the deficiency, whichever is greater, and interest assessed shall be at the annual rate of interest established by the state commissioner of banking pursuant to state law.

(c) Failure to provide records or a failure to remit surcharges in accordance with this section shall constitute grounds for revocation of a pawnbroker license in addition to those grounds identified in Section 42-516(a).

(Code 1975, § 16-4; Ord. No. 2267, § 1, 7-12-93; Ord. No. 2455, § 1, 5-12-97; Ord. No. 3254, § 4, 8-13-13)

#### Sec. 42-508. Renewal.

Annual renewal requests for a pawnbroker's license must be filed with the city clerk no later than December 1 of each calendar year and shall be made under oath, stating that no events have occurred which would result in a different response than that contained in the original application or any renewal thereof. If circumstances have changed, the change shall be stated with particularity, and all questions in the application form shall be responded to appropriately. The request for renewal must include evidence of insurance coverage per the requirements of Section 42-510.

(Code 1975, § 16-5; Ord. No. 2267, § 1, 7-12-93)

#### Sec. 42-509. Bond required.

As part of the licensing process under this division, the applicant shall furnish a good and sufficient bond in the sum of \$5,000.00 conditioned on the faithful observance of this article and conditioned on the safekeeping or return of all articles in pledge by such pawnbroker. The city's risk management division must approve the surety, and form of surety agreement, before a pawnbroker's license will be issued.

(Code 1975, § 16-6; Ord. No. 2267, § 1, 7-12-93)

#### Sec. 42-510. Insurance required.

As a part of the licensing process under this division, the applicant shall provide fire and property damage insurance for all property the pawnbroker holds by contract, in the minimum amount of one-half of such property's contracted value, in case of damage or destruction. The applicant must provide the city clerk proof of such insurance coverage before a pawnbroker's license is issued. The city's risk management division must approve the nature and extent of insurance coverage before a pawnbroker's license will be issued. Proof of this insurance coverage must be provided each time a request for renewal is filed with the city clerk's office.

(Code 1975, § 16-7; Ord. No. 2267, § 1, 7-12-93)



Sec. 42-511. Letter from planning director required.

As a part of the licensing process under this division, the applicant shall obtain and submit to the city clerk a letter from the planning director stating that the zoning of the property permits a pawnbroking establishment or, if applicable, will allow for such use if the pawnbroker obtains a development permit.

(Code 1975, § 16-8; Ord. No. 2267, § 1, 7-12-93; Ord. No. 2656, § 28, 2-12-01)

Sec. 42-512. Investigation and approval of applicants.

(a) Upon receipt of a properly completed application for a license required by this division, as determined by the city clerk, and payment of the application fee, the city clerk shall refer the application to the police department for investigation of the background, character and financial responsibility of each individual applicant and of the partners, officers, directors and/or holders of stock of a corporate applicant, as well as each person named as a manager of a proposed pawnbroker's establishment. Each individual applicant, partner, officer, director and/or holder of the corporate stock of a corporate applicant and all managers shall be designated in each application form, and each of them shall be photographed and fingerprinted by the police department.

(b) If the police department background investigation confirms that the requirements of this division have been met and that the financial responsibility, experience, character and general fitness of the individual applicant and of the partners, officers, directors and/or holders of the stock of a corporate applicant and all managers are such as to command the confidence of the public and to warrant the belief that the business will be lawfully, honestly, and fairly operated pursuant to this article, the police department will recommend to the city clerk that a pawnbroker's license be issued. If the investigation reveals that the applicant, partner, officer, director and/or holder of the corporate stock of a corporate applicant and any of the managers, does not meet this criteria, the police department will recommend that the applicant's request for issuance of a pawnbroker's license be denied. Upon receipt of the police department's investigation, the city clerk shall either issue and deliver to the applicant a pawnbroker's license for use at the premises specified in the application, once the city clerk receives verification that the applicant has met the bond and insurance requirements, and has received either a compliance letter from the planning director and/or any development permit required, or shall deny the applicant's request for a license in accordance with Section 42-513.

(Code 1975, § 16-9; Ord. No. 2267, § 1, 7-12-93; Ord. No. 2656, § 28, 2-12-01)

Sec. 42-513. Denial.

(a) The application for or renewal of a pawnbroker's license may be denied by the city clerk on grounds, including but not limited to the following:

(1) An individual applicant, partner, officer or director of a corporation, and/or holder of the stock of a corporate applicant or manager of a pawnbroker's establishment, is not of such moral character as to ensure that the operations of the pawnbroker's establishment will be conducted lawfully or in a manner which will not be detrimental to the public interest or well-being as determined by the police department's investigation. Such individual applicant having been adjudged in any civil or criminal proceeding to have engaged in business or trade practices prohibited by law, or convicted of any felony or other offense involving moral turpitude shall be considered in determining whether the individual applicant, manager, partner, director and/or holder of the applicant's stock is a person of good moral character.

(2) Failure to comply with any law, rule or regulation relating to the conduct or operation of any pawnbroker's business.

(3) The suspension or revocation of any pawnbroker license ever issued to the applicant.

