

CHAPTER 13
PAWN BROKERS, SECONDHAND PRECIOUS METALS DEALERS, SECONDHAND STORES

SECTION:

- 4-13-1: Garage Sale Defined
- 4-13-2: Pawnbroker Defined
- 4-13-3: Precious Metals Defined
- 4-13-4: Secondhand Goods Defined
- 4-13-5: Secondhand Precious Metals Dealer Defined; Exception
- 4-13-6: Secondhand Storekeeper Defined; Exception
- 4-13-7: License Required
- 4-13-8: License Application
- 4-13-9: License Approval and Issuance
- 4-13-10: License Fees
- 4-13-11: Records to Be Kept
- 4-13-12: Records to Be Open for Inspection
- 4-13-13: Retention of Records; Time
- 4-13-14: Retention of Property
- 4-13-15: Compliance with Law
- 4-13-16: Prohibited Purchases
- 4-13-17: Revocation of License

4-13-1: **GARAGE SALE DEFINED:** As used in this Chapter, a "garage sale" is a sale of new or used personal property, not more than three (3) consecutive days in duration and conducted not more frequently than once every six (6) months at the same location.

4-13-2: **PAWNBROKER DEFINED:** As used in this Chapter, "pawnbroker" is a person who engages in the business of lending or advancing money on the security of personal property pledged or deposited in his or her possession.

4-13-3: **PRECIOUS METALS DEFINED:** As used in this Chapter, "precious metals" means gold, silver, platinum and their alloys.

4-13-4: **SECONDHAND GOODS DEFINED:** As used in this Chapter, "secondhand goods" are articles of personal property previously possessed and used by a person other than their current possessor, "Secondhand goods" shall not include operable motor vehicles, books, magazines, or pamphlets. (Ord. 2998, 4-09-15)

4-13-5: **SECONDHAND PRECIOUS METALS DEALER DEFINED; EXCEPTIONS:**

(A) **Definition:** As used in this Chapter, a "secondhand precious metals dealer" is a person who engages in the business of buying, selling, exchanging or trading old or used precious metal or secondhand goods containing any precious metal.

(B) Exceptions: The following shall not be considered secondhand precious metals dealers:

- (1) Persons who in the ordinary course of business buy or sell uncast precious metals primarily for use in any manufacturing or photographic developing process, jewelry manufacture or repair, or dental restoration or repair.
- (2) Persons who in the ordinary course of business accept or receive secondhand goods containing precious metals as consideration for the sale of new merchandise and who subsequently dispose of such secondhand goods in the same form as they existed at the time of their receipt.

4-13-6: SECONDHAND STOREKEEPER DEFINED; EXCEPTIONS:

(A) Definition: As used in this Chapter, a “secondhand storekeeper” is a person who engages in the business of buying, selling, exchanging, or trading secondhand goods.

(B) Exceptions:

- (1) A person who sponsors or conducts garage sales shall not be considered a secondhand storekeeper.
- (2) Persons and businesses who do not provide compensation of any kind in exchange for receipt of secondhand goods shall not be considered a secondhand store keeper. (Ord. 2998, 4-09-15)

4-13-7: LICENSE REQUIRED: No person shall engage in the business of a pawnbroker, secondhand storekeeper or secondhand precious metals dealer without first obtaining a license issued by the City.

4-13-8: LICENSE APPLICATION:

(A) Applications for pawnbrokers, secondhand storekeepers and secondhand precious metals dealer’s licenses shall be made on a form provided by the City Clerk. The application shall state the applicant’s name, residential address, business name, address of place of business, type of license applied for and a general description of the goods or materials to be purchased, sold, exchanged or traded. The relevant license fee shall accompany the application.

