

AMENDED ORDINANCE 16

BE IT ORDAINED by the Cerro Gordo County Board of Supervisors that the following regulations be adopted:

LICENSES AND BUSINESS REGULATIONS

PAWNBROKERS AND SECONDHAND GOOD DEALERS

I. DEFINITIONS.

(a) Pawnbroker. Pawnbroker shall mean a person who loans money on deposit or pledge of personal property, or other valuable thing on the condition of selling the item back again at a stipulated price, or who loans money secured by chattel mortgage on personal property, taking possession of the property or any part thereof so mortgaged, or any person who displays at that person's place of business the sign of three (3) gilt or yellow balls, generally used by pawnbrokers to denote their business, or anyone holding themselves out to be a pawnbroker is declared to be a pawnbroker within the meaning of this division.

(b) Secondhand Goods Dealer. Secondhand Goods Dealer shall mean any person, partnership, firm or corporation whose business includes selling, buying or receiving any tangible personal property, previously owned, used, rented or leased. The term secondhand dealer shall include pawnbrokers.

2. EXEMPTION.

This ordinance shall not apply to or include the following:

- (a) The sale of secondhand goods where all of the following are present:
 - (1) The sale is held on property occupied as a dwelling by the seller or owner, rented or leased by a charitable or political organization; i.e., yard sale, garage sale or moving sale;
 - (2) The items offered for sale are owned by the occupant or seller;
 - (3) That no sale exceeds a period of ninety-six (96) consecutive hours;
 - (4) That no more than three (3) sales are held in any twelve month period;
 - (5) That none of the items offered for sale shall have been purchased for resale or received on consignment for purpose of resale.
- (b) The sale of secondhand books or magazines.

- (c) The sale of goods at an auction held by a licensed auctioneer.
- (d) The business of buying or selling only those secondhand goods taken as part of full payment for new goods and where such business is incident to and not the primary business of a person.
- (e) A bulk sale of property from a merchant, manufacturer or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock.
- (f) Goods sold at the public market, i.e., farmers market, etc.
- (g) Goods sold at a bonafide antique, used furniture or used clothing store, i.e., a business in which seventy-five percent (75%) of the business' revenue is derived through the sale of antiques, used furniture or used clothes.

3. AFFIDAVIT REQUIRED.

Before any license required by this division shall be issued, the applicant therefor shall file with the County Recorder an affidavit that the applicant will observe and carry out the requirements of any provision of this Code or other County ordinance in force at the time of application, or any provision of this Code or other County ordinance passed thereafter and during the time the applicant's license is in force, in relation to secondhand goods dealers or their business.

4. APPLICATION REQUIRED.

- (a) Applicant for second hand goods dealer's license must complete an application form provided by the County Recorder. The application form shall contain the following information:
 - (1) Name, place of birth, date of birth and home address of applicant;
 - (2) Designation of location, including street and number, where business is to be transacted, plus name and address of the owner of the premises;
 - (3) A detailed drawing of the interior of the place of business and any other storage facilities used by the secondhand goods dealer for storing items in the dealer's possession.
 - (4) A statement as to whether, within the previous five (5) years, the applicant has been convicted of any law relating to theft, damage or trespass to property, sale of a controlled substance or the operation of a business; the nature and date of the offense and the penalty received;

- (5) Whether the applicant is a natural person, corporation, or partnership;
 - a. If the applicant is a partnership, the names and addresses of all partners;
 - b. If the applicant is a corporation, the state of incorporation and the names and addresses of all officers and directors;
- (6) If the applicant is a natural person, the application shall be signed and sworn to by the person; if a corporation, by an agent authorized to sign; if a partnership, by a partner;
- (7) The name of the manager or proprietor of the business;
- (8) Applicant shall provide the County Recorder with any additional information required by the recorder, involving the application;
- (9) The Sheriff's Department shall investigate the facts set forth in the application and shall report to the County Recorder its findings thereon. The applicant shall furnish to the Sheriff's Department such evidence as it may reasonably require in support of the statements set forth in the application.

