

CHAPTER 111: PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

Section

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PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

§ 111.01 PURPOSE.

This subchapter is not intended to interfere with legitimate business activities of peddlers, solicitors, and transient merchants as the same are herein defined, whether same be local or interstate. These provisions are intended only to, as nearly as possible, ferret out the illegitimate or confidence operators and to regulate and control all those who would use their unique presence on property within the city, for purposes of harassment, nuisance, theft, or other unlawful activities.

§ 111.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PEDDLER. Any person who goes door to door, street to street, or place to place, to offer or display for sale, and delivering immediately upon sale, goods, wares, merchandise, or services transported with that person.

SOLICITOR. Any person who, for solely commercial sales purposes, goes door to door, street to street, or place to place, to obtain or attempt to obtain orders for goods, wares, merchandise, or services as shown or described by sample, catalog, or some other form, for which delivery or performance will occur at a later time.

TRANSIENT MERCHANT. Any person, who engages in, or transacts any temporary and transient business in the city, selling goods, wares, or merchandise; and, who, for the purpose of carrying on such business, hires, leases, occupies, or uses a building, structure, vacant or occupied lot, or railroad car for the exhibition and sale of such goods, wares, and merchandise. The term **TRANSIENT MERCHANT** does not include a seller or exhibitor in a firearms collector show involving two or more sellers or exhibitors.

§ 111.03 LICENSE OR REGISTRATION REQUIRED.

It is unlawful for any person to engage in business as a peddler or transient merchant the city without first obtaining a license therefor from the city. A license must be applied for at least ten days prior to the date when the activity to be carried on is to commence. The applicant shall completely fill out an application for a license as prepared by the city and pay the applicable license fee per the fee schedule ordinance. For peddler permit application, a background investigation will be required with fee prescribed per the fee schedule ordinance.

Penalty, see § 111.99

§ 111.04 APPLICATION FOR LICENSE.

(A) *Application.* Application for a license shall be made on a form provided by the city. All applications shall be signed by the applicant. Any fraud, misrepresentation, or false statement on the application shall constitute a violation of this subchapter. All applications shall include the following information:

(1) Name and driver's license number or other acceptable identification of the person registering, including recent passport style photograph of applicant;

- (2) Full address of the applicant's permanent residence;
- (3) Telephone number of the applicant's permanent residence;
- (4) Full legal name of any and all business operation(s) owned, managed, or operated by the applicant, or for which the applicant is an employee or agent;
- (5) Full address of the applicant's regular place of business (if any);
- (6) Any and all business related telephone number(s) of the applicant;
- (7) The type of business for which the applicant is applying for a license;
- (8) The dates during which the applicant intends to conduct business and the number of days he or she will be conducting business in the city;
- (9) Any and all address(es) and telephone number(s) where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business;
- (10) A statement as to whether or not the applicant has been convicted of any felony, gross misdemeanor, or misdemeanor, for violation of any state or federal statute or any local ordinance, other than traffic offenses;
- (11) A list of the three most recent locations where the applicant has conducted business as a peddler or transient merchant;
- (12) Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant;
- (13) A general description of the items to be sold or services to be provided;
- (14) All additional information deemed necessary by the City Council;
- (15) A list of all individuals to be covered by a group license;
- (16) Source of items sold and the item's location at the time of licensing and time of sale;
- (17) License plate and registration information for any vehicle to be used in conjunction with the licensed business and a description of the vehicle;
- (18) Proof of any required state or county license for transient merchant activities (not applicable to door to door solicitations); and
- (19) Written consent authorizing the city to request a criminal history background investigation for peddler permits in accordance with this code.

(B) *Procedure.*

- (1) An application shall be determined to be complete only if all required information is provided. If the city determines that an application is incomplete, it shall inform the applicant of the information required to be provided prior to issuance of a license.
- (2) The city shall review the application and order any investigation, including background investigations, necessary to verify the information provided with the application.
- (3) The city shall either approve or deny the license within five business days after receipt of a complete application.
- (4) If the application is denied, the applicant shall be notified in writing of the decision, the reason for the denial, and the applicant's right to appeal the denial by requesting, within seven days of the date of the denial, to be heard by the City Administrator, other designated staff or a Hearing Officer appointed by the City Council within 30 days of the date of the request.
- (5) A license granted under this subchapter shall be valid until the date noted on the application.

§ 111.05 REGISTRATION REQUIRED FOR SOLICITORS.

