

ORDINANCE NO. 3180

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
PAWNBROKERS AND SECOND-HAND DEALERS

Be it ordained by the City Council of the City of
Kirkland as follows:

Section 1. KMC Chapter 7.36 shall henceforth be
entitled, "Pawnbrokers and Second-Hand Dealers" instead of
"Pawnbrokers and Junk Dealers."

Section 2. KMC 7.36.010 is hereby amended as
follows:

7.36.010 Licensing-Necessity Declared

It is hereby declared necessary under the
exercise of police power and the taxing power of
the City to license, tax and regulate certain
businesses as hereinafter provided. The purpose
of the ordinance is to set forth rules for the
licensing, regulation and inspection of
pawnbrokers, coin dealers, and second-hand
dealers. For the purposes of this code the use
of these terms, pawnbroker, coin dealer, junk
dealer or second-hand dealer, shall mean all of
the terms pawnbroker, coin dealer, junk dealer
or second-hand dealer.

Section 3. Section 7.36.020 of the Kirkland
Municipal Code, entitled Definitions, is hereby repealed.

Section 4. There is hereby created a new section to
be known as section 7.36.020, entitled Definitions, and to
read as follows:

7.36.020 Definitions

Whenever used in this Chapter terms defined
in this section shall have the meanings herein
specified unless the context clearly indicates
otherwise:

(1) "Commencing to carry on or conduct
business" or "to engage in business." Any
person, firm, or corporation coming under this
Chapter shall be deemed to commence to carry on
or conduct such business or to engage in such
business in the city, subject to the license

fees herein, if a transaction in connection with such business is actually conducted within the city regardless of whether the person, firm, or corporation is carrying on such business as a resident or nonresident of the city. This Chapter applies to fixed places of business within the city and also to itinerants not having a fixed place of business within the city, and also to a person, firm or corporation engaging in such business temporarily or to one continuing to engage in such business throughout a given calendar year within the corporate limits of the city.

(2) "Pawnbroker" Every person, firm, or corporation engaged in whole or in part in the business of loaning money on the security of pledges, deposits or conditional sales of personal property, shall be deemed a pawnbroker.

(3) "Pawnshop" Means and includes every place at which the business of pawnbrokers is being carried on.

(4) "Coin Dealer" Every person, firm, or corporation engaged in whole or in part in the business of buying or selling coins or stamped metal shall be deemed to be a coin dealer. The coins may be legal tender or otherwise, and may be made of precious metals, gold, silver or platinum.

(5) "Second-Hand Dealer" Every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value, second-hand property including metal junk, melted metals, precious metals, whether or not the person maintains a fixed place of business within the City.

(6) "Second-Hand Property" Any item of personal property offered for sale which is not new, including metals in any form, except postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books, and clothing of a resale value of seventy-five dollars or less, except furs.

(7) "Transaction" Means a pledge, purchase, or consignment by a pawnbroker or a

second-hand dealer from a member of the general public.

Section 5. Section 7.36.050 of the Kirkland Municipal Code, entitled Licenses-Fees is hereby repealed.

Section 6. There is hereby created a new Section to be known as Section 7.36.050, entitled Licenses-Fees, and to read as follows:

7.36.050 Licenses-Fees

Every pawnbroker, second-hand dealer, or coin dealer, before commencing to carry on or conduct such a business within the corporate limits of the city, shall obtain a license for the operation of said business from the City Clerk and pay a license fee of one hundred dollars for one year. There shall be no prorating of the license fee. The license shall not be assignable.

Section 7. Subsections (6) and (8) of KMC 7.36.060 are hereby amended as follows:

7.36.060 Records Required-Contents

(6) A detailed description of the property bought or received in pledge or consignment. This will include any brand names, serial, model numbers, pattern or type, engravings, size, color or markings, likely to help in identifying the property. In the case of watches the description shall contain the name of the maker and the number of both the works and the case, and in the case of jewelry shall contain a description of all letters and marks inscribed thereon; and include the type of metal employed, and the weight and size of the piece of jewelry. ~~Provided that when~~ if however, the article bought or received is furniture, or the contents of any house or room which is actually inspected on premises, a general record of the transaction shall be sufficient. In the case of firearms, the caliber, barrel length, type of action, and whether it is a pistol, rifle, or shotgun shall be recorded.

