

CHAPTER 18. SECONDHAND DEALERS

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18-1-1. Definitions.

For the purpose of this Chapter the following words shall have the meanings respectively ascribed to them:

(a) "Junk collector" means any person not having a fixed place of business in the County who goes from house to house or place to place gathering, collecting, buying, selling or otherwise dealing in old rags, papers, metals or other articles commonly known as junk.

(b) "Junk dealer" means any person who engages in buying or selling old metals, glass, rags, rubber, paper or other junk from a fixed place of business.

(c) "Pawnbroker" means any person who loans money or deals in the purchase or exchange of personal property, on condition of selling the same back again to the pledgor or the depositor; or who loans or advances money on personal property by taking a chattel mortgage or other security thereon, or takes or receives such personal property or other indicia of title into his possession; or any person who sells unredeemed pledges with or without the contemporary sale of new merchandise to facilitate the sale of merchandise.

(d) "Secondhand dealer" means any person who keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value, or who engages in the business of dealing in secondhand goods. For the purpose of this Chapter, a secondhand dealer shall not be meant to include any person who deals in the

purchase, barter, exchange or sale of used motor vehicles and trailers.

(e) "Secondhand precious metal dealer" means any person who engages in buying and selling old gold, silver, platinum or other precious metal or secondhand articles containing any of such metals.

18-1-2. Records required.

It shall be unlawful for any person coming under the provisions of this Chapter to fail to keep a substantial and well-bound book, in which he shall enter at the time of purchase, in the English language:

(a) the date.

(b) the name and address of pledgor and pledgee, as verified by a driver's license or by two (2) forms of identification. If the property is jointly owned, both owners must be designated and properly identified.

(c) an accurate description of the goods, articles or items pawned, including the serial number of the article, name of the manufacturer if available, and dimensional description.

(d) the amount of money loaned or advanced thereon or paid therefor.

(e) the date and time of day of pawning, purchasing and receiving such goods, articles or thing, the period of time within which the pledge must be honored, the residence address of the bailor.

(f) the number of the pawn ticket. (R.O. 1956, Section 4-14-4)

State law reference - Similar provisions, U.C.A. 1953, Section 11-6-1.

18-1-3. Legibility of records.

All entries of records required by this Chapter shall be made with ink in a legible manner. No entry in the book shall be erased, mutilated or changed. (R.O. 1956, Section 4-14-4)

18-1-4. Inspection of records and premises.

The record book and entries and all premises coming under this Chapter shall at all times be open to inspection by any peace officer or constable.

18-1-5. Statement of origin or possession.

At the time of purchase by any person coming under this Chapter of any copper wire, pig, or pigs of metal or of any junk, he shall obtain a signed and dated statement from the person or persons selling it as to when, where, and from whom the property was obtained and also the residence, address, and place of employment of the seller or sellers. The statement shall be retained for five (5) years by the dealer and shall be subject to the provisions of this Chapter relating to erasure, mutilation, or change and also to inspection. Any seller who, in making his statement as

contemplated by this Chapter in selling, offering, or trying to sell junk, willfully makes a false statement or gives untrue information shall be guilty of a misdemeanor.

18-1-6. Ownership by seller of pawned property.

It shall be unlawful for any person coming under the provisions of this Chapter to buy or to accept materials in pawn from other than the lawful owner thereof except with written permission of the owner. Any Article pawned or sold by other than the owner, without written permission, taken by a pawnbroker, secondhand dealer, secondhand precious metal dealer, junk dealer or junk collector shall be surrendered to the real owner thereof upon presentation of proof of ownership of the article by the real owner; and failure of the pawnbroker, secondhand dealer, secondhand precious metal dealer, junk dealer or junk collector to surrender such materials forthwith upon demand by the true owner and after exhibition of proof of ownership shall be a misdemeanor.

18-1-7. Pawn ticket—Required.

The pawnbroker, secondhand dealer, secondhand precious metal dealer, junk dealer or junk collector shall make out, in connection with each article pawned or purchased, a serially numbered pawn or purchase ticket.

18-1-8. Same—Copies.

Each pawn or purchase ticket shall be issued in multiple copies so that one copy can be retained by the pawnbroker, secondhand dealer, secondhand precious metal dealer, junk dealer or junk collector, one copy referred to the person pawning the article, and one copy at the close of each business day delivered by the broker to the Sheriff.

18-1-9. Retention of property.

It shall be unlawful for any person coming under this Chapter to sell or otherwise dispose of any property for a period of thirty (30) days from the date of receiving the same, unless expressly permitted to dispose of such property by the police or Sheriff's Department prior to the expiration of such period; except that such property may be redelivered to the person selling or delivering same prior to the expiration of the thirty (30) days.

18-1-10. Hours of business.

It shall be unlawful for any pawnbroker, secondhand dealer, secondhand precious metal dealer, junk dealer or junk collector to open his place of business for trade before the hours of 7:00 a.m. or after 7:00 p.m. or on Sunday. Provided, however, that

on Saturday of each week, and on days preceding legal holidays, and the last fifteen (15) days of December of each year, it shall be lawful for these dealers to keep their businesses open until 11:00 p.m. (R.O. 1956, Section 4-14-1)

18-1-11. Purchase from minors.

It shall be unlawful for any person coming under this Chapter, his agents or servants, to purchase or receive any personal property from any person under the age of eighteen (18) years, or to purchase any personal property belonging to a person under eighteen (18) years. (R.O. 1956, Section 4-14-2)

18-1-12. Purchase by minors.

It shall be unlawful for any person licensed by this Chapter to sell or trade any gun or knife with a blade in excess of four (4) inches long to any person under the age of eighteen (18) years of age, unless said person is accompanied by his legal guardian or parent.

18-1-13. Thieves, drunkards, incompetent persons.

It shall be unlawful for any person coming under this Chapter to receive any goods, articles or things in pawn, in pledge or to loan or allow to be redeemed any article by any person who at the time of the transaction is intoxicated or who is known to be an habitual drunkard; or any person who is known to be insane or incompetent; or a thief. (R.O. 1956, Section 4-14-3)

18-1-14. Association with alcoholic beverage business prohibited.

It shall be unlawful for any pawnbroker to contain his pawnbroking business in the same room or in the same building with interconnected rooms with any other business dealing in alcoholic beverages.

18-1-15. Liability of principal.

Any person coming under the provisions of this Chapter is liable for any and all acts of his employees in violation of this Chapter.

18-1-16. Business restricted.

The issuance of a pawnbroker's license shall not permit the licensee to conduct the business of a merchant. (R.O. 1956, Section 7-7-50)

18-1-17. Junkyard premises.

Any premises, area or piece or parcel of land licensed and used as a junk yard shall have not more than two (2) entrances and two (2) exits, each of which shall not exceed fifteen (15) feet in width at the perimeter of the premises. Such premises, area, pieces

or parcels of land shall be enclosed with either a solid nontransparent wall or fence or link-weave steel wire or combination thereof with a minimum height of seven (7) feet from the ground level excepting for entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding one hundred (100) square feet in size.