- (A) All solicitors shall be required to register with the city prior to engaging in activities. Registration shall be made on

the same form required for a license application but no fee shall be required. Upon completion of the registration form, the city shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be non-transferrable.

(B) All solicitors must carry proof of registration and photo identification in such a manner that the information is readily, continuously, and clearly visible.

(C) Individual and exempt organizations engaging in non-commercial door-to-door advocacy shall not be required to register or obtain a certificate of registration.

§ 111.06 CONDITIONS OF LICENSING; SEPARATE LICENSES AND REGISTRATION.

Each individual engaged as a peddler or person accompanying a licensee at work must secure a separate license. Each individual engaged as a solicitor or person accompanying a solicitor at work must separately register with the city. Licenses and registration are non-transferable. Proof of license or registration shall be displayed at all times.

§ 111.07 LICENSING AND REGISTRATION EXEMPTIONS.

The licensing and registration requirements of this subchapter shall not apply to:

(A) Any person selling or attempting to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm or garden within the city. Such person must comply with the city's zoning ordinance and other applicable ordinances;

(B) Persons exercising that person's state or federal constitutional rights, except if that person's exercise of constitutional rights is merely incidental to a commercial activity;

(C) Daily newspaper sales;

(D) Persons selling personal property at wholesale to retailers; and/or

(E) Merchants or their employees or agents delivering goods in the regular course of business.

§ 111.08 LICENSE FEES.

License fees for peddler permits and transient merchant license shall be determined by the City Council and listed in the fee schedule ordinance.

§ 111.09 INELIGIBILITY FOR LICENSE.

The following shall be grounds for denying a license or registration under this subchapter:

(A) The failure of the applicant to obtain and show proof of having obtained any required license;

(B) The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application;

(C) The conviction of the applicant for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner that will not adversely affect the health, safety, and welfare of the residents of the city. Such violations shall include, but not be limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person; or

(D) The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.

§ 111.10 PROHIBITED ACTIVITIES.

No peddler, solicitor, or transient merchant shall conduct business in any of the following manners:

- (A) Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right-of-way;
- (B) Conducting business in such a way as to create a threat to the health, safety, or welfare of any individual or the general public;
- (C) Failing to provide proof of license or registration and identification when requested or using the license or registration of another person;
- (D) Failing to display the certificate of registration or licensure provided by the city;
- (E) Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person;
- (F) Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive;
- (G) Entering upon any premises or attempting to enter in or upon any premises wherein a sign or placard bearing the notice "peddlers or solicitors prohibited" or language similar thereto, is located;
- (H) Selling or soliciting sales by transient merchants from public property or right-of-way or from private property unless he or she owns the property or has written permission from the owner; and
- (I) Entering upon any residential premises for the purpose of carrying on the licensee's or registrant's trade or business between the hours of 7:00 p.m. and 12:00 p.m. of the following day, unless such person has been invited to do so by the owner or occupant thereof.

§ 111.11 IDENTIFICATION REQUIRED.

All solicitors, peddlers, and transient merchants must carry their city issued license or registration certificate when conducting the business or activity required to be licensed or registered under this subchapter and photo identification.

§ 111.12 SUSPENSION OR REVOCATION OF LICENSE OR REGISTRATION.

(A) *Grounds.* Any license or registration issued under this subchapter may be suspended or revoked at the discretion of the city for violation of any of the following:

- (1) Fraud, misrepresentation, or incorrect statements on the application form;
- (2) Fraud, misrepresentation, or false statements made during the course of the license activity;
- (3) Conviction of any offense for which granting of a license could have been denied under this subchapter;
- (4) Violation of any provision of this subchapter; or

(5) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(B) *Notice required.* Prior to revoking or suspending any license or registration issued under this subchapter, the city shall provide the license holder or registrant with written notice of the alleged violation(s) and inform the licensee of the licensee's right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application or registration, or if no residential address is listed, the business address provided on the license application or registration.

(C) *Hearing.* Upon receiving the notice provided in division (B) above, the licensee or registrant shall have the right to request a hearing. If no request for a hearing is received by the city within ten regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within 20 days from the date of the request. Within three regular business days of the hearing, the city shall notify the licensee of its decision.

