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ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2891

AN ORDINANCE clarifying the application of Bellevue City Code Chapter 5.32 to dealers as well as to pawnbrokers and bring the chapter into line with relevant statutory provisions; and amending City of Bellevue Ordinances No. 2001 Section 1 and No. 768 Section 1 (part) and Bellevue City Code Sectins 5.32.010, 5.32.060, 5.32.070, 5.32.080, 5.32.100, 5.32.110, 5.32.130 and 5.32.140.

WHEREAS, Bellevue residents have suffered a substantial increase in burglary losses of silver and other precious metals and gems over the past two years, with 1980 losses alone amounting to more than \$100,000; and

WHEREAS, the existing City pawnbrokers ordinance is devoid of critical enforcement and regulatory language relating to dealers in metals, jewelry and gems thus allowing stolen silver and other precious metals and gems to be legally sold by juveniles and others to dealers with no record keeping, retention or reporting requirements imposed by City ordinance, and no right to inspection by law enforcement officers; and

WHEREAS, this amending ordinance addressed this critical enforcement and regulatory need by providing the City with the same law enforcement and regulatory provisions available to cities of the first class by statute, now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. City of Bellevue Ordinance No. 768, Section 1 (part) and Bellevue City Code Section 5.32.010 are hereby amended to read as follows:

5.32.1010 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

- A. "Clerk" means such city employee or agent as the City Manager designates as licensing official under this chapter.
- B. "Pawnbroker" means and includes every person who takes or receives by way of pledge, pawn or exchange, goods, wares or merchandise, or any kind of personal property whatever, for the repayment or security of any money loaned thereon, or to loan money on deposit of personal property.

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- C. "Pawnshop" means and includes every place at which the business of pawnbroker is being carried on.
- D. "Dealer" means and includes every person who engages, in whole or in part, in the business of buying precious metals, precious and semi-precious stones or gems, jewelry and bullion.

Section 2. City of Bellevue Ordinance No. 768 Section 1 (part) and Bellevue City Code Section 5.32.060 are each hereby amended to read as follows:

5.32.060 Required records

It shall be the duty of every pawnbroker to maintain at his or her place of business a book or other permanent record, in which shall be legibly written, in the English language, at the time of such loan, consignment, purchase or sale, a record thereof containing those items listed below; and it shall be the duty of every dealer to maintain at his or her place of business a book or other permanent record, in which shall be legibly written, in the English language, at the time of such purchase and/or consignment, a record thereof containing those items listed below;

- A. The date of transaction;
- B. The name of the person or employee conducting the same;
- C. The name, age, street and house number, and the general description of the person with whom the transaction is had;
- D. The name and street and house number of the owner of the property bought or received in pledge;
- E. A description of the property bought or received in pledge, and/or consignment, which, in the case of watches, shall contain the name of the maker and the number of both the works and the case, and in case of jewelry shall contain a description of all letters and marks inscribed thereon;
- F. The price paid or the amount loaned;
- G. Type and/or identification numbers of acceptable identification presented at time of transaction. Acceptable identification shall include Washington State driver's license, Washington State Identification Card or any identification card or papers issued by or recognized by the U.S. Government or any state or territory. Such identification is acceptable if it contains a photograph of the individual.

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H. The number of any pawn tickets issued therefor.

The information required above may be kept on forms provided by the City as set forth in Section 5.32.070 below.

It is unlawful for any pawnbroker or dealer and every clerk, agent or employee of such pawnbroker or dealer to fail, neglect or refuse to make entry in any material matter in his or her record, as required by this section, or to make any false entry therein, or to obliterate, destroy or remove such record from his or her place of business.

Section 3. City of Bellevue Ordinance No. 768 Section 1 (part) and Bellevue City Code Section 5.32.070 are each hereby amended to read as follows:

5.32.070 Transcript of pawnbroker's or dealer's record to be furnished police.

It shall be the duty of every pawnbroker or dealer, by mail at the end of each business week, to report to the chief of police or his or her designee on forms furnished by the City, a true, correct transcript of the record of all transactions had on the preceding week. It shall also be the duty of any pawnbroker or dealer having good cause to believe any property in his or her possession has been previously lost or stolen, to report such fact to the chief of police, together with the name of the owner, if known, and the date of the name of the person from whom the same was received by such pawnbroker or dealer. Transient dealers shall report to the chief of police or his or her designee daily.

