

ORDINANCE NO. 445

AN ORDINANCE ESTABLISHING CHAPTER NINE OF TITLE V, SECTIONS ONE THROUGH EIGHT, REGULATING PAWNBROKERS, SECONDHAND AND JUNK DEALERS AND REQUIRING WEEKLY WRITTEN REPORTS OF PURCHASING ACTIVITIES AND PROVIDING REQUIREMENT TO ALLOW INSPECTION OF POSSIBLE STOLEN ARTICLES BY ANY POLICE OFFICER OF THE CITY OF POLSON AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:

CHAPTER NINE OF TITLE V SECTIONS ONE THROUGH EIGHT SHALL BE CREATED TO READ AS FOLLOWS:

5-9-1: DEFINITIONS. The following words and phrases used in this chapter shall be given the following meanings:

(a) "Junk" shall mean all old iron, glass, paper, rubber or other discarded material that may be used again in some form.

(b) "Junk dealer" shall mean any person engaged in or conducting the business of buying, selling or dealing in junk.

(c) "Pawnbroker" shall mean any person who as a business loans money on the deposit of any personal property on the condition of selling such property back to the depositor at a stipulated price and within a stipulated period of time.

(d) "Secondhand dealer" shall mean any person who as a business engages in the purchase, sale, trade, consignment or exchange of any secondhand merchandise other than junk; provided this chapter shall not apply to the bona fide tradein of a secondhand appliance on the purchase of a newly manufactured appliance as long as no cash is paid to the person trading the appliance, by the merchant or dealer with whom such trade-in is made.

5-9-2: RECORD REQUIRED. Every person conducting the business of a pawnbroker, or secondhand or junk dealer within the city limits shall keep and maintain a daily record, on a form prescribed by the Chief of Police, written in ink without changes or erasures, showing the exact time of acceptance of any article in the course of business, an accurate description of each and any article received so that same can be easily identified by giving number, color, size, unusual marks, the make and any other matter of identification, also the name and residence of the person from whom such article is received together with his height, weight, age, nationality, color, complexion, color of hair, eyes, sex and distinguishing marks.

5-9-3: INSPECTION OF RECORD PERMITTED. Such record and every item of merchandise that is so purchased or received by a pawnbroker, or secondhand or junk dealer shall be open to the inspection of any member of the city police department or county sheriff's department at any reasonable time.

5-9-4: WEEKLY REPORT TO POLICE CHIEF: It shall be the duty of persons conducting a business under the provisions of this chapter to make out and deliver to the Chief of Police every Monday a legible and correct copy of the records required in the preceding sections giving an accurate account and description of each and all articles and things purchased during the preceding week, the precise time of purchase and the names and residences of the persons from whom such purchases were made.

5-9-5: PURCHASE OR RECEIPT FROM MINORS PROHIBITED: It shall be unlawful for any pawnbroker, or secondhand or junk dealer to purchase or receive any merchandise from a person under eighteen (18) years of age without authorization of the parent or guardian.

5-9-6: INSPECTION BY POLICE; STOLEN ARTICLES: All articles shall be produced for inspection on demand by the Chief of Police or other police officer and any article designated by any police officer as being by the description thereof stolen property shall not be offered for sale, returned to the person from whom received, sold or otherwise disposed of in any manner thereafter except upon permission of the Chief of Police or order from a court of record.

5-9-7: STOLEN PROPERTY TO BE REPORTED: Persons doing business under this chapter shall report immediately to the Chief of Police any article coming into the possession of said persons or their place of business which has been reported or advertised as lost or stolen.

5-9-8: PENALTY: Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for a term not to exceed six (6) months, or both. Each day of failure to comply with the provisions of this chapter shall constitute a separate offense.

REPEALING CLAUSE: All ordinances or parts of ordinances in conflict herewith are repealed.

PASSED AND APPROVED this 4th day of May, 1987.

Patricia DeVries
Patricia DeVries, Mayor

ATTEST:

Kathy L. Cox
Kathy L. Cox, City Clerk