(D) *Emergency suspension.* If, in the discretion of the city, imminent harm to the health or safety of the public may occur because of the actions of a peddler, solicitor, or transient merchant licensed or registered under this subchapter, the city may immediately suspend the person's license or registration and provide notice of the right to hold a subsequent hearing as prescribed in division (B) above.

(E) *Right to appeal.* Any person whose license or registration is suspended or revoked under this section shall have the right to appeal that decision in court.

§ 111.13 MISDEMEANOR VIOLATION; ADMINISTRATIVE ENFORCEMENT.

Violation of any provision of this chapter shall be a misdemeanor or a code violation subject to administrative enforcement.

(Prior Code § 7-10-12)

§ 111.14 SEVERABILITY.

If any provision of this subchapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

PAWN SHOPS

§ 111.25 PURPOSE.

(A) The City Council finds that use of services provided by pawnbrokers provides an opportunity for the commission of crimes and their concealment because pawn businesses have the ability to receive and transfer property stolen by others easily and quickly. The City Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers. The City Council further finds that the pawn industry has outgrown the city's current ability to effectively or efficiently identify criminal activity related to pawn shops. The purpose of this subchapter is to prevent pawn businesses from being used as facilities for the commission of crimes, and to assure that the businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of the city.

(B) To help local law enforcement better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this subchapter also implements and establishes the required use of the automated pawn system (APS).

(Prior Code, § 3-15-1)

§ 111.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BILLABLE TRANSACTION. Every reportable transaction conducted by a pawnbroker except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession is a billable transaction.

PAWNBROKER. A person, partnership, or corporation who lends money on the security of pledged goods (items that are "left in pawn"), and/or purchases goods on the condition that they may be redeemed or repurchased by the seller for a fixed price, within a fixed period of time. To the extent that a **PAWNBROKER'S** business includes buying personal property previously used, rented or leased, or selling it on consignment, the provisions of this subchapter shall be applicable.

REPORTABLE TRANSACTION. Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment, or trade; or in which a pawn is renewed, extended, or redeemed; or for which a

unique transaction number or identifier is generated by their point-of-sale software, is reportable except:

(1) The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of the merchandise, provided the pawnbroker must maintain a record of the purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record; and

(2) Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired.

(Prior Code, § 3-15-2) (Ord. 542, passed 1-9-2012)

§ 111.27 LICENSE REQUIRED.

No person shall engage in the business of pawnbroker at any location without a pawnbroker license for that location. No pawnbroker license may be transferred to a different location or a different person. Issuance of a license under this subchapter shall not relieve the licensee from obtaining any other licenses required to conduct business at the same or any other location.

(Prior Code, § 3-15-3) Penalty, see § 111.99

§ 111.28 APPLICATION REQUIRED.

(A) An application form provided by the City Clerk must be completed by every applicant for a new license or for renewal of an existing license.

(B) Every new applicant must provide all the following information:

(1) If the applicant is a sole proprietor:

(a) The name, place and date of birth, street resident address, and phone number of applicant;

(b) Whether the applicant is a citizen of the United States or resident alien;

(c) Whether the applicant has ever used or has been known by a name other than the applicant's name, and if so, the name or names used and information concerning dates and places used;

(d) The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant and a certified copy of the certificate as required by M.S. § 333.01, as it may be amended from time to time;

(e) The street address at which the applicant has lived during the preceding five years;

(f) The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding five years and the name(s) and address(es) of the applicant's employer(s) and partner(s), if any, for the preceding five years;

(g) Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant must furnish information as to the time, place, and offense of all such convictions; and

(h) If the applicant does not manage the business, the name of the manager(s) or other person(s) in charge of the business and all information concerning each of them required in divisions (B)(1)(a) through (B)(1)(g) above.

(2) If the applicant is a partnership:

(a) The name(s) and address(es) of all general and limited partners and all information concerning each general partner required in division (B)(1) above;

(b) The name(s) of the managing partner(s) and the interest of each partner in the licensed business; and

(c) A true copy of the partnership agreement shall be submitted with the application. If the partnership is required to file a certificate as to a trade name pursuant to M.S. § 333.01, as it may be amended from time to time, a certified copy of the certificate must be attached to the application.

(3) If the applicant is a corporation or other organization:

(a) The name of the corporation or business form, and if incorporated, the state of incorporation;

(b) A true copy of the certificate of incorporation, articles of incorporation or association agreement, and by-laws shall be attached to the application. If the applicant is a foreign corporation, a certificate of authority as required by M.S. § 303.06, as it may be amended from time to time, must be attached; and

(c) The name of the manager(s) or other person(s) in charge of the business and all information concerning each manager, proprietor, or agent required in divisions (B)(1)(a) through (B)(1)(g) above.

