

**AN ORDINANCE REGULATING SECONDHAND GOOD AND PLEDGED GOODS
WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF MOUNTAIN VIEW,
MISSOURI.**

WHEREAS, the sale or pledging of secondhand goods sometimes involves items that were stolen or otherwise obtained illegally; and

WHEREAS, the State of Missouri and some surrounding communities have enacted laws and ordinances to assist in recovering stolen property and make it more difficult to sell or pledge stolen property; and

WHEREAS, the City Council of the City of Mountain View believes the ability to market or dispose of stolen goods is a threat to the public; and

WHEREAS, the City Council does believe and finds that the limitations adopted will assist the City in its efforts to combat the criminal activity associated with the sale or pledge of stolen goods; and

WHEREAS, the City Council of the City of Mountain View, Missouri, deems it to be in the best interests of the City and its citizens to add a new Chapter 54A to Title V – Business and Occupations, by adding Section 54.210 through Section 54.320, entitled “Second Hand Goods and Pledged Goods”.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MOUNTAIN VIEW, MISSOURI, AS FOLLOWS:

TITLE V – Business and Occupations

Chapter 54A -- Secondhand goods and pledged goods

54.210. Purpose Clause

To insure transparency and to insure justice and fairness to the businesses regulated by this article as well as justice and fairness to the victims of crimes of theft of their personal property.

54.220. 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:

Merchant and dealer means one who deals in property or goods, as described in this section that may purchase outright or provide monetary loans for or against property and goods.

Pawnbroker means any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

Pawnshop means the location at which or premises in which a pawnbroker regularly conducts business.

Pledged goods means tangible 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 his/her business in connection with a pawn transaction.

Pledgor means one who provides and delivers tangible personal property and completes a transaction with a pawnbroker, dealer or merchant for the loan of money based upon the property being held as collateral until repayment of loan is complete.

Secondhand means property or goods received from or through an intermediary, property or goods acquired after being used by another, or property or goods not considered new.

54.230. Participant businesses defined

- A. Every person and/or business licensed by the city that is regularly engaged in or conducting business for the purchase, sale, barter, exchange, recycling, reselling or pawn of property or goods including but not limited to antiques, jewelry, coins, any metal, including but not limited to aluminum, copper, gold, silver, brass, bronze and platinum.; gems, and semiprecious stones, watches, firearms, power tools, hand tools, computers, electronic equipment, cameras and camera equipment, including but not limited to film, digital and videotape, still and motion pictures cameras and camcorders, and associated recording and viewing equipment, electronic game equipment and game cartridges or discs, compact digital disks (CDs), digital video discs (DVDs), musical instruments and equipment, bicycles, and any self-propelled device not required to be licensed by the state department of revenue, including but not limited to every pawnbroker, flea market merchant, secondhand dealer of the goods described in this section, coin dealer, jeweler, and junk dealer, both wholesale and retail, shall, within **ninety (90) days** of the adoption of this article, maintain an electronic inventory tracking system which is capable of delivery and transmission of all statutorily

required information via computer to the entity designated by the city police department.

- B. For the purpose of this article, the term "engaged in or conducting business" means the purchase, sale, barter, or exchange of any item mentioned in this section, including the advertising therefor, and including such business conducted by an established dealer in a permanent location, and including any temporary, transient or itinerant business, whether or not such dealer is engaged in other business activities at such location. In this article the term "required business" means any business engaging in the activities described in this section.

54.240. Information required for retention

- A. The owner/operator of a Participant business, as defined in this Article, shall record a description of all personal property" including all gems or metals, pledged with him/her or purchased by him/her, except those items purchased from wholesale dealers of such items, including any number, letter, marking or engraving that may be on such property for purposes of identification, including any owner applied markings. Additionally, the owner/operator shall identify the person presenting the item for sale, pawn, exchange, or recycling and record the following pertinent data: name, race, height, weight, date of birth, address (including city and state), along with the person's social security number and/or driver's license or state-issued ID number.
- B. Information shall not be collected verbally, and only recorded after the owner/operator has physically viewed and verified the person's identity as compared to any valid government-issued identification card previously described. The electronic database form shall be completed in full without any missing data or information.
- C. A signed document from the seller or pledgor providing that he/she has the right to sell or pledge the property shall be obtained and retained.

54.250. On-line reporting action required

- A. The owner/operator of a required business will be required to upload the information to the entity/database designated by the city police department within

two business days of receipt of the goods received in purchase, sale, barter, exchange, or pawn.

