

**Regulation of Pawnbrokers and Valuable Article Dealers
Ordinance 2020-11**

I. Definitions

- A. "Pawnbroker" means any person whose business it is to take or receive by way of pledge, or any kind of personal property whatsoever, as security for the repayment of money loaned.
- B. "Precious and semiprecious metals or stones" means metals such as, but not limited to, gold, silver, platinum, Pewter, and stones such as, but not limited to, Alexanderites, diamonds, emeralds, garnets, opals, rubies, sapphires, and topaz. For the purpose of this article, other minerals, stones or gems customarily regarded a precious or semiprecious, such as ivory, coral, pearls, jade, etc., are deemed to be precious or semiprecious stones.
- C. "Purchase" means giving money to acquire any valuable article, taking a valuable article in full or part satisfaction of a debt, or taking a valuable article for trade, or taking a valuable article for resale for the purpose of full or part satisfaction of a debt.
- D. "Purchaser" means any person, or pawnbroker, holding himself out to the public as being engaged in the business of buying valuable articles; or any person, pawnbroker or valuable article dealer who purchases five (5) or more valuable articles during any thirty (30) day period. A person purchasing valuable articles from an estate or from a retail or wholesale merchant is not included.
- E. "Seller" means any person offering a valuable article, secondhand good or used merchandise for money to any purchaser; offering a valuable article, secondhand good, or used merchandise in full or part satisfaction of a debt; or offering a valuable article, secondhand good, or used merchandise for a resale for the purpose of full or part satisfaction of a debt.
- F. "Valuable Article" means any tangible personal property consisting, in whole or in part, of precious or semiprecious metals or stones, whether solid, plated or overlaid, including, but not limited to, household goods, jewelry's, United States Commemorative metals or tokens, and gold and silver bullion, and including foreign currency when purchased for more than its face value or foreign currency exchange value.
- G. "Valuable article dealer" means any person who engages in the business of buying and selling, trading or taking as pledge, pawn or security for money loaned, any valuable article.

II. Register; Inspection

- A. Any person that carries on the business of pawnbroker, or valuable article dealer, shall keep a register in a form prescribed by the Rosebud County Sheriff's Department, in which shall be entered and legibly written in the English language, in ink, at the time of each loan or receipt of personal property, the following information: the name and, in the case of a seller residing outside Rosebud County or Northern Cheyenne Indian Reservation, and address of the seller and in all cases,

the date and time of the purchase, an accurate and detailed account and description of each article being purchased, including, but not limited to, any trademark, identification number, serial number, model number, brand name or other identifying marks on such articles. The register description of the property may be more abbreviated provided the required information is contained on pawn tickets, tags, or included in the other forms maintained by the purchase.

In case of the sale of any article pawned, pledged or purchased, the pawnbroker or valuable article dealer must enter upon said register, pawn ticket or tag, the name and address of the purchaser. No entry made in such register shall be erased, obliterated or defaced.

- B. The seller shall sign his or her name on one of the following:
 - (1) The register
 - (2) The pawn tickets
 - (3) The tag or label placed on the item
- C. Such register, pawn ticket, tag and the article purchased or pawned shall, at all reasonable times, be open to inspection by the sheriff's department. Refusal to do so shall constitute a violation of this part.
- D. The purchaser shall keep each register, pawn ticket and / or tag containing required information or signature for at least two (2) years after the last date of purchase of an article described therein.

III. Purchaser to identify seller

- A. No purchaser shall purchase, receive, pledge, pawn or exchange any valuable article, secondhand goods or used merchandise without first:
 - 1. Personally, knowing the identity of the seller; or
 - 2. Securing adequate identification from the seller, limited to one of the following photograph identification documents:
 - a. A valid state driver's license; or
 - b. State issued identification card; or
 - c. A valid driver's license containing a picture, issued by another state; or
 - d. A military identification card; or
 - e. A valid passport; or
 - f. An alien registration card; or
 - g. Tribal identification card
- B. In all cases, the purchaser is to be held accountable, under this part, for the positive identification of the listed seller.

IV. Order to hold property

Whenever the sheriff's department notifies any purchaser, in writing, not to sell any property received or purchased by the purchaser, such property shall not be sold, altered or removed from the premises of the pawnbroker, or valuable article dealer for a period of thirty (30) days. The hold order shall cease to have effect at the end of the thirty (30) day period and shall not be renewable. All held property shall be made available to any appropriate sheriff's department official to be inspected, fingerprinted and photographed during this holding period.

V. Persons from who articles shall not be taken

It shall be unlawful for any pawnbroker or valuable article dealer to receive, purchase or trade any article from a person who is under the influence of alcohol, under the influence of drugs, insane, or under the age of eighteen (18) years.

VI. Penalty and sentencing

The penalty for violation of any part enacted herein shall be a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or incarceration for not more than six (6) months in the county jail, or both.


Where applicable during sentencing, courts having jurisdiction over cases involving stolen, purchased, or pawned property in which the purchaser acted in good faith, shall require the seller to make restitution to the purchaser in the amount of the original loan before interest accumulated.

VII. Effective Date

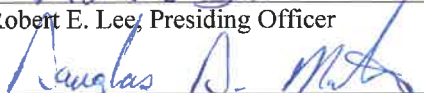
First and second reading completed, this ordinance passed and approved on December 15, 2020 by the County Commission. Ordinances shall take effect thirty days after acceptance.

This Ordinance shall become effective dated this 14th day of January, 2021

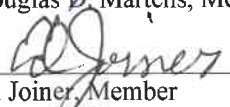
ROSEBUD COUNTY COMMISSIONERS



Robert E. Lee, Presiding Officer



Douglas D. Martens, Member



Ed Joiner, Member

ATTEST:



Joan K. Duffield, Clerk & Recorder