(4) For all applicants:

(a) Whether the applicant holds a current pawnbroker, precious metal dealer, or secondhand goods dealer license from any other governmental unit;

(b) Whether the applicant has previously been denied, or had revoked or suspended, a pawnbroker, precious metal dealer, or secondhand dealer license from any other governmental unit;

(c) The location of the business premises; and

(d) Other information as the City Council or issuing authority may require.

(Prior Code, § 3-15-4)

§ 111.29 APPLICATION EXECUTION.

(A) All applications for a license under this subchapter must be signed and sworn to under oath or affirmation by the applicant.

(B) If the application is that of a sole proprietor, it must be signed and sworn to by the person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

(C) Any falsification on a license application shall result in the denial of a license.

(Prior Code, § 3-15-5)

§ 111.30 PERSONS INELIGIBLE FOR A LICENSE.

No license under this subchapter will be issued to an applicant who is a sole proprietor, a partnership if the applicant has any general partner or managing partner, a corporation or other organization if the applicant has any manager, proprietor, or agent in charge of the business to be licensed, if the applicant:

(A) Is a minor at the time that the application is filed;

(B) Has been convicted of any crime directly related to the occupation licensed as prescribed by M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under this subchapter as prescribed by M.S. § 364.03, subd. 3, as it may be amended from time to time; or

(C) Is not of good moral character or repute.

(Prior Code, § 3-15-6)

§ 111.31 LICENSE FEES.

(A) The annual license fees for licenses issued under this subchapter shall be as adopted by the City Council.

(B) The billable transaction license fee shall reflect the cost of processing transactions and other related regulatory expenses as determined by the City Council, and shall be reviewed and adjusted periodically. Licensees shall be notified in writing 30 days before any adjustment is implemented.

(C) Billable transaction fees shall be billed monthly and are due and payable within 30 days. Failure to do so is a

violation of this subchapter.

(Prior Code, § 3-15-7) (Ord. 357, passed 11-27-2000; Ord. 542, passed 1-9-2012)

§ 111.32 BOND REQUIRED.

Before a license will be issued, every applicant must submit a \$5,000 bond on the forms provided by the licensing authority. All bonds must be conditioned that the principal will observe all laws in relation to pawnbrokers, and will conduct business in conformity thereto, and that the principal will account for and deliver to any person legally entitled any goods which have come into the principal's hand through the principal's business as a pawnbroker, or in lieu thereof, will pay the reasonable value in money to the person. The bond shall contain a provision that no bond may be canceled except upon 30 days' written notice to the city, which shall be served upon the licensing authority.

(Prior Code, § 3-15-8)

§ 111.33 RECORDS REQUIRED.

At the time of any reportable transaction other than renewals, extensions, or redemptions, every licensee must immediately record in English the following information by using ink or other indelible medium on forms or in a computerized record approved by local law enforcement:

- (A) A complete and accurate description of each item including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item;
- (B) The purchase price, amount of money loaned upon, or pledged therefor;
- (C) The maturity date of the transaction and the amount due, including monthly and annual interest rates and all pawn fees and charges;
- (D) Date, time, and place the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records;
- (E) Full name, current residence address, current residence telephone number, date of birth, and accurate description of the person from whom the item of property was received, including: sex, height, weight, race, color of eyes, and color of hair;
- (F) The identification number and state of issue from any of the following forms of identification of the seller:
 - (1) Current valid Minnesota driver's license;
 - (2) Current valid Minnesota identification card; or
 - (3) Current valid photo identification card issued by another state or province of Canada.
- (G) The signature of the person identified in the transaction;
- (H) (1) Effective 60 days from the date of notification by local law enforcement of acceptable video standards, the licensee must also take a color photograph or color video recording of:
 - (a) Each customer involved in a billable transaction; and
 - (b) Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

(2) If a photograph is taken, it must be at least two inches in length by two inches in width and must be maintained in a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. The photographs must be available to the Chief of Police or the Chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close-up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close-up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The

licensee must inform the person orally that he or she is being videotaped and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for three months.