54.260. Holding period for precious gems and metals received by dealers

- A. No gold, silver, diamonds or other precious metals or semiprecious gems or precious metals received or purchased by any person subject to this article, including but not limited to all persons licensed by the city as pawnbrokers and engaged in such business as described in section 54.230, shall be removed from a designated location within the city within five business days after receipt thereof, except when redeemed by the original owner/seller, nor shall any such precious gems or precious metals be melted or re-cut within five business days from the receipt thereof, except when redeemed by the owner/seller. Furthermore, no person subject to this article, including but not limited to all persons licensed by the city as pawnbrokers and engaged in such business as described in section 54.230, shall sell, transfer ownership or possession of, or otherwise remove from said designated location any goods of any kind or type, including but not limited to all items described in section 54.230, received in purchase, sale, barter, exchange, or pawn for 24 hours from the time of the receipt of such goods, except for redemption of such goods by the owner/seller.

54.270. License Compliance Board

- A. A License Compliance Board that has the power to deny, suspend, or revoke licenses is hereby created to review license applications and to insure compliance with the provisions of this article by any holder of a city business license issued pursuant to this article. The city clerk, city administrator, and chief of police or his designee shall serve on the board.

54.280. Grounds for suspension or revocation; notice of proposed suspension or revocation

- A. The failure on the part of any owner/operator of a required business to comply with the provisions of this article shall be deemed grounds for denial of a license under this section and a violation of any businesses' license as issued by the city pursuant to this article, and will be subject to the denial, suspension or revocation of the business license, after notice to the business owner/operator. Said notice shall be in writing and delivered by certified mail to the address listed on the license application or may be hand delivered to applicant or to any agent or employee at the place of business. The License Compliance Board shall notify the licensee in writing of the intended action and the reasons therefore, and of the right to request a hearing in regard thereto. The action indicated in the written

notice shall be final unless the licensee shall file a written request for hearing with the city clerk within ten days of the notice. If a written request for hearing is received the city clerk shall proceed in accordance with section 54.290.

54.290 Hearing on denial or proposed suspension or revocation

- A. Any person who has been denied a license or renewal thereof by the License Compliance Board under this article or who is licensed pursuant to this article and who has received a notice of intent to suspend or revoke the license may request a hearing before the city council. Requests for such hearings shall be filed with the city clerk within ten days after notice is given of the denial or the intention to suspend or revoke. Upon receipt of a timely written request for hearing, the city council shall call a hearing and shall set forth in writing and send to the applicant or licensee or permittee, by means of registered mail, certified mail or hand delivery, notice that, within a period of not less than five days and not more than 14 days from the date of the mailing of the notice, a hearing shall be conducted to determine the existence of any facts which constitute grounds for the denial, suspension or revocation of a license or permit. The notification shall include the date, time and place of the hearing. The applicant or licensee may have the assistance of counsel or may appear by counsel and shall have the right to present evidence. If the applicant or licensee fails to appear at the hearing, the evidence of the existence of facts which constitute grounds for the denial, suspension or revocation of the license or permit shall be considered un rebutted. The hearing need not be conducted according to the rules of evidence. Any relevant evidence may be admitted and considered by the city council if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Objections to evidence shall be noted and a ruling given by the city council. The city council shall have authority to rule on all issues of law and fact. A copy of the decision of the city council specifying findings of fact and the reasons for the decision shall be furnished to the applicant or licensee. The final decision shall be issued in written form within 30 days of the completion of the hearing. For purposes of appeal, the decision of the city council shall be final. Upon a final decision being rendered, the parties shall be informed of the right to appeal under the provisions of the Administrative Procedure Act RSMo 536. Any decision not appealed within 30 days from the date of a decision is final. Upon receipt of the notice of appeal, the record shall be prepared immediately and filed with the appropriate court and the city council's order shall be stayed.

54.300 Reissuance of license after revocation

- A. Whenever the city has revoked a business license, pursuant to this article, it shall be necessary before any license is issued at the same location that the procedures for issuance of a license be followed as set forth in this article.


54.310 Prerequisites for renewal

- A. Before the city council renews a license issued under this article, the License Compliance Board shall determine if the applicant has complied with the provisions of this article. If the board determines that the applicant has failed to comply with the laws of the city, the board shall not issue the license and shall notify the applicant pursuant to section 54.280 and section 54.290.

54.320 Ordinance violation – penalty

- A. In addition, any business owner/operator that fails to comply with the provisions of this ordinance shall be guilty of an offense, punishable under section 13.010 through section 13.070 of the City Code of Ordinances. Each day of non-compliance shall be a separate offense.

PASSED AND APPROVED THIS 9TH DAY OF MARCH, 2015.



PATRICK REED, MAYOR

(CITY SEAL)

ATTEST:



WILLA KRAMER, CITY CLERK