(b) The city clerk shall make a decision to accept or deny the applicant's license or renewal thereof no later than 30 days after the clerk has received all forms, documents and items

required of the applicant by this division and the results of the police department's investigation required by Section 42-512.

(c) The city clerk shall not deny an applicant's request for a license without notice to the applicant of the reasons for such denial, and without the applicant being given an opportunity for an appeal of the city clerk's decision, as set forth in Section 42-516(d).

(Code 1975, § 16-10; Ord. No. 2267, § 1, 7-12-93)

#### Sec. 42-514. Change of managers.

In the event of a change in managers of the pawnbroker's business, disclosure in writing by amendment of the original application for issuance of a pawnbroker's license thereof shall be made to the city clerk. The new manager shall be photographed, fingerprinted and investigated as required in Section 42-512. Failure of a manager to meet the prescribed standards and qualifications of Section 42-512 shall constitute grounds for revocation, suspension, or nonrenewal of the license.

(Code 1975, § 16-12; Ord. No. 2267, § 1, 7-12-93)

#### Sec. 42-515. Procedure for moving business.

A pawnbroker's license issued under this division is specific to the location of the pawnbroker's business at the time the license is issued. Any change in location of a licensed pawnbroker under this division shall be treated as a new license application, with the exception that the bond required by Section 42-509, which may be used for an approved new location upon notification of change of address to the surety issuing the bond. A copy of the change of location notice to the surety shall be included in the new application.

(Code 1975, § 16-21; Ord. No. 2267, § 1, 7-12-93)

#### Sec. 42-516. Revocation of license.

(a) A pawnbroker's license may be revoked under this division if the licensee:

(1) Fails, at any time, to meet the qualifications required of an applicant by this division;

(2) Violates any provision of this article or this Code or other ordinance of the city governing the activities permitted by the license;

(3) Obtained the license by fraud or misrepresentation; or

(4) Has final conviction of any offense involving moral turpitude, including but not limited to theft, fraud, robbery, burglary, larceny, or deceit; and such conviction, as determined by the police department, would create a danger to the public health, safety, or welfare if the licensee were to continue to engage in such conduct.

(b) If the city clerk is made aware of the grounds in subsection (a) of this section, the city clerk shall have the authority to revoke the license for the remainder of its term.

(c) Before the hearing required by subsection (d) of this section, the city clerk may suspend a license for up to 15 days, if the clerk determines that the suspension is immediately necessary for the protection of the public health, safety, or welfare. The clerk may include in the temporary suspension reasonable orders or conditions with which the licensee shall comply to protect any work in progress and the public health, safety, or welfare. Any breach of such conditions or orders is an independent ground for revocation of the license.

(d) Except for such emergency suspension authorized by subsection (c) of this section, no such suspension or revocation is final until the licensee has been given the opportunity for a hearing to contest the suspension or revocation. Such hearing shall be held within 20 days of a written request for the hearing filed with the city clerk's office by the licensee affected. Appeal of the denial of a request for issuance of a pawnbroker's license or renewal thereof shall be conducted according to this subsection. The hearing shall be conducted as follows:

(1) Upon receipt of a request for hearing, the city manager shall designate a hearing officer to decide the matter, and will notify the applicant or licensee of the hearing date by mail.

(2) The hearing officer is granted the authority to sustain, reverse or modify the city clerk's decision and/or, upon a showing by the applicant or licensee of mitigating factors, may suspend the license for a period of time and/or impose on the applicant or licensee reasonable conditions on the license or any renewal thereof to secure compliance with the standards of this article.

(3) Any hearing presented pursuant to this subsection shall be conducted in conformance with standards of procedural due process applicable to administrative hearings, including the right to present testimony and to confront witnesses.

(4) The hearing officer shall apply the standard for review whether the city, through the order of revocation, suspension, or denial, abused its discretion, acted arbitrarily or acted in excess of its authority under this division. Additionally, the licensee or applicant shall have the burden to show by a preponderance of the evidence why the revocation, suspension, or denial of the license or renewal thereof was improper under this standard. It shall also be the burden of the licensee to establish mitigation in contesting any order of revocation or suspension.

(5) The hearing officer shall conduct the hearing within 20 days of the filing of the request for hearing and shall enter written finding of fact and conclusions of law, which shall be mailed to the licensee or applicant at the address shown on the license application. The hearing officer's decision shall be effective within three days of the date of the written finding required by this subsection.

(e) If, after a hearing, the suspension or revocation is upheld, the city clerk may include reasonable orders or conditions with which the person whose license has been suspended or revoked shall comply to protect any work in progress and the public health, safety, and welfare.

(f) No person whose license is revoked under this section may receive a refund of any part of the license fee paid for the license.

(g) No person who has had a license suspended or revoked under this section is entitled to obtain the license or any similar license under this division during the period of suspension or revocation, either in the person's own name or as a principal in another business that applies for a license.

(Code 1975, § 16-11; Ord. No. 2267, § 1, 7-12-93)

Secs. 42-517—42-550. Reserved.