5. SURETY BOND.

Each applicant for a license required by this division shall, before the license is issued to the applicant, file with the County Recorder a bond, with the sureties approved by the Council, in the penal sum of one thousand dollars (\$1,000.00), conditioned that the applicant will comply with and observe the terms and conditions of all provisions of this Code and other County ordinances relating to secondhand goods dealers or their business, and will pay all costs, fines, and penalties incurred on account of the applicant's failure to observe such provisions of this Code and other County ordinances, and will pay all damages resulting to any person by reason of the wrongful purchase or receiving any stolen property or property from any minor, which bond shall be approved by the Council and filed by the County.

6. COUNTY RECORDER LICENSE REQUIRED.

No persons shall carry on or engage in business as a secondhand goods dealer in the County without first having obtained a license therefor from the County, and paying an annual license fee of one-hundred dollars (\$100.00). Any person having several or separate places of business shall pay the license fee and procure a license for each place. The license provided for herein shall be valid only for the location designated in the application, and shall be prominently displayed therein at all times. Upon any change in any of the information required to be submitted as part of the application, the license shall within three (3) days of such change notify the County Recorder of such change, in writing, and in the event of a change of address where doing business, the license shall be

returned to the County Recorder and an amended license issued designating the new location. The amended license will be valid for the length of time remaining on the original license. All licenses issued under this division shall expire one (1) year after the original date of issuance.

7. RECORDS REGISTER REQUIRED.

(a) Every secondhand goods dealer shall be required to keep a record register in which the dealer shall accurately, intelligently and legibly enter, in ink, the English language, at the time of purchasing or receiving any article or item:

- (1) The value of the article;
- (2) The amount paid, advanced or loaned for the article;
- (3) A detailed, complete and accurate description of the article, including identifying marks;
- (4) The article's serial number and model number, if any;
- (5) The name of the person from whom the article is purchased or received, his or her resident address, social security number, height and general description;
- (6) The date, time and place of the transaction;
- (7) The time and date when the article is to be redeemed or brought back;
- (8) Any mortgage or bill of sale taken, or receipt or pawn ticket given;
- (9) When, and by whom, an article was brought back or redeemed;
- (10) The name of the person to whom an article is sold or disposed of to, and the person's resident address, social security number, date of birth, height, and general description if the article or any portion of the article was purchased or acquired or sold or disposed for a fair market selling price of twenty-five dollars (\$25.00) or more. A person purchasing or acquiring an item having a fair market selling price or purchase or acquisition price at twenty-five dollars (\$25.00) or more shall be required to produce identification from which said information shall be recorded.

(b) If an article received has a fair market selling price of under twenty-five dollars (\$25.00), a record of the article is not required to be submitted to the Sheriff's Department.

(c) If an article is purchased from a licensed auctioneer, another licensed second goods dealer, at a garage or rummage sale, etc., the article will not need to be registered as set out in 7 (a). A record must be kept indicating why the article is exempt from the above requirement; however, the record of such a transaction is not required to be submitted to the Sheriff's Department. Such record shall include:

- (1) Name of person from whom purchased,
- (2) Date, time and place of transaction,
- (3) Purchase price of transaction, and
- (4) General description of articles.

(d) Every second-hand good dealers or pawn broker shall also record the date of disposition of any article or any part or portion thereof and to whom it was disposed of or redeemed, including said persons address. Said disposition report shall be located in the same book and at the same place where the receiving records for said article are located.

* SEE ORDINANCE BOOK, PAGE 182-190 FOR ORIGINAL ORDINANCE

* SEE APRIL 9, 1991 MINUTES

8. INSPECTION OF REGISTER AND PROPERTY.

The secondhand goods dealer's register required by this division shall at all times be open to inspection by a duly authorized officer of the Cerro Gordo County Sheriff's Department. The secondhand goods dealer shall also, upon request, show to any of the persons named in this section, any articles purchased, taken authorized officer of the Cerro Gordo County Sheriff's Department. The secondhand goods dealer shall also, upon request, show to any of the persons named in this section, any articles purchased, taken or received by the dealer or deposited with the dealer and in the dealer's possession.

9. TICKET FOR PROPERTY RECEIVED

To each person selling, negotiating, deposition or leaving any property with a secondhand goods dealer, the secondhand goods dealer shall give a ticket upon which shall be printed or written a copy of all entries required by this division, to be made in the secondhand goods dealer's register with reference to the transactions with such person, for which ticket no charge shall be made by the secondhand goods dealer.