(3) Effective 60 days from the date of notification by local law enforcement, licensees must fulfill the color photograph requirements in division (H) above by submitting them as digital images, in a format specified by the issuing authority, electronically cross-referenced to the reportable transaction they are associated with. Notwithstanding the digital images may be captured from required video recordings, this provision does not alter or amend the requirements in division (H) above.

(I) For renewals, extensions, and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction and the type of transaction; and

(J) The records must at all reasonable times be open to inspection by local law enforcement or state regulatory agencies. Data entries shall be retained for at least three years from the date of transaction. Entries of required digital images shall be retained a minimum of 90 days.

(Prior Code, § 3-15-9)

§ 111.34 DAILY REPORTS TO POLICE.

(A) Reporting transactions.

(1) Effective no later than 60 days after local law enforcement provides licensees with computerized record standards, licensees must submit every reportable transaction to local law enforcement daily in the following manner.

(2) Licensees must provide to local law enforcement all information required in § 111.33(A) through (F) and other required information by transferring it from their computer to the automated pawn system via modem. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to local law enforcement daily.

(B) Billable transactions fees. Licensees will be charged for each billable transaction reported to local law enforcement.

(1) If a licensee is unable to successfully transfer the required reports by modem, the licensee must provide local law enforcement printed copies of all reportable transactions along with the video tape(s) for that date by 12:00 the next business day.

(a) If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports as detailed in division (B)(1) above, and must be charged a \$50 reporting failure penalty, daily, until the error is corrected; or

(b) If the problem is determined to be outside the licensee's system, the licensee must provide the required reports in division (B)(1) above and resubmit all such transactions via modem when the error is corrected.

(2) If a licensee is unable to capture, digitize, or transmit the photographs required in § 111.33(H), the licensee must immediately take all required photographs with a still camera, cross-reference the photographs to the correct transaction, and make the pictures available to local law enforcement upon request.

(C) *Technical problems.* Regardless of the cause or origin of the technical problems that prevented the licensee from uploading his or her reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.

(D) *Delay of implementation.* Divisions (B)(1) through (B)(3) above notwithstanding, local law enforcement may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(Prior Code, § 3-15-10)

§ 111.35 RECEIPT REQUIRED.

(A) Every licensee must provide a receipt to the party identified in every reportable transaction and must maintain a duplicate of that receipt for three years.

(B) The receipt must include at least the following information:

- (1) The name, address, and telephone number of the licensed business;
- (2) The date and time the item was received by the licensee;
- (3) Whether the item was pawned or sold or the nature of the transaction;
- (4) An accurate description of each item received including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying mark on such an item;
- (5) The signature or unique identifier of the licensee or employee that conducted the transaction;
- (6) The amount advanced or paid;
- (7) The monthly and annual interest rates, including all pawn fees and charges;
- (8) The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date;
- (9) The full name, current residence address, current residence telephone number, and date of birth of the pledger or seller;
- (10) The identification number and state of issue from any of the following forms of identification of the seller:
 - (a) Current valid Minnesota driver's license;
 - (b) Current valid Minnesota identification card; or
 - (c) Current valid photo driver's license or identification card issued by another state or province of Canada.
- (11) Description of the pledger or seller including sex, approximate height, weight, race, color of eyes, and color of hair;
- (12) The signature of the pledger or seller; and
- (13) All printed statements as required by M.S. § 325J.04 subd. 2, as it may be amended from time to time, or any other applicable statutes.

(Prior Code, § 3-15-11)

§ 111.36 REDEMPTION PERIOD.

(A) Any person pledging, pawning, or depositing an item for security must have a minimum of 60 days from the date of that transaction to redeem the item before it may be forfeited and sold. During the holding period, items may not be removed from the licensed location except as provided in § 111.43. Licensees are prohibited from redeeming any item to anyone other than the person to whom the receipt was issued or, to any person identified in a written and notarized authorization to redeem the property identified in the receipt, or to a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger, or with approval of the police license inspector. Written authorization for release of property to persons other than original pledger must be maintained along with original transaction record in accordance with § 111.33(I).

(B) Pawnbroker must return goods, or provide compensation for lost or damaged goods, upon payment of the full amount due, unless:

- (1) The 60-day redemption period has expired; or
- (2) The goods have been taken into custody by a court or by a law enforcement officer or agency.

(Prior Code, § 3-15-12) (Ord. 542, passed 1-9-2012)

§ 111.37 HOLDING PERIOD.

