

COUNCIL BILL NO. 2007-511

ORDINANCE NO. 2007-216

AN ORDINANCE repealing Article II, Rummage Sales, and Article IV, Pawnbrokers and other Secondhand Goods Dealers, of Chapter 98, Secondhand Goods, of the Code of Ordinances of the City of Joplin, and enacting in lieu thereof a new Article II, Rummage Sales, and Article IV, Pawnbrokers and other Secondhand Goods Dealers, of Chapter 98, Secondhand Goods, of the Code of Ordinances of the City of Joplin to implement certain fee changes.

WHEREAS, the Council of the City of Joplin desires to waive the rummage sale permit fee, but retain the rummage sale regulations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Article II, Rummage Sales, of Chapter 98, Secondhand Goods, be repealed and a new Article II, Rummage Sales, of Chapter 98, Secondhand Goods, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

**CHAPTER 98 SECONDHAND GOODS
ARTICLE II. RUMMAGE SALES
DIVISION 1. GENERALLY**

Sec. 98-31. Maximum number of sales per year.

No person shall advertise, conduct, carry on or permit any garage, patio, yard or rummage sale on the grounds of or within any dwelling within the city more than two times in any one calendar year; however, this section shall not apply to any person conducting any such sale under and pursuant to a valid merchant's license issued by the city or to any sale by the executor, administrator or guardian of an estate.

Sec. 98-32. Duration of sale.

s division shall be held or scheduled for more than three calendar days. No such sale by the same person and/or at the same location may occur more often than once every 60 days, subject to the twice per year limitation set forth in this article.

Sec. 98-33. Exclusions.

However, schools, churches and nonprofit organizations may carry on rummage sales of miscellaneous items for the benefit of the organization only, with no restriction on the number of days when the sale is conducted on school, church or commercial property.

Secs. 98-34--98-50. Reserved.

Secs. 98-56--98-80. Reserved.

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Section 2. That Article IV, Pawnbrokers and other Secondhand Goods Dealers, of Chapter 98, Secondhand Goods, be repealed and a new Article IV, Pawnbrokers and other Secondhand Goods, of Chapter 98, Secondhand Goods, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

ARTICLE IV. PAWNBROKERS AND OTHER SECONDHAND GOODS DEALERS*
DIVISION 1. GENERALLY

Sec. 98-131. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk dealer means any secondhand dealer who engages in the business of buying junk, old iron, tools or fittings of any kind, copper, lead, brass, belting, mining rope, mining tubs, mining cars, mining tools or implements of any kind, or scrap metals or utensils, fittings, rags, rubber or paper.

Pawnbroker means every person engaged in the business of receiving property in pledges, or as security for money or other thing advanced to the pawner or pledger, or who purchases personal property and agrees to sell it back, or who makes a display at his place of business of the sign of the three balls, or who makes or publicly exhibits any sign offering money to loan on personal property, except negotiable instruments.

Secondhand dealer means any person who buys for resale or receives on consignment or deals in the purchase or sale of used or secondhand household fixtures, water, gas, electric or plumbing fixtures or appurtenances, or several articles or units of building material or other secondhand personal property of any kind whatever, excepting household furniture and bulk building material and machinery.

Sec. 98-132. Keeping of register of property purchased or received.

Every pawnbroker, secondhand dealer and junk dealer shall keep at his place of business a register in which he shall enter, in writing, a minute description of all property taken, purchased or received, including any number that may be in or upon any article, together with the time and the name, age, nationality, color and place of residence (giving the street and number if within the city) of the person selling or leaving such property, and also the amount paid for or loaned upon such property, the interest charges, and the time when the loan falls due. Such register shall be kept clean and legible. Such entries shall be made within one hour after the receipt or purchase of such property. Every entry shall be made in ink and shall not in any manner be erased, obliterated or defaced.

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Sec. 98-133. Copy of register to be delivered to chief of police; evidence of other purchases.

It shall be the duty of every pawnbroker, secondhand dealer and junk dealer to make out and deliver to the chief of police, at least once a week, a legible and correct copy from the register maintained pursuant to section 98-132 of all personal property or other valuable things received or deposited or purchased, and a description of the persons by whom left in pledge or from whom purchased. No person shall be required to furnish such description of any property purchased from manufacturers or wholesale dealers having an established place of business, or of any goods purchased at open sale from any bankrupt stock, or from any other person having an established place of business. Such goods shall be accompanied by a bill of sale or other evidence of open and legitimate purchase, and shall be shown to the chief of police, the chief of detectives or any member of the police force when demanded.

Sec. 98-134. Inspection of register; examination of property.

The register referred to in section 98-132 shall at all times be kept open to the inspection of the chief of police or any officer of the police force of the city, or anyone authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the pawnbroker, secondhand dealer or junk dealer. Every pawnbroker, secondhand dealer and junk dealer shall also, upon request, show and exhibit to any such person or officer, for inspection, any article purchased, taken or received by him.

Sec. 98-135. Pawnbrokers' tickets generally.

