

ORDINANCE NO. 17

ROSEAU COUNTY PAWNBROKERS AND SECOND-HAND  
GOODS DEALERS ORDINANCE

The County Board of Roseau County ordains:

I. General Provisions

A. Purpose

The Roseau County Board of Commissioners find that adequate protection of public health, safety, and welfare requires that the business of pawnbrokers and dealers in second-hand goods be regulated and controlled.

B. Jurisdiction

The jurisdiction of this ordinance shall include all of Roseau County.

C. Compliance

The business of pawnbrokers and the business of dealers in second-hand goods in Roseau County shall be in full compliance with this ordinance.

D. Abrogation

This section does not prohibit a town, town board, or a municipality from adopting or continuing in force regulations which are more restrictive than those required by this ordinance.

E. Severability/Savings Clause

The provisions of this Ordinance shall be severable, and the invalidity of any paragraph, subparagraph or subdivision therefore shall not make void any other paragraph, subparagraph, subdivision or any other part.

II. Definitions

For the purpose of this ordinance, certain terms and words are hereby defined. The present tense includes the future tense, the singular number shall include the plural and the plural the singular, the word shall is mandatory and the word may is permissive. When used in this section, the following words shall mean:

A. Pawnbroker means a person who loans money on deposit or pledge of personal property, or other valuable thing, or who deals in the purchasing of personal property or other valuable

thing on condition of selling the same back again at a stipulated price, or who loans money secured by chattel mortgage or personal property, taking possession of the property or any part thereof so mortgaged.

B. Second-hand Goods Dealer means a person engaged in the business of buying second-hand goods of any kind, including but not limited to coins, gold, silver, jewelry, metals, guns, tires, car batteries and other automobile accessories.

C. Board means the Roseau County Board of Commissioners.

### III. Exceptions

The following business purchases shall not be covered by this section:

A. The purchase of a motor vehicle as scrap or to be dismantled or destroyed where the certificate of title is or has been mailed or delivered to the Department of Motor vehicles for cancellation pursuant to Minn. Statute 168A.15.

B. Used car sales involving vehicles with registered titles registered through Department of Motor Vehicles.

C. Purchases from an occasional garage or yard sale of personal property conducted from a residence.

D. Estate sale or farm auction held at decedent's residence.

E. Auction Sales

F. The purchase of used clothing where no single item has a value of greater than \$50.00.

G. Consignment sales from an established place of business.

H. The purchase of used books where no single book has a value of greater than \$50.00.

I. Any purchase of property from merchants, manufacturers, or wholesale dealers having an established place of business, or of goods purchased at open sale from any bank or from stock or of goods purchased at salvage. Such property and goods must be accompanied by a bill of sale or other evidence of open or legitimate purchase, which must be shown to any peace officer.

J. Recycling of beverage/food containers/disposable plastics and newspapers.

K. Any purchaser of property at a flea market or swap meet sponsored by a local non-second-hand goods dealer or pawnbroker, or by a community group, and conducted on property with the

consent of the owner of the property; where such purchaser is not otherwise required to be licensed by this section.

#### IV. Licensing of Pawnbrokers and Dealers in Second-hand Goods

##### A. License required

It is unlawful for any person to engage in the business of pawnbroker without a pawnbroker's license under this section; nor in the business of dealer in second-hand goods dealer license under this section. Application for a license shall be made to the Roseau County Auditor's Office. All applicants shall be screened by the Roseau County Sheriff, who shall then submit a written recommendation to the County Board for approval or disapproval of a license. Before approving the issuance of a license, the County Board shall consider the statement of the Sheriff, the character and reputation of the applicant, and the nature of the business to be conducted.

##### B. License Fees

Any pawnbroker receiving approval for a license under this section shall pay a license fee of \$50.00. Any second-hand dealer receiving approval for a license under this section shall pay a license fee of \$20.00. Said licenses shall be effective for a period not to exceed twelve (12) months. Renewal shall be on an annual basis, and each license shall be renewed on or before February 1st of each calendar year. For those pawnbrokers or second-hand dealers in goods in business before the passage of this ordinance, the license fee shall be paid within 15 days after the effective date of this ordinance.