Any item purchased or accepted in trade by a licensee, but not involved in a pawn transaction, must not be sold or otherwise transferred for 31 days from the date of the transaction. An individual may redeem an item at any time during the holding period.

(Prior Code, § 3-15-13) (Ord. 542, passed 1-9-2012)

§ 111.38 POLICE ORDER TO HOLD PROPERTY.

Whenever a law enforcement official from any agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. This initial or investigative hold shall be confirmed in writing within 72 hours and remains in effect for 15 days from the date of initial notification. Local law enforcement may, in writing, extend an investigative hold or independently order an item held for up to 90 days, or order the confiscation of an item identified as stolen or evidence in a criminal case.

(Prior Code, § 3-15-14) (Ord. 542, passed 1-9-2012)

§ 111.39 INSPECTION OF ITEMS.

At all times during the terms of the license, the licensee must allow law enforcement officials to enter the premises, in accordance with § 10.20, where the licensed business is located, including all off-site storage facilities as authorized in § 111.43, during normal business hours, except in an emergency for the purpose of inspecting the premises and inspecting the items, wares and merchandise and records therein to verify compliance with this subchapter and other applicable laws.

(Prior Code, § 3-15-15)

§ 111.40 LABEL REQUIRED.

Licensee must attach a label to every item at the time it is pawned, purchased, or received in inventory from any reportable transaction. Permanently recorded on this label must be the number or name that identifies the transaction in the shop's records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to local law enforcement, whichever is applicable, and the date the item is out of pawn or can be sold, if applicable. Labels shall not be re-used.

(Prior Code, § 3-15-16)

§ 111.41 PROHIBITED ACTS.

(A) No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any licensee, nor may any licensee receive any goods from a person under the age of 18 years.

(B) No licensee may receive any goods from a person of unsound mind or an intoxicated person.

(C) No licensee may receive any goods, unless the seller presents identification in the form of a valid driver's license, a valid state identification card, or current valid photo driver's license or identification card issued by the state of residency of the person from whom the item was received.

(D) No licensee may receive any item of property that possesses an altered or obliterated serial number or operation identification number or any item of property that has had its serial number removed.

(E) No person may pawn, pledge, sell, consign, leave, or deposit any article of property not their own; nor shall any person pawn, pledge, sell, consign, leave, or deposit the property of another, whether with permission or without; nor shall any person pawn, pledge, sell, consign, leave, or deposit any article of property in which another person has a security interest; with any licensee.

(F) No person seeking to pawn, pledge, sell, consign, leave, or deposit any article of property with any licensee shall give a false or fictitious name, nor give a false date of birth; nor give a false or out of date address of residence or telephone number; nor present a false or altered identification, or the identification of another, to any licensee.

(Prior Code, § 3-15-17) Penalty, see § 111.99

§ 111.42 DENIAL, SUSPENSION, OR REVOCATION.

Any license under this subchapter may be denied, suspended, or revoked for one or more of the following reasons:

(A) The proposed use does not comply with any applicable zoning code;

(B) The proposed use does not comply with any health, building, building maintenance, or other provisions of this code of ordinances or state law;

(C) The applicant or licensee has failed to comply with one or more provisions of this subchapter;

(D) The applicant is not a citizen of the United States or a resident alien, or upon whom it is impractical or impossible to conduct a background or financial investigation due to the unavailability of information;

(E) Fraud, misrepresentation, or bribery in securing or renewing a license;

(F) Fraud, misrepresentation, or false statements made in the application and investigation for, or in the course of, the applicant's business;

(G) Violation within the preceding five years of any law relating to theft, damage, or trespass to property, sale of a controlled substance, or operation of a business; or

(H) The owner of the premises licensed or to be licensed would not qualify for a license under the terms of this subchapter.

(Prior Code, § 3-15-18)

§ 111.43 BUSINESS AT ONLY ONE PLACE.

A license under this subchapter authorizes the licensee to carry on its business only at the permanent place of business designated in the license. However, upon written request, the police inspector may approve an off-site locked and secured storage facility. The licensee shall permit inspection of the facility in accordance with § 111.39. All provisions of this subchapter regarding record keeping and reporting apply to the facility and its contents. Property shall be stored in compliance with all provisions of the city code. The licensee must either own the building in which the business is conducted, and any approved off-site storage facility, or have a lease on the business premises that extends for more than six months.

(Prior Code, § 3-15-19)

§ 111.99 PENALTY.

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.