



City of Caldwell
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205 S 6th Ave
Caldwell, ID 83606
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PAWNBROKER LICENSE

RENEWAL APPLICATION

Date: _____

FEE: \$50.00

Pursuant to Title IV, Chapter 3, Caldwell City Code, I hereby make application to renewal the Pawnbroker License.

Name of Applicant: _____

Name of Business: _____ Phone: _____

Business Address: _____

Mailing address if different from location: _____

E-Mail Address: _____

Owner Date of Birth: _____ Last 4 #'s of Social Security: _____

ATTACHMENT REQUIRED: COPY OF CURRENT DRIVER'S LICENSE

Name of Operating Manager: _____

Is Business: Individual _____ Partnership _____ Corporation _____

NOTE: Every Pawnbroker shall keep a record of article pledged with him or sold to him, and this record shall be open to the inspection of any Police Officer at anytime during the hours of business. Such records shall be upon a form as required by the Chief of Police.

1. Have you, or the person named as operating manager, within the past 3 years, been convicted of, paid any fine, been placed on probation, received a deferred sentence, received a withheld judgment, suffered the forfeiture of a bond for failure to appear or completed any sentence of confinement for any felony or misdemeanor? **Yes** ____ **No** _____. If yes, give details: _____

2. Have you had a similar license revoked by this City or any other City of this State or the United States? **Yes** ____ **No** _____. If yes, give details: _____

3. Do you hereby authorize the City of Caldwell, its agents and its employees, to seek information and conduct an investigation into the truth of the statements set forth in your application and qualifications? **Yes** _____ **No** _____ **INITIAL:** _____

STATEMENT UNDER OATH:

Being first duly sworn, deposes and says that he/she is making the foregoing application and made said statements therein and hereafter for the purpose of securing a Pawnbroker License with the corporate limits of the City of Caldwell; and affirms that the facts stated above and hereafter are true; and he/she is familiar with the Ordinance of the City of Caldwell relative to Pawnbrokers.

Applicant Signature

Subscribed and sworn to before me this _____ day of _____, 20____

Notary Public for the State of Idaho

Residing at _____

Commission Expires: _____

APPLICANT: DO NOT WRITE BELOW THIS LINE

Police Record Check

Name of CPD Staff Person Conducting Review: _____

Comments: _____

Approved or Denied - Planning & Zoning Director: _____

Date: _____

Approved or Denied - Chief of Police: _____

Date: _____

Approved or Denied - City Clerk: _____

Date: _____

PAWNBROKERS ARTICLE 1 LICENSES

SECTION:

06-03-01: Short Title

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06-03-01: SHORT TITLE:

This article shall be known and may be recited and referred to as *THE PAWNBROKERS ORDINANCE*. (Ord. 2348, 10-2-2000)

06-03-03: AUTHORITY AND PURPOSE:

(1) Authority: This article is adopted pursuant to article 2, section 12 of the Idaho Constitution, and authorized by code sections 50-201, 50-302, and 50-307.

(2) Purpose: This article is intended to regulate pawnbrokers and to aid law enforcement in the identification and the recovery of stolen property. (Ord. 2348, 10-2-2000)

06-03-05: DEFINITIONS:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this article as set out below:

CITY: The city of Caldwell, an Idaho municipal corporation.

LAW ENFORCEMENT: Caldwell city police department and its designees.

MELTED METALS: Metals derived from metal junk or precious metals that have been reduced to a melted state from other than ore or ingots which are produced from ore that has not previously been processed.

METAL JUNK: Any metal that has previously been milled, shaped, stamped, or forged and that is no longer useful in its original form, except precious metals.

NONMETAL JUNK: Any nonmetal, commonly discarded item that is worn out, or has outlasted its usefulness as intended in its original form, except nonmetal junk does not include any item which has enhanced value because of its old age and commonly recognized as an antique.

PAWNBROKER: Every person, firm, association or corporation who makes it a business to loan money on deposit or purchase personal property or other valuables for the purpose of selling the same back again at a stipulated price or who loans money secured by chattel mortgage or personal property, keeping part thereof as mortgaged for all intents and purposes under this article.

PERSON: Includes any natural person, individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit.

PRECIOUS METALS: Gold, silver, and platinum.

