

ORDINANCE 85-49

To Repeal Section 4.04.140 and Enact Chapter 4.18 of the Bloomington
Municipal Code Entitled "Pawnbrokers"

WHEREAS, The Bloomington Police Department has requested an amendment to the Bloomington Municipal Code Regarding "Pawnbrokers" to bring the Code into conformity with Indiana state law:

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL of the City of Bloomington, Monroe County, Indiana:

Section I. Chapter 4.18 of the Bloomington Municipal Code is hereby enacted to read as follows:

Chapter 4.18

PAWNBROKERS

4.18.010 Definitions. (a) A "Pawnbroker" means any person, partnership, association or corporation lending money on the deposit or pledge of personal property, other than choses in action, securities, or printed evidence of indebtedness.

(b) "Pledge" means an article or articles deposited with a pawnbroker in the course of his business as defined in the preceding paragraph.

(c) "Pledger" means the person who delivers a pledge into the possession of a pawnbroker unless such person discloses that he is or was acting for another; and in such event "pledger" means the disclosed principal.

4.18.020 Application for License. No person, partnership, association or corporation shall engage or continue in business as a pawnbroker except as authorized by this Chapter and without first obtaining a license from the City Controller. Application for such license shall be in writing and shall state the full name and place of residence of the applicant, or if the applicant is a partnership, the full name and place of residence of each member thereof, or, if a corporation or association, the full name and place of residence of each officer thereof, together with the place or places where the business is to be conducted.

(b) All applicants shall, as a condition for the granting of a license and on a portion of the application provided by the City Controller, agree that in the event the applicant as licensee receives merchandise of any kind which is stolen, he claims no right, title or interest in and to said merchandise, and that upon request by law enforcement officer having probable cause to believe that the merchandise is stolen, he will voluntarily surrender said merchandise to the possession of that law enforcement agency when given a receipt for same.

4.18.030 License Fee. Such application shall be accompanied by an annual fee of twenty-five dollars (\$25) for each place of business conducted by the licensee.

4.18.040 Revocation of License. In accordance with the provisions of Section 4.04.190 contained herein, The Controller's office shall, after notice and hearing by the Board of Public Works, revoke, by written order, any license issued hereunder if the Board finds that:

(a) The licensee has failed to pay the annual license fee or to maintain in effect the bond or bonds required by I.C. 28-7-5-7 as amended, or to comply with any ruling or requirements lawfully made pursuant to and within the authority of this Chapter; or

(b) The licensee has violated any provision of this Chapter or any rule or regulation lawfully made under and within the authority of this Chapter; or

(c) Any fact or condition exists which, if it had existed at the time of the original application for such license, clearly would have permitted the Controller's Office to refuse originally to issue such license.

(d) Any person, partnership, association or corporation which violates any provision of this Chapter shall also be subject to the penalties imposed by Title 2, Section 1.01.030.

4.18.050 Books and Records. The licensee shall keep and use in his business, books, accounts and records pertaining to all items of merchandise purchased, pledged, or traded, to enable the Police Department to determine whether such licensee is complying with the provisions of this Chapter, and with the rules and regulations lawfully made hereunder. Every licensee shall preserve such books, accounts, and records for at least two (2) years after making the final entry on any loan, pledge, or purchase recorded therein. Books and records shall be kept in compliance with Indiana Code 28-7-5-19 as amended.

4.18.060 Information for Police Department. In addition to the record book required by this Chapter, all licensees under this Chapter shall provide information for each article pawned or received to the Police Department. Such information shall include a description of the property, along with serial numbers or identifying marks, if any, all pledge identification required by Indiana Code 28-7-5, and date of birth and social security number of pledger. Information shall be collected at least once a week during normal business hours by the Police Department.

4.18.070 Retention of Acquired Property. All property received by a licensee under this article shall be held intact by the licensee for at least ten (10) days after the card record required by this Chapter is collected by the Police Department, provided, however, the pledger may redeem pawned property at any time upon presentation of the pawn ticket and full satisfaction of the loan, interest, and storage fees as provided by Indiana Code 28-7-5.

Section II. Section 4.04.140 Pawnbroker of Chapter 4 of the Bloomington Municipal Code shall be repealed.

Section III. Severability. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

Section IV. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of October, 1985.

Patricia A. Gross
PATRICIA GROSS, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2 day of October, 1985.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 2nd day of October, 1985.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Ordinance, requested by the Police Department, brings the Bloomington Municipal Code into conformity with I.C. 28-7-5 re: "Pawnbrokers". Under this Ordinance, the annual license fee remains at \$25.00. The Ordinance establishes a procedure for revocation of the license, a requirement that the licensee retain books and records, and a requirement that the pawnbroker submit the required information to the Police Department.

10/15/85 - prob copies to:

1. 7 copies to Police.
2. Legal
3. Controller
4. Ore Pawnshop (Mr. McHenry)