10. HOLDING PERIOD.

Any item received by a secondhand goods dealer shall not be sold, transferred, altered, removed from the premises or otherwise disposed of for seven (7) days after the

date of such report to the Sheriff. Items received under the Section provision shall be exempted from this holding period. However, an individual may redeem an item that he or she pawned any time after the item was received on deposit.

11. SHERIFF ORDER TO HOLD PROPERTY.

The Sheriff's Office is authorized to seize property, with proper seizure notice, or require the dealer to hold property which they have probable cause to believe is stolen property. A receipt will be given to the secondhand goods dealer for all property seized.

12. PROHIBITED ACTS.

(a) No person under the age of eighteen (18) years shall sell or pawn any item with any secondhand goods dealer, nor shall any secondhand goods dealer receive any items from a person under the age of eighteen (18) years.

(b) No dealer shall receive any goods unless the seller presents one picture identification or two forms of other types of identification. Proper identification shall consist of, but not be limited to, driver's license, picture I.D., medicard, draft card and/or major credit card.

(c) No goods or merchandise shall be stored or continuously displayed on any public street, alley or public parking. Any goods or merchandise stored or displayed outside a fully enclosed building shall be done so in an orderly and clean fashion so as not to create a nuisance, as defined in the Code of Iowa or stored or displayed in such a manner as to provide a habitat or breeding area for rodents or insects. Goods and merchandise stored or displayed outside, which are not designed to be placed, freestanding, on the ground, shall be placed on racks or shelves.

13. DENIAL, SUSPENSION OR REVOCATION.

(a) Any license under this division may be denied, suspended or revoked for any of the following reasons:

- (1) The proposed use is in conflict with the Cerro Gordo County Zoning Ordinance;
- (2) The proposed use is in conflict with any health, building, building maintenance or other provision of this code or State law;
- (3) Violation of any provision of this division;
- (4) Fraud, misrepresentation or false statements in securing a license;
- (5) Fraud, misrepresentation or false statements made in the course of the applicant's business;

- (6) Conviction within the preceding five (5) years, of any public offense relating to theft, damage or trespass to property or to the operation of a business.

(b) The County Recorder may, upon receipt of information alleging that grounds exist to deny, suspend or revoked the license of any applicant or licensee under this division, and after consultation with the legal department, report circumstances to the Board of Supervisors, which in such case may cause a notice to be served on the applicant or licensee which notice shall state that a denial, suspension, or revocation hearing has been set before the Board of Supervisors, the grounds for the proposed denial, suspension or revocation, the date and time of the hearing and the place where the hearing will be conducted. Upon such hearing, if the Board of Supervisors shall determine that one or more of such grounds do exist, it may deny an application or suspend or revoke an existing license. In the event such license is revoked, no license under this division shall be issued to that licensee for a period of one (1) year.

14. PENALTY

Every person, firm or corporation, their agents or employees, who shall violate any of the provisions of this ordinance, shall, on conviction hereof, be fined an amount not to exceed one-hundred dollars (\$100.00) or imprisoned not to exceed thirty (30) days. Each day a violation occurs shall constitute a separate offense. In addition, any violation of any regulation in or any provisions of this ordinance or any amendments or supplements thereto that are adopted to this ordinance shall be a County infraction which is punishable by a civil penalty or not more than one-hundred dollars (\$100.00) for each violation, or if the infraction is a repeat offense a civil penalty not to exceed two-hundred dollars (\$200.00) for each repeat offense. Each day that a violation occurs or is permitted by the defendant to exist constitutes a separate offense.

Originally passed and approved with all members voting aye the 26th day of December, 1990.

Amended with all members voting aye the 9th day of April, 1991.

ATTEST:

County Auditor

Chairman, Board of Supervisors
Cerro Gordo County, Iowa

AUDITOR'S CERTIFICATE

STATE OF IOWA

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ss)
CERRO GORDO COUNTY)

I hereby certify that the attached and foregoing is a true and correct copy of the same as it appears on record in the Auditor's Office.

In Testimony Whereof, I have this day affixed the seal of Cerro Gordo County Auditor and hereunto set my hand.

Dated at Mason City this 3rd day of May, 1991.

Linda Kay Collins, County Auditor
Cerro Gordo County

Subscribed and sworn to before me the 3rd day of May, 1991.

Notary Public