TRANSACTION: A pledge, or the purchase of, or the trade of any item of personal property by a pawnbroker from a member of the general public. (Ord. 2348, 10-2-2000)

06-03-07: LICENSE REQUIRED; FEE:

(1) Annual License; Fee:

A. License Required: No person shall do business in the city as a pawnbroker without first obtaining a license from the city and paying the license fee set forth herein. (Ord. 2348, 10-2-2000)

B. License Fee; License Tax: The annual license processing fee for each pawnbroker shall be as established by resolution of the city council. This fee is necessary to defray the costs from the investigation of the applicant and the processing of the application. This annual license processing fee for a pawnbroker's license is in addition to the license tax imposed on pawnbrokers by Idaho Code, section 63-2303, as amended. (Ord. 2780, 1-5-2009)

C. Term Of License: The license shall expire on December 31 of the year in which it is issued, unless sooner revoked or suspended. (Ord. 2951, 11-18-2013, eff. 1-1-2014)

D. Investigation: Each applicant is responsible for including with their application a criminal history. The application will not be considered unless such history and information is included. Moreover, the city clerk, in his/her discretion with good cause, may require additional information and history from an applicant; including, without limitation, criminal history from other states.

E. Grounds For Denial:

1. Conviction of any felony within seven (7) years prior to the application may be grounds for denial of a license.
2. Convictions of any misdemeanor involving the crime of theft, willful concealment, or similar crimes within seven (7) years prior to the application may be grounds for denial of a license.

F. Prior License/Permit Denied, Revoked Or Suspended: No license shall be issued if the applicant has had any pawnbroker business license or other similar permit or license denied, revoked, or suspended by any city, county or state or any other state or local agency within three (3) years prior to the date of the application.

G. Application: All applications for pawnbroker licenses shall be filed with the city clerk.

H. Age Of Applicant: No license shall be issued to any person who is not eighteen (18) years of age or older.

(2) Denial Of License: Whenever the city clerk denies an application, the clerk shall specify in writing:

- A. The statutes, ordinances and standards used in evaluation of the application;
- B. The reason for denial; and
- C. The action, if any, that the applicant could take to obtain the license.

(3) Appeal: A person whose application is denied may appeal the denial decision to the city council by filing a written notice of appeal with the clerk of the city council within fifteen (15) days of the date of the clerk's signed denial decision. Failure to timely appeal the denial decision will be a waiver of the right to appeal the denial decision. A timely filed appeal shall be conducted in accordance with the procedural rules established by the contested hearing procedures of the Caldwell city code and Administrative Procedure Act of Idaho.

(4) Revocation: Failure to meet or maintain any of the requirements of this article is cause for revocation of an issued license by the city clerk. A person whose license is revoked may appeal the revocation pursuant to the process outlined in subsection (3) of this section. (Ord. 2348, 10-2-2000)

06-03-09: FIXED PLACE OF BUSINESS REQUIRED:

No person may operate as a pawnbroker unless the person maintains a fixed place of business within the city. (Ord. 2348, 10-2-2000)

06-03-11: DUTY TO RECORD TRANSACTIONS:

(1) Maintenance Of Permanent Record: It shall be the duty of every pawnbroker doing business in the city to maintain in his place of business an electronic permanent record, which shall be in such a manner consistent with the software compatible with law enforcement's equipment, and shall include a record containing:

- A. The date of transaction;
- B. The name of the person or employee or the identification number of the person or employee conducting the transaction;
- C. The name, date of birth, sex, height, weight, race, address of the person with whom the transaction is made;
- D. A legal description of the property pledge, including the brand name, serial number, model number by name, any initials, or engravings and in the case of firearms, the caliber, type of action, and whether it is a pistol, rifle, or shotgun;
- E. The type and identifying number of the personal identification used by the person with whom the transaction was made, which shall consist of a valid driver's license or identification card issued by any state, or any two (2) other pieces of identification, one of which shall contain a photograph or description of the person identified. At all times, one piece of current government issued picture identification will be required;

F. The nature of the transaction, a number identifying the transaction, the store identification designed by law enforcement, or the name and address of the business and the name of the person or employee conducting the transaction, and the location of the property.

(2) Signature Of Person Making Transaction: The signature of person making transaction shall be retained by the pawnbroker for a reasonable period of time, unless otherwise authorized by law enforcement.

(3) Dealer's License: Regarding any pawnshop pledging automobiles must meet state requirements. (Ord. 2348, 10-2-2000)

06-03-13: DAILY REPORTS; SUSPECT PROPERTY:

(1) Transmittal To Law Enforcement: Every pawnbroker doing business in the city shall furnish to law enforcement a full, true and correct transcript of the record of all transactions conducted on the preceding date. These transactions shall be recorded on such forms as may be provided and in such format as may be required by law enforcement within a specified time not more than twenty-four (24) hours. This information shall be transmitted to law enforcement by electronic data transfer, or by modem or similar device, or by delivery of computer disks subject to requirements of and approval by law enforcement.