(B) To determine the suitability of prospective applicants for a license, the Chief of Police shall require a first time applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police and the Federal Bureau of Investigation. Pursuant to § 67-3008, Idaho Code, and congressional enactment Public Law 92-544, the Chief of Police shall submit a set of fingerprints obtained from the applicant and the required fees to the Idaho State Police, Bureau of Criminal Identification, for a criminal records check of state and national databases. The submission of fingerprints and

information required by this section shall be on forms prescribed by the Idaho State Police. The Chief of Police is authorized to receive criminal history information from the Idaho State Police and from the Federal Bureau of Investigation for the purpose of evaluating the fitness of applicants for a license under this section. As required by state and federal law, further dissemination of other use of the criminal history information is prohibited. Fingerprinting shall not be required for a license renewal, unless fingerprints and criminal background history check have not been previously obtained or performed for the applicant. (Ord. 2440, 2-15-02)

4-13-9: LICENSE APPROVAL, DENIAL AND ISSUANCE:

Applications for licenses required under this Chapter shall be forwarded by the City Clerk to the City Council for its approval or denial. Upon approval of an application, the City Clerk shall issue the license. If a license application is denied by the City Council, the license fee shall be refunded to the applicant. A license may be denied upon proof that the licensee has violated any provision herein, has supplied any false or materially misleading information in his or her application, or has previously been convicted of any felony.

(Ord. 2920, 06-13-13)

4-13-10: LICENSE FEES: Fees for licenses issued under this Chapter shall be in an amount set from time to time by Resolution of the Council, for the following:

Pawnbroker;
Secondhand precious metals dealer; and
Secondhand storekeeper

4-13-11: RECORDS TO BE KEPT:

(A) All pawnbrokers, secondhand storekeepers and secondhand precious metals dealers shall keep and file with the Idaho Falls Police Department a digital copy of the following described records. All digital records shall be filed via the internet at a web site determined by the Police Department using software as may be determined by the Police Department. Such digital records shall be filed within seventy-two (72) hours after the time and date of the transaction. The digital records required for filing shall consist of the following records:

- (1) An accurate description of all precious metals and personal property purchased, acquired or received.
- (2) The name, residence, driver's license number or social security number of the person from whom any, precious metals or personal property is purchased, acquired or received.
- (3) The date and place of the purchase, acquisition or reception.

- (4) The date when such property is disposed of and the name and address of the person receiving the same.

(B) Notwithstanding the foregoing, records relating to the purchase or sale of used or secondhand clothing or audio or audio-visual media, computer software, gaming media or other electronic media in the form of used VCR tape recordings, CD-ROM's, DVD's or other similar electronic media need not be kept or filed with the Police Division. (Ord. 2739, 2-14-08; Ord. 2774, 8-14-08; Ord. 2898, 03-22-12; Ord. 3003, 04-23-15)

4-13-12: RECORDS TO BE OPEN FOR INSPECTION: All records required to be kept under this Chapter shall be made available for inspection by any police officer of the City during normal business hours.

4-13-13: RETENTION OF RECORDS; TIME: All records required to be kept under this Chapter shall be kept for not less than three (3) years.

4-13-14: DISPOSITION OF PROPERTY AFTER REPORTING:

Any person licensed under this Chapter may sell, trade, rent or otherwise dispose of any property acquired for the purpose of resale or other conveyance immediately after compliance with the recordkeeping and reporting requirements of this Chapter. Nothing herein shall require the retention of any firearm bearing a legible serial number, unless such serial number appears to have been altered or unless there is good cause to believe the firearm has been stolen from its lawful owner. (Ord. 2221, 1-19-97; Ord. 2920, 06-13-13)

4-13-15: COMPLIANCE WITH LAW: Persons licensed under this Chapter shall conduct their businesses in compliance with all applicable federal, state and City laws, ordinances and regulations.

4-13-16: PROHIBITED PURCHASES: No person licensed under this Chapter shall purchase, acquire, accept or receive in the ordinary course of business and for the purpose of resale or other conveyance any precious metals or personal property from any person who is under the age of eighteen (18) years or who is under the influence of alcohol, drugs or a controlled substance.

4-13-17: REVOCATION OF LICENSE: Any license issued under this Chapter may be revoked by the Council upon proof that the licensee has violated any provision herein, has supplied any false or materially misleading information in his or her application or has been convicted of any felony.