

Ordinance Requiring Daily Purchase Records for Pawn Brokers in Bicycles, Furs, Metals, Jewelry, and Other Personal and Business Property / Reporting Requirements for Scrap Dealers

Section 1 General.

Section 1.1 Title / Effective Date.

The Ordinance shall be known as the "Ordinance Requiring Daily Purchase Records for Pawn Brokers in Bicycles, Furs, Metals, Jewelry, and Other Personal Property of 2011". This Ordinance will become effective on June 10, 2011.

Section 1.2 Findings. In considering the enactment of the Ordinance, the County Commission makes the following findings of fact:

WHEREAS, the County has a substantial governmental interest in protecting the public health, safety and welfare of its citizens; and

WHEREAS, Pawn shops, by their very nature, often attract thieves who want to trade stolen items for money; and

WHEREAS, the electronic reporting on a daily basis of transactions at Pawn Shops is necessary to prevent criminal activity in communities, and to impede the sale of metals, jewelry, electronics, and other valuable items stolen from local businesses and residences; and

WHEREAS, the City of Charleston, West Virginia, has enacted a similar ordinance that requires Pawn Brokers within the City Limits to report their transaction information daily; and

WHEREAS, the County would benefit from enacting an ordinance that similar to that of the City of Charleston.

Section 1.3 Purpose.

It is the purpose of the Ordinance to require all pawn brokers located in Kanawha County to electronically report their transaction information to the local law enforcement agencies.

Section 2 Territorial Limits.

The Ordinance shall apply to and be effective in all Unincorporated Areas within the Territorial Limits of Kanawha County.

Section 3 Definitions.

For purposes of the Ordinance, the following words or terms shall have the meanings ascribed to them thereafter except when the context suggests other:

Section 3.1 “County” shall mean the County of Kanawha, West Virginia.

Section 3.2 “Effective Date” shall mean June 10, 2011, on which the Ordinance becomes effective.

Section 3.3 “Jewelry” shall mean any precious gem or semi-precious gem, or jewelry item, containing gold or silver or other precious metal or containing precious or semi-precious gems.

Section 3.4 “Junk” shall mean Metals, or items containing metals having a scrap value.

Section 3.5 “Metals” shall mean Copper, Gold, Silver, Platinum, Brass, and all metals and alloys with scrap value.

Section 3.6 “Pawnbroker” shall mean any business which lends money and holds some of the borrower’s personal goods as collateral, to be sold to the public (in a pawn shop) in the event of a default, and is engaged in the purchase or sale of used furniture or used household items, personal or business property, electronics, metals, jewelry or appliances, in excess of \$50 in value.

Section 3.7 “Personal property” shall mean any item such as bicycles, jewelry, furs, metals, gold and silver coins, jewelry, or other personal property, including but not limited to televisions, stereos, DVD players, VCR’s, amplifiers, cameras, musical instruments, firearms, including metals.

Section 3.8 “Territorial Limits” shall mean those portions of land or area within the boundaries of the County that are not situated within the limits of municipal corporations within the County.

Section 4 Electronic Reporting Requirements.

Section 4.1 On and after the Effective Date, all Pawnbrokers shall electronically report everyday list their items they purchased or received as collateral from the previous day per the following:

- A. Any person doing business as a pawnbroker in bicycles, jewelry, furs, precious metals or other personal property, including but not limited to, televisions, stereos, DVD players, VCR’s amplifiers, cameras, musical instruments, firearms, including dealers in gold, silver, platinum, copper, brass, or other precious or semi-precious metals or precious or semi-

precious stones shall everyday before the hour of 12:00 Noon, or by written agreement with the Sheriff of Kanawha County or his designees, electronically submit and upload a true and correct report of all goods, wares, merchandise or things received on deposit, pledged, or purchased the previous day to a law enforcement web site designated by the Sheriff of Kanawha County Sheriff.

- B. The required information shall be provided to the web site by the proprietor or his designee and shall include the following information
1. Date and time the property was received;
 2. Description of the property;
 3. Serial and model numbers if available;
 4. Customer's name and date of birth;
 5. The current street address, city, state and zip code of the customer's residence;
 6. The customer's current telephone number;
 7. The customer's identification from one of the following:
 - a. A valid WV state driver's license
 - b. A valid driver's license containing a picture issued by another state;
 - c. A military identification card;
 - d. A valid passport;
 - e. An alien registration card
 8. Whether the item was purchased, taken as collateral for a loan or taken on consignment;
 9. Dollar amount of transaction.
- C. The proprietor or his designee shall have sole discretion as to receipt of merchandise for sale, trade, collateral or pawn and may refuse anyone therein services upon the suspicion that they are not true owners of any property presented. If at any time an individual presents to the proprietor or his designee that they are transacting the business for a third party (owner) or that they have only partial interest in said property the proprietor or his designee must refuse to transact any pawn, trade, loan or commission sale with said individual and report such incident to the Sheriff of Kanawha County or his designee.
- D. A law enforcement officer may at any time during an investigation require a pawnbroker, a proprietor or dealer of consignment goods, or their personnel representative, to present items for inspection upon demand and if the officer has reasonable belief that said items were misappropriated, stolen, or taken under false pretense may confiscate the items.

Section 5 Requirements of Scrap Dealers

Scrap Dealers are strongly encouraged to fully participate in the scraptheftalert.com website. All scrap dealers who do not fully participate in the scraptheftalert.com notification website are subject to the same requirements as pawnbrokers for notifications as listed above. In addition, all non-participating scrap dealers must also present a photo copy of the seller's identification, a photo of the item(s) sold, and vehicle information to include the make, model color and registration number for each item.

Section 6 Enforcement.

If the Kanawha County Sheriff's Office finds that the electronic reporting provisions of this Ordinance are violated, they shall notify in writing the person responsible for such violation. Service of the written notice shall be deemed complete upon sending the notice by certified mail to the last known address of the person or by personal service by the office of the Sheriff of the County.

Section 7 Penalties

Section 7.1 Failure to comply with this ordinance may result in either a citation or an arrest of the proprietor or his designee and can subject them to a fine of up to \$500.

Section 7.2 For the second offense, the proprietor or his designee shall be fined up to \$750 and/or the proprietor's business license shall be suspended for a thirty day period. For a third offense, his license shall be revoked and he/she shall not thereafter be permitted to engage in the business of a pawnbroker in the County of Kanawha.

Section 8 Severability.

If any clause, paragraph, subparagraph, section or subsection of the Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby, by shall remain in full force and effect.