Every pawnbroker shall give to every person leaving property with him a plainly written or printed ticket containing a copy of the substance of all entries required by section 98-132 to be kept in such register, for which no charge shall be made.

Sec. 98-136. Exhibition of pledged goods to person holding pawnbroker's ticket.

Every pawnbroker shall, during business hours, upon the request of any pledger presenting the memorandum or ticket provided for in section 98-135, or upon the request of any assignee or transferee thereof presenting such memorandum, exhibit to such person the article pledged and described in such memorandum.

Sec. 98-137. Receiving property from minor.

No pawnbroker, secondhand dealer or junk dealer shall take, buy or receive any personal property, goods, wares or merchandise, other than agricultural products, of any value from any minor, or have in his possession any personal property, goods, wares or merchandise so had and obtained without the written consent of such minor's parents or guardians.

Sec. 98-138. Receiving stolen property.

No pawnbroker, secondhand dealer or junk dealer shall purchase, take or receive in pledge or deposit any stolen property or property which, from any cause, he may have reason to believe or suspect cannot be lawfully or rightfully sold, pawned or pledged by the person offering it.

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Sec. 98-139. Hours of business.

No pawnbroker, secondhand dealer or junk dealer shall keep his place of business open or transact any business therein between the hours of 9:00 p.m. and 7:00 a.m., excepting on Saturday night of each week, when he may keep his place of business open until 12:00 midnight.

Sec. 98-140. Report to police of goods to be shipped out of city.

Every pawnbroker, secondhand dealer and junk dealer shall give the chief of police of the city notice of all goods to be shipped out of the city, the consignee, the destination, the date of shipment and the date of loading, and give the chief of police or chief of detectives, or any member of the police force, opportunity to examine such goods before or at the time of loading and shipping.

Sec. 98-141. Holding period for articles purchased.

No dealer in secondhand articles, keeper of a junk shop or pawnbroker shall expose for sale or sell or dispose of any article within five days of the time of purchasing the article; provided, however, that this section shall not affect household goods, machinery or building material.

Sec. 98-142. Location of junkyards.

It shall be unlawful for any person hereafter to construct, locate or install any junkyard, boiler shop or automobile wrecking or salvaging establishment at any place in the city prevaillingly residential in character and where the nearest point of such yard or shop in any direction is less than 300 feet from any regularly occupied residence, or any church, schoolhouse, hospital or public library.

Sec. 98-143. Storage requirements for junkyards.

Any person maintaining a used automobile salvaging or wrecking establishment, junkyard or other such business shall store and keep all used auto parts under a roof, and shall construct and maintain a suitable fence or wall of sufficient height so that no junk, wrecked cars or other material of an unsightly nature shall be visible to passersby or to the neighboring residents.

Secs. 98-144--98-160. Reserved.

DIVISION 2. LICENSE*

Sec. 98-161. Required.

No person shall carry on or engage in business as a pawnbroker, secondhand dealer or junk dealer in the city without having first obtained a license from the city. The fee for such license shall be such as may be established by section 30-121.

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Sec. 98-162. Certificate from chief of police.

Before any license to engage in business as a pawnbroker, secondhand dealer or junk dealer is issued, it shall be necessary for the applicant to procure a certificate from the chief of police of the city that he has caused an inquiry to be made as to the character and integrity of the applicant and has found no reason why a license should not be issued to such applicant.

Sec. 98-163. Bond requirements for pawnbrokers.

Every person applying for a license to engage in or carry on the business of pawnbroker in the city shall, before such license is issued to such applicant, enter into a bond to the city, to be approved by the director of finance, in the penal sum of \$10,000.00, conditioned that such applicant will strictly and faithfully observe all provisions of this Code and ordinances, regulations and requirements of the city in relation to pawnbrokers or their business, and will pay all costs, fines and penalties incurred on account of the applicant's failure or neglect in that behalf, and will pay all damages resulting to any person by reason of such applicant wrongfully purchasing, taking or receiving in pledge or on deposit any stolen property, or the property of any minor. Such bond shall be filed with the director of finance, and may be sued upon by any person damaged, as described in this section, in his own name, but in no event shall the city be liable for any costs in any such suit. Whenever a pawnbroker's bond is deemed insufficient, the director of finance may require a new bond or additional sureties.

Sec. 98-164. Denial and/or Revocation.

The director of finance may deny prior to issuance of the license or revoke the license of any pawnbroker, secondhand dealer or junk dealer when it shall be for the public welfare, and when any such license is denied or revoked, the person to whom such license was denied or revoked shall have the right of appeal to the Municipal Court. Such appeal shall be taken by filing with the Court Administrator, within ten days after the notice of action has been mailed to the such person's last known business address, a written statement setting forth fully the grounds for appeal. The Municipal Court shall set a time and place for hearing such appeal, and notice of such hearing shall be given to the appellant.

Section 3. That this ordinance shall become effective January 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 15th day of October, 2007.

Jon Tupper, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W Head, City Attorney