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**ORDINANCE NO. O2016-31**

**AN ORDINANCE ESTABLISHING SECTION 754  
“PAWNBROKERS AND SECONDHAND DEALERS”  
OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO**

**WHEREAS**, the City of Gallipolis is desirous of promoting the safety and security of the Citizenry by enforcement of the provisions adopted by these Codified Ordinances; and

**WHEREAS**, an integral part of the enforcement of said code provisions is the enforcement of penalties, fines, executions, and legal remedies; and

**WHEREAS**, the City is desirous of establishing codified rules for the sale and resale of certain used goods so as to identify and intercept illegal acts; and

**WHEREAS**, the City of Gallipolis is desirous of instituting penalties for violations of said codified rules.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Gallipolis, Ohio:

**SECTION 1:** That Section 754 is hereby established and shall read as follows:

“754. PAWNBROKERS AND SECONDHAND DEALERS”

754.01 Definitions

A. “Pawnbroker” means any person or entity who, within the City, loans money on deposit or pledge of personal property or any valuable thing, or who deals in the purchasing of personal property or valuable things on condition of selling the same back at a stipulated price, whether he or she does the same for him or herself or as an agent of some person or firm or corporation, who by any means, method or device loans money for personal property when the same is deposited for security or is deposited for any other purpose.

B. “Secondhand dealer” means any person or entity, who, within the City, as a business, engages in the purchase, sale, trade, barter, recycling or exchange of secondhand goods, wares or merchandise; or any person who keeps any store, shop, room or place where secondhand goods, wares or merchandise of any kind or description, are bought, sold, traded, bartered, recycled or exchanged is defined as a

secondhand dealer within the meaning of this chapter; provided however, that this chapter shall not apply to bona fide trade or turn-ins of secondhand goods, wares or merchandise or other goods where no cash is transferred or paid by the merchant, or to auction houses or to the transaction of any property that is titled and of record with a State or the Federal government.

C. "Customer" means any person or entity who, within the City, deposits, pledges, sells, trades, barter or exchanges personal property, secondhand good, wares, merchandise or other valuable things to an operator as set forth in this chapter.

754.02 Exclusions

A. Pawnbrokers and secondhand dealers are excluded from uploading items into the selected database per Section 754.03 if the item meets one or more of the following criteria:

1. The item purchased by the dealer is under twenty-five dollars (\$25.00) in value except if the items are purchased in a quantity of twenty-five (25) items or more, such as twenty-five (25) or more DVDs, CDs etc.
2. The seller is a known customer of the dealer and had contracted with the business prior to the property being presented for sale such as estate sale purchase. This exception does not include over-the-counter contracted purchases.
3. The property was obtained through a bidding process through a reputable, licensed auction house.
4. The property is brokered with the business.
5. The acquisition for resale of any goods by a nonprofit corporation or nonprofit association recognized as such by the Internal Revenue Service or by a bona fide fraternal or bona fide religious organization or association.

754.03 Register of Goods

A. Any pawnbroker or secondhand dealer who engages in the activities set forth in Section 754.01 shall keep a legible register or record of all property purchased or taken under that section, along with:

1. A description of each article, including, but not limited to, identification number, serial number, model number, brand name or other identification marks on such article; and a description by weight and design of precious and semi-precious metals or stones. Jewelry shall be photographed and the photographs

maintained by the purchaser for a period of one year and/or the photo uploaded to the database.

2. The customer's name and date of birth and documentation from one or more of the following:

- a. A valid state identification card;
- b. A valid state driver's license;
- c. A military identification card;
- d. A valid passport;
- e. An alien registration card;
- f. An official identification document lawfully issued by a State or Federal government.

3. The current street address, City, State and zip code of the customer's residence.

B. All transactions shall be kept in a numerical register in the order in which they occur, which register shall clearly document the pawnbroker, secondhand dealer or agent conducting the transaction, the purchase price or other monetary amount of the transaction, the date, time and place of the transaction, and an accurate and detailed account and description of each item of tangible personal property involved, including, but not limited to, any and all trademarks, identification numbers, serial numbers, model numbers, owner-applied numbers, brand names or other identifying marks on such property.

754.04 Upload of Register Required

Every pawnbroker and secondhand dealer shall own, maintain and operate a computer system with Internet access. Every pawnbroker or secondhand dealer shall electronically file all records identified in Section 754.03 directly to an Internet subscription service designated as an agent of the Police Department as prescribed by the Chief of Police. The pawnbroker or secondhand dealer shall enter and upload such information from its records by no later than 5:00 p.m. on Friday of each week.

754.05 Records Retention

All persons keeping records as required in Section 20-3 shall comply with State law in regard to the examination of records. All records required to be kept under this chapter must be kept in the English language, in a legible manner and shall be preserved and

made accessible for inspection for a period of three (3) years after the date of redemption or forfeiture and sale of the property.

754.06 Certain Transactions Prohibited

It is unlawful for any pawnbroker or secondhand dealer to receive, purchase or trade any article from a person who is under the influence of alcohol, under the influence of drugs, or under the age of eighteen (18) years. (Ord. 1751, 2-2-2015)

754.07 Waiting Period Established

A pawnbroker or secondhand dealer shall hold all goods made through a purchase transaction for a period of seven (7) days, during which time the property shall not be disposed of or altered from the form in which it was received. The holding period shall begin on the day the purchase transaction is uploaded into the law enforcement designated database.

754.08 Declaration of Ownership Required

A. The pawnbroker and secondhand dealer shall, at the time of making the loan contract for purchase or purchase transaction, obtain a written declaration of ownership from the customer stating whether the property that is the subject of the transaction is solely owned by the customer and, if not solely owned by the customer, the customer shall attach a power of attorney from all co-owners of the property authorizing the customer to sell or otherwise dispose of the property.

B. The pawnbroker or secondhand dealer shall require the customer to sign, in their presence, the customer's name on the declaration of ownership.

754.99 Penalties

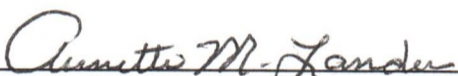
Failure to comply with the terms herein shall be deemed a misdemeanor offense of the first degree and punishable by up to 180 days jail, five years community control, five hundred hours community service, and a fine of one thousand dollars.

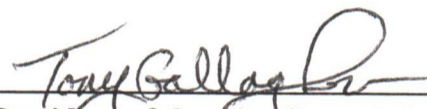
**BE AND HEREBY IS ESTABLISHED, AND;**

**SECTION 2:** That this Ordinance shall take effect and be in full force at the earliest period of time allowed by law.


**PASSED:** June 21, 2016

**ATTEST:**

  
Clerk of the City Commission  
Annette M. Landers

  
President of the City Commission  
Tony Gallagher

The foregoing Ordinance is hereby approved as to form.

  
Gallipolis City Solicitor  
Adam R. Salisbury