

**CITY OF WILLIAMSBURG
ORDINANCE NO. 10-002**

**AN ORDINANCE OF THE CITY OF WILLIAMSBURG,
KENTUCKY PERTAINING TO REGULATING THE BUSINESS
OF PAWNBROKERS, AND BUSINESSES WHICH PURCHASE
PERSONAL PROPERTY FOR THE PURPOSE OF RESELLING
OR EXCHANGING THE PROPERTY.**

WHEREAS, the business of pawnbrokers is presently subject to statutory regulations as adopted by the Commonwealth of Kentucky which are codified in KRS 226.010 through KRS 226.990; and

WHEREAS, businesses that purchase personal property, such as computers, DVD players or movies, computer or video games, video gaming systems or accessories, jewelry, coins, precious stones and metals, are currently not subject to any statutory regulations by the Commonwealth of Kentucky or ordinance by the City of Williamsburg; and

WHEREAS, the operation of these businesses, because of the facility that it furnishes for the commission of crime and for its concealment, poses a potential threat to the public interests and safety; and

WHEREAS, out of concern for the protection against the potential of the commission and concealment of crimes, the Mayor and City Council desire to supplement the existing regulations provided by statute with additional regulations provided by ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WILLIAMSBURG, KENTUCKY, as follows:

SECTION 1: PAWNBROKERS AND OTHER BUSINESSES DEFINED

Pawnbrokers shall be considered as any person or business that loans money on deposit of personal property; deals in the purchase of personal property on condition of selling the property back again at a stipulated price; makes a public display at his/her place of business of the sign generally used by pawnbrokers to denote their business; or who publicly exhibits a sign advertising money to loan on personal property or deposit (KRS 226.010).

Other Businesses shall be considered as any person or business that purchases personal property, such as computers, DVD players or movies,

computer or video games, video gaming systems or accessories, jewelry, coins, precious stones and metals, with the intent to resale or transfer the property.

SECTION 2: BOND OF A PAWNBROKER

Every person to whom a city license is granted to carry on the business of a pawnbroker shall annually enter into bond to city, with the good and sufficient surety, to be approved by the Mayor and/or City Council, in the penal sum of One Thousand Dollars (\$1,000.00). The bond shall be conditioned that he will observe the provisions of KRS 226.030 to 226.050, and all Sections of this ordinance.

SECTION 3: REGISTER TO BE KEPT; DAILY REPORTS; ON-LINE REPORTS AND VIDEO CAMERAS

A. Every person or business, as described herein, shall keep a register of all loans and purchases, of all articles, made by him. The register shall show the dates of all loans or purchases, and the name of all persons who have left any property on deposit as collateral security or as a delivery or sale. Opposite the names and dates shall be written in plain hand a full description of all property purchased or received on deposit as collateral security, the time when the loan falls due, the amount of purchase money, the amount loaned, and the interest charged. The register shall at all times be open to the inspection of any police officer of the city when in the discharge of his official duty. The Police Department shall furnish blanks for these reports. (KRS 226.070).

B. Any person intending to engage in business as described herein who will not operate that business at any established and permanent location shall give the Chief of Police at least seventy-two (72) hours prior notice of the location and date and hours of the operations of such business.

C. In addition to the written daily reports described herein, all persons engaging in business as described herein shall within thirty (30) days of the adoption of this ordinance open and maintain an account with L.E.A.D.S. Online Incorporated, an inventory tracking system which is capable of delivery and transmission of all statutorily required information via computer. The owner or operator of a business will be required to upload the information to L.E.A.D.S. Online, Inc. within 24 hours of receipt of the goods purchased or pawned. Provided blanks can be used as a reference to submit electronic reports.

D. The owner or operator of a business will be required to have a video camera installed that records under city ordinance.

SECTION 4: PROHIBITED ACTIVITIES

No person or business, as described herein, shall receive, by way of pledge or pawn, any article whatsoever from a minor at any time nor from any person between 8:00 p.m. and 7:00 a.m. (KRS 226.030)

SECTION 5: RECEIPT TO BE GIVEN FOR EACH ARTICLE

Every person or business, as described herein, shall give a plain written or printed ticket for the loan to the person negotiating or selling, and a plain written or printed receipt of the articles that have been purchased or upon which money is loan, having on each a copy of the entries required by KRS 226.040 to be kept in his register. He shall not make any charge for the ticket or receipt. (KRS 226.040)

SECTION 6: RECEIPT TO BE GIVEN FOR PAYMENT OF LOANS

Every person or business, as described herein, upon receiving any payment of money from a borrower, shall give to that person a plain and complete receipt for such payment, specifying separately the amount applied to principal and the amount applied to interest. In a case where the business has purchased personal property under an agreement to sell it back at a stipulated price, the owner or operator shall, on receiving any payment of money from the person from whom the property was purchased, give that person a receipt stating the original purchase price, the stipulated resale price, and the amount received. (KRS 226.080)

SECTION 7: ENFORCEMENT

The Police Department shall enforce the provisions of this chapter unless otherwise provide by KRS 226.100. However, county or state police, for the purpose of locating stolen goods, may carry out the provisions of KRS 226.080 within the city. (KRS 226.100)

SECTION 8: PENALTY

A. Any pawnbroker or pawnbroker's clerk who violates any of the provisions of this chapter for which no penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than \$50.00 nor more than \$500.00 for each offense and his license may be forfeited to the city. (KRS 228.990(1))

B. Any pawnbroker who violates any of the provisions of KRS 226.010 through 226.090 shall be guilty of a misdemeanor and shall be fined not less than \$20.00 or more than \$100.00 for each offense. (KRS 226.990(3))

SECTION 9: CONFLICTS

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 10: PROVISIONS

That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

ENACTED this the 10th day of January, 2011.

First Reading: May 10, 2010
Second Reading: January 10, 2011

RODDY HARRISON, MAYOR

ATTEST: _____
TERESA H. BLACK, CITY CLERK