(8) The names and street and house numbers of all persons witnessing the transaction type and identifying number of identification used

by the person with whom the transaction is made, which shall consist of a valid driver's license or identification card issued by any state or two pieces of identification issued by a governmental agency. No transaction may be conducted without at least 1 picture identification; and

Section 8. KMC 7.36.070 is hereby amended as follows:

7.36.070 Inspection of Records and Good

Pawnbroker's and junk dealers' records and all goods received, shall at all times during the ordinary hours of business be open to the inspection of the prosecuting attorney or of any peace officer. Any police officer may seize any item of personal property taken by a pawnbroker, coin dealer or second-hand dealer, based upon suspicion that the item is stolen. In the event of such a seizure, the pawnbroker or dealer shall be entitled to a written receipt for the item from the police department.

Section 9. KMC 7.36.080 is hereby amended as follows:

7.36.080 Keeping Property-Time Limit

No property bought or received in pledge by any pawnbroker or junk dealer shall be removed from his place of business before ~~four~~ fifteen days have elapsed since the receipt thereof was reported to the chief of police unless it has been redeemed by the owner. A police officer may place a hold of up to fifteen additional days upon the property if the item is potential evidence. The police officer shall make an entry upon the permanent record required by this chapter indicating how long the property is to be held. The pawnbroker or dealer, shall then:

- (1) Tag or specifically identify the item;
- (2) Hold it in place on the business premises of the pawnbroker or dealer, to which the police officer shall have access at any time during regular business hours;
- (3) Keep the item safe from alteration,

loss, damage or commingling with other goods.
No pawnbroker shall dispose of any item subject
to a police hold in any manner. The items shall
be surrendered to the chief of police upon
request, or in compliance with a subpoena signed
by a prosecuting attorney.

Section 10. KMC 7.36.090 of the Kirkland Municipal Code, entitled Rates of Interest Permitted, is hereby repealed.

Section 11. There is hereby created a new Section to be known as Section 7.36.090, entitled Rates of Interest Permitted, and to read as follows:

7.36.090 Rates of Interest Permitted

It is unlawful for any person to charge or receive interest at a rate in excess of that authorized in RCW Chapter 19.60, for money loaned on the security of personal property actually received in pledge.

Section 12. Section 7.36.100 of the Kirkland Municipal Code, entitled Records of Transactions Upon Demand, is hereby repealed.

Section 13. There is hereby created a new Section, known as Section 7.36.100, entitled Record of Transactions Upon Demand, and to read as follows:

7.36.100 Record of Transactions Upon Demand

It shall be the duty of every pawnbroker, coin dealer, or second-hand dealer, by mail at the end of each business day, to report to the chief of police on such forms as he designates, a true, correct, and complete transcript of the record of all transactions had during the preceding day. 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, the date of the transaction, and the name and description of the person from whom the property was received by such pawnbroker or dealer. Transient dealers shall also report to the chief of police or designee daily.

Section 14. Section 7.36.110, of the Kirkland Municipal Code, entitled Retaining Property Upon Request, is hereby repealed.

Section 15. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 16. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in summary form attached to the original of this Ordinance and by this reference approved the City Council, as required by law.

Passed by the majority vote of the Kirkland City Council in regular, open meeting this 15th day of August, 1989.

Signed in authentication thereof this 15th day of August, 1989.

Doris Cooper
MAYOR

ATTEST:

[Signature]
City Clerk
APPROVED AS TO FORM.

Gail Goud
City Attorney

SUMMARY ORDINANCE NO. 3180

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
PAWNBROKERS AND SECOND-HAND DEALERS

Sections 1 through 6. Makes wording changes to the title of KMC Chapter 7.36 and KMC Sections 7.36.010, 7.36.020 and 7.36.050.

Section 7. Amends KMC 7.36.060(6) and (8) regarding details of property description and adding a requirement for picture identification as part of a second-hand dealer transaction.

Section 8. Amends KMC 7.36.070 formalizing the authority of police to seize suspected stolen items.

Section 9. Amends KMC 7.36.080 provisions regarding time periods for retention of second-hand property and setting forth a procedure for a police hold.

Sections 10 and 11. Eliminate local rules regarding maximum rates of interest, instead referencing State Statutes.

Sections 12 and 13. Provide for more specific reporting of transactions and recite the duty to report receipt of stolen property.

Section 14. Repeals KMC Section 7.36.110.

Section 15. Contains a savings clause.

Section 16. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. This Ordinance was passed by the Kirkland City Council at its regular meeting on the 15th day of August 1989.

I certify that the foregoing is a summary of Ordinance No. 3180 approved by the Kirkland City Council for summary publication.


City Clerk