Section 4. City of Bellevue Ordinance No. 768 Section 1 (part) and Bellevue City Code Section 5.32.080 are each hereby amended to read as follows:

5.32.080 Records of pawnbroker and dealer.

All books and other records of any pawnbroker or dealer relating to purchase, pledge, exchange, barter or receipt of any goods, wares, merchandise or other articles or things of value, shall at all times be open for inspection by the chief of police, or any police officer detailed for that purpose, and all articles or things received, purchased or left in pledge or on consignment with the pawnbroker or dealer shall at all times be open to a like inspection.

Section 5. City of Bellevue Ordinance No. 768 Section 1 (part) and Bellevue City Code Section 5.32.100 are each hereby amended to read as follows:

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5.32.100 Removal of goods.

It is unlawful for any pawnbroker or dealer to remove any goods, articles or things to be purchased by him or her or left with him or her, in pledge, except when redeemed by the owner thereof, from his or her store or place of business until the expiration of ten days after the same were purchased, received or left in pawn, unless the goods, articles or things have, within the time specified, been inspected as provided in this chapter.

Dealers may temporarily remove goods, articles or things purchased by him or her or left with him or her on consignment as long as the remaining provisions of this chapter are met and the goods, articles or things are not altered and are made available upon request for inspection pursuant to this chapter.

Section 6. City of Bellevue Ordinance No. 1901 Section 1 (part) as amended and Bellevue City Code Section 5.32.110 are each hereby amended to read as follows:

5.32.110 Prohibited transactions.

It is unlawful for any pawnbroker or dealer, his or her clerk or employee, to receive in pledge or purchase, or on consignment, any article or thing from any person under eighteen years of age, or from any person who is at the time intoxicated or from any habitual drunkard, or from any person addicted to the use of narcotic drugs, or from any person who is known to be a thief or a receiver of stolen property, or from any person whom he has reason to suspect or believe to be such. The fact of lending money upon or purchasing goods from any of the classes of persons enumerated in this section shall be prima facie evidence of an intent on the part of such pawnbroker or dealer, his or her agent or employee, to violate this chapter.

Section 7. City of Bellevue Ordinance No. 768 Section 1 (part) and Bellevue City Code Section 5.32.130 are each hereby amended to read as follows:

5.32.130 Failure to make reports - Falsification.

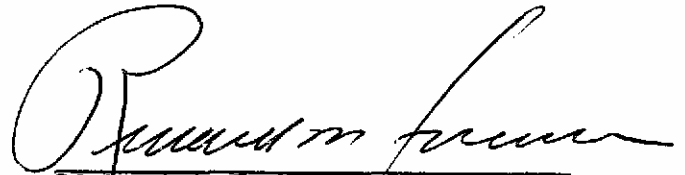
Every pawnbroker or dealer and every clerk, agent or employee of such pawnbroker or dealer who fails, neglects or refuses to make the reports called for by this chapter, or who reports any material matter falsely to the chief of police, is guilty of a violation of this chapter.

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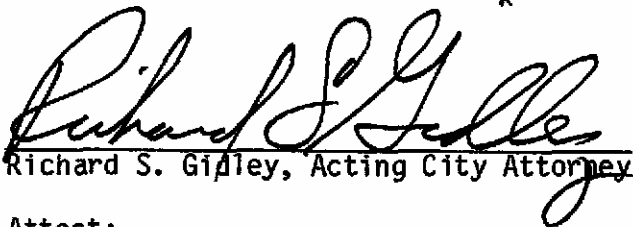
Section 8. This ordinance is hereby declared to be a public emergency necessary for the protection of public health, public safety, public property and of the public peace and shall be effective upon adoption by a majority plus one of the whole membership of the City Council.

PASSED by a majority plus one of the City Council this 5 day of January, 1981, and signed in authentication of its passage this 5 day of January, 1981.

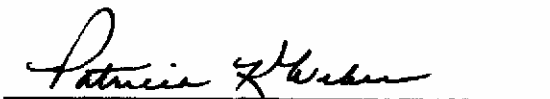
(SEAL)


Richard M. Foreman, Mayor

Approved as to form:


Richard S. Gidley, Acting City Attorney

Attest:


Patricia K. Weber, City Clerk

Published January 7, 1981