(2) Suspect Property: If a pawnbroker has good cause to believe that any property in his or her possession has been previously lost or stolen, the pawnbroker shall promptly report that fact to law enforcement, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

(3) Inspections: Every pawnbroker shall, upon request of the Caldwell police department, produce any records required to be kept pursuant to this article and shall permit the Caldwell police department to examine the records, the pawnbroker's inventory, and all property kept or stored therein. Any inspection performed pursuant to this provision shall take place during the pawnbroker's regular and usual business hours. (Ord. 2348, 10-2-2000)

06-03-15: DUTIES UPON NOTIFICATION OF PROPERTY REPORTED STOLEN:

(1) Notification; Identifying Tag: Following notification from law enforcement that an item of property has been reported as stolen, the pawnbroker shall hold that property intact and safe from alteration, damage, or commingling. The pawnbroker shall place an identifying tag or other suitable identification upon the property so held.

(2) Release: Property held shall not be released for thirty (30) days from the date of law enforcement notification, with a thirty (30) day extension, unless release by written consent of the law enforcement or by written order of a court of competent jurisdiction.

(3) Verbal Hold: In cases where law enforcement has placed a verbal hold on an item, he must then give written notice to the pawnbroker within ten (10) business days of making the verbal hold. If such written notice is not received within that period of time by the pawnbroker, then the hold order will cease.

(4) Renewal Notice: If an additional holding period is required, law enforcement shall give the pawnbroker written notice, prior to the expiration of the existing hold order.

(5) Effect Of Provisions: The provisions set forth in this section supersede any other provisions of this article.

(6) Removal Of Hold: Law enforcement shall not place on hold any item of personal property unless law enforcement reasonably suspects that the item of personal property is a lost or stolen item. Any hold that is placed on an item will be removed as soon as practicable if the item on hold is determined by law enforcement not to be stolen or lost. (Ord. 2348, 10-2-2000)

06-03-17: PROPERTY AS EVIDENCE:

(1) Production For Court/Law Enforcement: Whenever property that is in the possession of a pawnbroker is subject to a hold and the property is required by law enforcement in a criminal investigation, the pawnbroker, upon reasonable notice, shall produce the property at reasonable times and places for law enforcement or a court of competent jurisdiction or may deliver the property to law enforcement upon the request of law enforcement placing the hold on the property. In the event property is seized pursuant to this section, the pawnbroker will be entitled to restitution in the criminal case.

(2) Enforcement Receipt: Whenever any property is taken from a pawnbroker, which was alleged stolen property, law enforcement shall give the pawnbroker a receipt for the property which shall contain a description of the property, the reason for seizure and the names of the pawnbroker and the law enforcement officer or designee receiving the property.

(3) Property In Custody Of Law Enforcement: Property, alleged to be lost, stolen or embezzled, coming into the custody of law enforcement shall be held by law enforcement subject to order of a magistrate as provided by Idaho Code sections 19-3801 through 19-3807 as amended. (Ord. 2348, 10-2-2000)

06-03-19: PAWNBROKERS, SALE OF PLEDGED PROPERTY:

(1) Repayment Period: It shall be the duty of every "pawnbroker" as herein defined to allow any person accepting a loan a period of thirty (30) days in which to repay the loan and reclaim the pawned merchandise before the same becomes forfeitable if the property pawned is in the amount of fifty dollars (\$50.00) or less and sixty (60) days if more than fifty dollars (\$50.00).

(2) Written Documents Required For Transactions: Every transaction entered into by a pawnbroker shall be evidenced by written document, a copy of which shall be furnished to the pledgor. The document shall set forth the term of the loan, the date on which the loan is due and payable. (Ord. 2348, 10-2-2000)

06-03-21: SALES:

No personal property purchased by a pawnbroker at his place of business shall be sold or removed from such place of business for a period of at least ten (10) days after being so purchased without written consent of the chief of police. (Ord. 2348, 10-2-2000)

06-03-23: VIOLATIONS AND PENALTY:

(1) It shall be unlawful for any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, electronic permanent record, or writing required.

(2) It shall be unlawful for any person to pledge or sell any goods, chattels, or effects, or any personal property leased or let to him by any instrument in writing under a contract or purchase not yet fulfilled.

(3) It shall be unlawful for any pawnbroker to receive any property from a person under the age of eighteen (18) years, or from any person who appears to be under the influence of intoxicating liquor or drugs.

