

ORDINANCE NO. 912, FOURTH SERIES

AN ORDINANCE REGULATING THE BUSINESS OF PAWN-BROKERS AND SECOND-HAND DEALERS, PRESCRIBING A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF, AND REPEALING ORDINANCE NO. 733, FIRST SERIES, PASSED FEBRUARY 19 1906, ORDINANCE NO. 734, FIRST SERIES, PASSED FEBRUARY 19 1906, ORDINANCE NO. 713, FOURTH SERIES, PASSED OCTOBER 15 1936, AND ORDINANCE NO. 727, FOURTH SERIES, PASSED FEBRUARY 18 1937.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. It shall be unlawful for any person, firm, association, or corporation, to engage in or conduct, manage, or carry on, within the City of Sacramento, the business of pawnbroker or second-hand dealer, without first applying for and receiving a proper license from the City of Sacramento.

SECTION 2. Every person, firm, association, or corporation dealing in second-hand goods, wares, merchandise, or articles of any description, other than furniture and household goods, either as pawnbroker or second-hand dealer, shall keep or cause to be kept at the place of business a well-bound book containing a record of each article pawned, purchased, exchanged, or otherwise taken into possession. Such record shall be legibly entered at the time of the transaction and shall show the hour and day when each article was so received, its exact and complete description, the amount loaned thereon or paid therefor, together with the signature and description of the person or persons so pawning, selling, exchanging, or otherwise delivering such property. The record of each transaction must be numbered and a tag corresponding to said number must be firmly attached to all articles pawned, purchased, exchanged, or otherwise taken into possession.

SECTION 3. All articles pawned, purchased, exchanged, or otherwise taken into possession shall be held for a period of thirty (30) days from date of receipt, intact in a particular location in the place of business designated for that purpose, before being placed on exhibition, sold, exchanged, removed from the place of business where received, or delivered to any person, or otherwise disposed of. All articles so received and the records pertaining thereto, shall, upon demand, be exhibited to any sheriff, police officer, constable or other peace officer, and shall not, in any manner, be concealed.

SECTION 4. Every person, firm, association, or corporation dealing in second-hand goods, wares, merchandise, or articles of any description, other than furniture and household goods, either as pawnbroker or second-hand dealer, shall, on each day before the hour of 10:00 A.M., make out or cause to be made out and delivered to the Chief of Police, on a blank form to be obtained from said Chief of Police for that purpose, a full, true, and complete report of all goods, wares, merchandise, or articles of any description, other than furniture and household goods, pawned, purchased, exchanged, or otherwise taken into possession during the day preceding the filing of such report.

The report for Monday shall embrace all articles so received from and after report made on Saturday preceding. Such report shall show the number of the transaction, the hour and day when each article was so received, its exact and complete description, and the amount loaned thereon or paid therefor. Such report shall also show the true name and address, as nearly as the same is known to or can be ascertained by such person, firm, association, or corporation, of the person or persons pawning, selling, exchanging, or otherwise delivering such property, together with a description of such person or persons. Blank forms provided by the Chief of Police shall be printed and subdivided so as to contain spaces with proper captions for the furnishing of the information required by this ordinance.

SECTION 5. It shall be unlawful for any person, firm, association, or corporation conducting the business of pawnbroker or second-hand dealer, or any agent or employee thereof, to receive in pawn, purchase, exchange, or otherwise take into possession any property from any person who shall appear to be, or who is known to be, intoxicated, or from any minor under the age of twenty-one years; provided, however, that this prohibition shall not apply where the minor dealing with such person, firm, association, or corporation presents the written consent of his parent or guardian, duly signed, authorizing the particular transaction had with such person, firm, association, or corporation; and provided, further, that such written consent shall be retained by said person, firm, association, or corporation and shall be exhibited upon demand to any peace officer requiring the same.

SECTION 6. It shall be unlawful for any person, firm, association, or corporation doing business as pawnbroker or second-hand dealer to engage in or permit or allow any other person, firm, association, or corporation to engage in or permit the checking of baggage in the immediate premises occupied as the place of business of such pawnbroker or second-hand dealer. The term "immediate premises", as used herein, shall mean and include all rooms, hallways, closets, stairways, or basements having the same street number and/or common entrance and exit with the licensed premises.

SECTION 7. The term "furniture and household goods", as used herein shall mean and include beds, bedding, tables, desks, chairs, stoves, floor coverings, crockery, glassware, kitchen and cooking utensils.

SECTION 8. It shall be unlawful for any person, firm, association, or corporation, dealing in second-hand goods, wares, merchandise, or articles of any description, other than furniture and household goods, either as pawnbroker or second-hand dealer, to open, keep open, or allow to be kept open, any store, shop, or place for the transaction of any business of pawnbroker or second-hand dealer, or to maintain, conduct, or transact the business of pawnbroker or second-hand dealer on any Sunday, or at any time except between the hours of seven o'clock A.M. and seven o'clock P.M. of the same day. Provided, however, that such store, shop, or place may be kept open and business conducted thereat for the additional hours of from seven o'clock P.M. to eleven o'clock P.M. of the same day during the month of December each year and also on the nights preceding all legal holidays.

Provided, further, that this section shall not apply to the sale only of second-hand clothing and shoes.


SECTION 9. A violation of any of the provisions of this ordinance shall be and constitute a misdemeanor and shall be punishable by a fine of not exceeding five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

SECTION 10. Whenever it shall appear by the oath of the person claiming to be the owner thereof that certain of his property has been sold by another without any authority to any person, firm, association, or corporation, conducting any of the above named businesses, it shall be the duty of the Chief of Police to make an investigation concerning the ownership of the said property and to determine that no collusion exists between the claimant and the persons who pawned or sold the same. Upon his finding that the person who makes the claim to the property described in said complaint is the lawful owner of such property and entitled to its possession, he shall notify said person, firm, association, or corporation of his findings and it shall be the duty of such person, firm, association, or corporation to return to the owner thereof, without charge or expense of any kind, any property received from a person not authorized to sell the same, and a failure so to do will be sufficient grounds upon which to cancel the license and revoke the permit to do business of said person, firm, association, or corporation. Provided, however, that before any license shall be cancelled for the failure to return property claimed by a third person, written charges shall be preferred against the holder of said license, and the matter shall be heard and determined by the City Council, at which hearing all parties interested therein may appear and present testimony in support of their respective contentions.

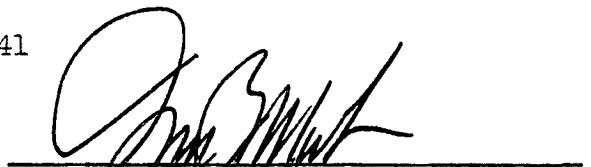
SECTION 11. Ordinance No. 733, First Series, passed February 19 1906, Ordinance No. 734, First Series, passed February 19 1906, Ordinance No. 713, Fourth Series, passed October 15 1936, and Ordinance No. 727, Fourth Series, passed February 18 1937, are hereby repealed.

PASSED: April 18, 1941  
EFFECTIVE: May 18, 1941

ATTEST:



CITY CLERK

  
MAYOR

ORDINANCE No. 912