##### C. Fee Schedule - Place of Payment

License fees shall be collected by the Roseau County Auditor for deposit with the Roseau County Treasurer. License fees may be subject to change by resolution of the Board.

##### D. Business at only designated place(s)

Any license issued under this section shall authorize the licensee to carry on such business only at the place(s) designated in such license, excepting the estimating of the value of goods for purchase and the picking up of goods.

##### E. Posting of license

Every pawn shop, or second-hand dealer shall prominently post his/her license in a conspicuous location at his/her place of business.

#### V. Records, Reports, and Identification Requirements

##### A. Records required

On reporting forms prescribed by the Roseau County Sheriff's Department, every person who shall be engaged in the business of pawnbroker or dealer in second-hand goods shall maintain a record system, except as provided below, wherein it shall be written, in the English language, at the time of each loan or purchase, an accurate account or description of the goods, article or other thing pawned, pledged or purchased, the date of the receipt of the same, and a description of the person pawning, pledging or selling the same. Such records shall be made immediately upon taking the item or article into possession. The description of any item of personal property shall include serial numbers, make, model, year, or such other identification numbers where possible. The description of a person shall include compliance with any of the alternative identification requirements in subparagraph D of this section.

Purchases by second-hand goods dealers of individual goods or items shall be reported when the cumulative price paid for said items exceeds \$50.00.

#### B. Reports to the Sheriff

Every pawnbroker or dealer in second-hand goods shall make available to the Sheriff's Department, every week, a legible and correct copy of the records required by sub-paragraph A of this section of all personal property or other valuable things received, deposited or purchased during the preceding week, together with the date when received or purchased and a description of the person or persons from whom left in pledge or from whom the same were purchased. Such records shall be mailed to the Sheriff's Office each Monday morning, or in case of a Monday holiday on the next business day morning of that week.

#### VI. Receipts Required

On receipt books prescribed by the Roseau County Sheriff's Department, every such pawnbroker or dealer in second-hand goods, purchasing or receiving on deposit for a loan any article or personal property shall give to the person selling or depositing such article or personal property a receipt with a description of the item.

#### D. Identification Requirements

1. Each person pawning, pledging, or selling items in an establishment licensed pursuant to this section shall identify himself/herself as provided herein to the licensee or licensee's agent accepting such pawn, pledge or sale. Neither the licensee nor any of his/her agents shall transact any business with any person who fails to identify himself/herself as provided herein. Identification shall be made as follows:

a. By a showing of a Minnesota driver's license or non-qualification certificate which was duly issued to the person presenting it by the State of Minnesota. The licensee or agent shall stamp or record the information contained on face of said driver's license or non-qualification certificate on the record required by sub-paragraph A of this section; or

b. In the event the person has no Minnesota driver's license or non-qualification certificate, then by a showing of some other form of identification issued to him/her by a governmental body or a recognized organization which shows either his/her picture or a physical description of him/her or both. The licensee or agent shall record the type of identification, and any identifying number of the identification, and the name and physical description on the identification in the record required by subparagraph A of this section; or

c. By a statement by the licensee that said person is personally known to the licensee and a recording of his/her full name.

2. The licensee or licensee's agent transacting the pawn,pledge or sale shall have the affirmative duty to compare all pictures, physical descriptions and signatures on the identification presented with the physical features and signatures of the person presenting such identification and shall not transact any business with any person who appears to be presenting false identifications.

E. The provisions of this section shall not apply to dealers in precious metals licensed under Minnesota State Statute, insofar as they purchase precious metal bouillon, ingots or coins.

## VI. Holding and Redemption Periods

### A. Redemption Period

Any person pledging an article shall have forty-five (45) days to redeem the same before the pledge becomes forfeitable.

### B. Sheriff's Order to Hold Property

Whenever the Sheriff or any member of the Sheriff's Department shall have probable cause to suspect that property listed pursuant to Section V shall be stolen property or constitute evidence of a crime, or that possession of such property is criminal or that such property shall constitute evidence that any individual has committed a crime, they shall notify such dealer or dealers not to sell any property so received on deposit or purchased by them, or permit the same to be redeemed, for a

period of at least 48 hours in addition to the time period provided for in subparagraph A of this section, not counting Saturday, Sunday or holidays.

