

ORDINANCE NO. O2019-25

AN ORDINANCE ADDING CHAPTER 5- PAWN SHOPS TO TITLE V BUSINESS REGULATIONS OF THE CITY CODE OF THE CITY OF WEATHERFORD; REQUIRING REPORTING OF INFORMATION TO THE CHIEF OF POLICE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weatherford is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Weatherford has an ongoing interest in preventing property theft and recovering stolen property, which may be sold to pawnbrokers and pawn shops; and

WHEREAS, Texas law requires that pawn shops maintain records on property received, and that such information be made available by the pawn shop to local law enforcement agencies under mutually acceptable terms; and

WHEREAS, the City Council has determined that requiring such reports by electronic means is an efficient and mutually acceptable means of reporting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEATHERFORD, TEXAS THAT:

SECTION 1.

Title V, Business Regulations, of the City Code is hereby amended by adding a new Chapter 5, Pawn Shops, to read as follows:

Chapter 5. - PAWN SHOPS

Sec. 5-5-1 – In this ordinance the below terms have the following definitions:

- (a) Pawnbroker means a person engaged in the business of: (1) lending money on the security of pledged goods; or (2) purchasing goods on condition that the good may be redeemed or repurchased by the seller for a fixed price within a fixed period.
- (b) Pawnshop means a location at which or premises in which a pawnbroker regularly conducts business.

Sec. 5-5-2. – Furnishing daily list of pawn tickets to police.

- (a) Any and all pawnbrokers and pawn shops doing business within the city shall furnish

to the chief of police, or to the designee of the chief of police, all information relating to personal property purchased, received, or otherwise acquired by such pawn shop or pawnbroker, during each business day on which the pawnshop or pawnbroker is open for business. The information required to be submitted shall include, at a minimum, all information required to be included in a pawn ticket under Texas Finance Code, Chapter 371, including Section 371.157, and may also include photographs and video recordings or other additional information collected by the pawnbroker or pawnshop in connection with each pawn transaction.

- (b) The information required to be reported by Section 5-5-2(a) shall be reported through an online, electronic, or paper medium that the chief of police may authorize. The chief of police shall provide a single written notice to pawnbrokers and pawnshops of the designated medium for the reporting of the information. The chief of police may designate a new medium for reporting by providing a single subsequent, written notice to pawnbrokers and pawnshops.
- (c) The information required to be reported by Section 5-5-2(a) shall be reported by no later than 11:59 p.m. on each business day that the pawnbroker or pawnshop is open for business.

Sec. 5-5-3.- Offense and penalty.

- (a) Any pawnbroker or pawn shop refusing or failing to timely furnish the information described in Subsection 5-5-2 in full, in the method described, shall be deemed guilty of a violation of this section.
- (b) Upon conviction of a violation of this Section, a person shall be punished in accord with the provisions of Section 1-3-1 of this Code.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of City Code of the City of Weatherford, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to

comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than Five Hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Weatherford are expressly saved as to any and all violations of the provisions of the City Code of the City of Weatherford, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

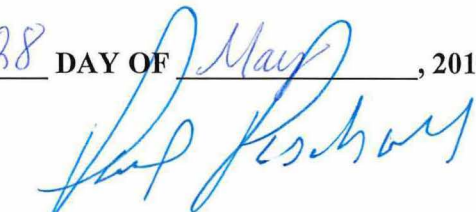
SECTION 6.

The City Secretary of the City of Weatherford is hereby directed to publish in the official newspaper of the City of Weatherford the caption, penalty clause and effective date clause of this ordinance as provided by the Charter of the City of Weatherford.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED ON THIS 28 DAY OF May, 2019.



Paul Paschall, Mayor

ATTEST:



Malinda Nowell, TRMC, City Secretary