(4) Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor. (Ord. 2348, 10-2-2000)

SECTION:

01-05-01: Title

01-05-03: Definitions

01-05-05: Applicability

01-05-07: License Procedure

01-05-09: Appeals to the City Council

01-05-11: Contested Cases; Notice; Hearing; Records

01-05-13: Appointment of a Hearing Examiner

01-05-15: Rules of Evidence, Official Notice

01-05-17: Examination of Evidence by Agency

01-05-19: Decisions and Orders

01-05-21: Ex Parte Consultations

01-05-23: Retention of Record

01-05-01: TITLE:

This Article shall be referred to and known as *THE CITY OF CALDWELL CONTESTED HEARING PROCEDURES ORDINANCE*. (Ord. 1918, 11-4-91)

01-05-03: DEFINITIONS:

As used in this Article:

AGENCY: Each City board, commission, department or officer, including the Council, authorized by law to make rules, grant licenses or to determine contested cases and quasi-judicial matters, except legislative matters.

CONTESTED CASES: A proceeding including, but not restricted to, licensing in which the legal rights, duties or privileges of a party are required by law to be determined.

LICENSE: The whole or part of any permit, certificate, approval, registration, charter or similar form of permission required by law, but does not include a license required solely for revenue purposes.

LICENSING: The agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license.

PARTY: Each person or agency named or admitted as a part, or properly seeking and entitled of right to be admitted as a party.

PERSON: Any individual, partnership, corporation, association, governmental subdivision or public or private organization or any character other than an agency.

QUASI-JUDICIAL: The action of any agency in applying general laws, ordinances, rules or policies to specific persons and/or parties, interests or situations. (Ord. 1918, 11-4-1991)

01-05-05: APPLICABILITY:

(1) Except for section 01-05-07 of this article, the provisions hereof shall apply to the procedures employed by an agency or the city council when that agency and/or the city council are acting in a quasi-judicial capacity involving an appeal of an initial determination of an agency.

(2) When licensing is required to be preceded by notice and opportunity for hearing by ordinance or state statute, the provisions of this article shall apply, unless specifically in contravention to state

City Code: 01-05-03

Appeal procedures in the event
of the denial of a license

statute, or when the provisions of this article are specifically excepted by city ordinance or where a specific procedure is prescribed by another city ordinance.

(3) This article applies to contested matters before the planning and zoning commission. (Ord. 1918, 11-4-1991)

(4) This article appertains to contested matters arising out of orders, decisions or determinations made by the public works director or city engineer under chapter 4, article 7 and subsection 11-02-06(1) of this code, and to appeals of the building official under the building, plumbing, electrical, housing and mechanical codes as set forth in chapter 12 of this code, and decisions of the fire chief under the fire code, as adopted in chapter 8, article 13 of this code, except that in the event of any conflicts between this article and the provisions named above in chapters 4, 8, 11 or 12 of this code and/or the provisions contained in the codes therein adopted, the provisions of those codes, chapters and/or articles shall control. (Ord. 2685, 5-7-2007)

01-05-07: LICENSE PROCEDURE:

(1) No license shall be granted until there has been an investigation by the appropriate agency upon the application submitted pursuant to the terms and conditions of the ordinance applicable. After the investigation, the application shall be forwarded to the appropriate agency which, if provided by ordinance of the city of Caldwell, shall act upon the license request, or the agency shall submit its recommendations to the city council for appropriate action. If the agency recommends or if it determines the application be denied, the agency shall state in writing:

- A. The statutes, ordinances and standards used in evaluating the application;
- B. The reasons for the denial; and
- C. The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

(2) When a licensee has made timely and sufficient application for the renewal of a license, the existing license does not expire until the application has been finally determined by the agency, and in the case that the application is denied or in the case the terms of the new license are limited, the license does not expire until the last day for seeking review of the agency order.

(3) No agency revocation, suspension, annulment or withdrawal of any license shall be effective until the agency shall have served personally and/or by mail notifying the licensee of the intended action. The notice shall state the facts or conduct upon which the intended action is based. The notice shall also state that the licensee may show cause that the licensee is in compliance with all lawful requirements and why the intended action should not be taken. If good and sufficient evidence is not shown, the intended action becomes effective on the fifteenth day after notice has been personally served or from the date of mailing of the notice; which fact shall also be stated in the notice. If the agency finds that the public health, safety or welfare imperatively requires emergency action, the agency is empowered to order a summary suspension of a license pending proceedings for revocation and/or other intended action. The order and notice shall specify the facts and findings relied upon for summary suspension. (Ord. 1918, 11-4-91)

01-05-09: APPEALS TO THE CITY COUNCIL:

(1) Any action by an agency, when acting in a quasi-judicial capacity, or when licensing shall become final unless within fifteen (15) days after notice as provided in Section 01-05-07 of this Article, a notice of appeal to the City Council has been filed with the City Clerk by a party.

(2) All interested parties, that is, all parties entitled to notice either pursuant to City ordinance or pursuant to State statute, or persons who are considered applicants under City ordinance or State statute, shall be entitled to service of notice as set forth in Section 01-05-11 of this Article. (Ord. 1918, 11-4-91)