## VII. Unlawful Acts

### A. Dealing with Minors, etc.

It is unlawful for any pawnbroker or dealer in second-hand goods to purchase or receive on deposit any personal property, goods, wares, merchandise, article or thing, from persons of unsound mind or intoxicated persons, or from persons under 18 years of age without the written consent of his or her parent or guardian.

### B. Minors; Prohibitions

No person under the age of 18 years shall sell, pawn, or pledge any personal property or other valuable thing with any person licensed to do business under this section. It is unlawful for any person under the age of 18 years to represent to any person licensed under the provisions of this section, at the time of his or her selling, pawning, attempting to pawn, or pledging of any personal property, that he or she is 18 years of age or older.

### C. Misconduct of Pawnbrokers

It is unlawful for any licensed pawn broker to:

1. Lend money or on a pledge at a rate of interest above that allowed by law; or
2. Have goods in his possession and refuse to permit a law enforcement officer to examine them during usual business hours; or
3. Sell pledged goods before the time to redeem has expired; or
4. Having sold pledged goods, refuse to disclose to the pledger the name of the purchaser or the price for which sold; or
5. Make a loan on a pledge to a person under lawful age, without the written consent of his or her parent or guardian.
6. Make a false statement on a license application.
7. Make a false statement on a record or report required by this ordinance.

D. Misconduct of Second-hand Dealers

It is unlawful for any licensed second-hand dealer to:

1. Have goods in his possession and refuse to permit a law enforcement officer to examine them during usual business hours; or
2. Purchase property from a person under lawful age, without the written consent of his or her parent or guardian.
3. Make a false statement on a license application.
4. Make a false statement on a record or report required by this ordinance.

VIII. Enforcement and Penalties

A. Enforcement Authority

This ordinance shall be administered and enforced by the Roseau County Sheriff's Department, which is hereby designated the enforcing authority.

B. Misdemeanor Penalty

Any person, firm or corporation who shall violate any of the provisions hereof shall be guilty of a misdemeanor. All fines and violations shall be deposited with the Roseau County Clerk of Court.

C. Suspension and Revocation of License

1. Any license issued pursuant to this ordinance may be suspended for up to sixty (60) days or revoked for good cause by the Board. Written notice shall be given to the licensee of the Board's intent to suspend or revoke license. A licensee shall have ten (10) days from the receipt of said notice to appeal the proposed suspension or revocation to the Board for a hearing of the matter before the full Board at a regular or special meeting of the Board. If appeal is timely noted, all action shall be stayed pending the hearing. Written notice of the hearing shall be served upon the licensee at least twenty-one (21) days prior to the date of hearing. Any licensee whose license is suspended or revoked may appeal from such order to the District Court. Such appeal shall be taken by service of written notice hereof upon the Board within ten (10) days after service upon the licensee of the order appealed from and by filing with the Clerk of the District Court, within ten days after service, the notice of appeal with proof of service thereof upon the Board. An appeal will not stay implementation of the Board's order.

2. For the purposes of this section, "good cause" shall include, but not be limited to:

a. Conviction of licensee or any of his employees of any crime relating to the operation of a pawnbroker business.

b. Violation by the licensee or his employees of any of the provisions of this section or any other section of the county ordinance or statute relating to the operation of a pawnbroker business or second-hand goods business.

c. Failure to cooperate fully with any lawful law enforcement investigation.

d. Falsely stating any material fact on the license application.

e. Submitting a false or incomplete record to the Sheriff.

IX. Amendment

This ordinance may be amended by the Roseau County Board of Commissioners whenever the public necessity and general welfare requires such amendment.

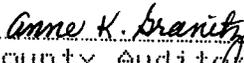
X. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication according to law. The County Auditor shall file a certified copy of this ordinance with the County Recorder, who shall record the same.

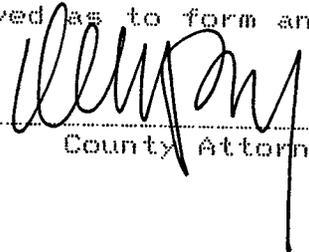
PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF ROSEAU COUNTY THIS 10TH DAY OF APRIL, 1991.

  
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Chairman, County Board

ATTEST:

  
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County Auditor

Approved as to form and execution:

  
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County Attorney