

TITLE5: BUSINESS REGULATIONS

CHAPTER 5 - PAWNBROKER

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SECTION 5-5-1 DEFINITIONS

“**Pawnbroker**” shall mean every person or company engaged in the business of receiving tangible personal property in pledge or as security for money or other thing advance to the pawner or pledger.

SECTION 5-5-2 LICENSE REQUIRED

It shall be unlawful for any person to do business as a pawnbroker within the City without having first obtained a license therefore.

SECTION 5-5-3 LICENSE APPLICATION

Application for a license to do business as a pawnbroker within the City shall be made in writing to the City Clerk on a form provided by the City Clerk for that purpose and must state thereon the following information:

- A. The name of applicant
- B. The permanent business address of the applicant.
- B. The permanent business telephone number of the applicant.
- D. In the case of a firm, limited liability company, or corporation, the names, permanent residence addresses, and permanent residence telephone numbers of the partners or officers and all shareholders owning more than five percent (5%) of the outstanding shares of stock. If a listed shareholder is a firm, limited liability company, or corporation, the above information shall be provided for that entity and other such entities in the line of ownership.
- E. The location of the property for which the license is requested.

- F. Whether the applicant, partners, officers, or listed shareholders have been convicted of any criminal offense in any jurisdiction and, if so, a list of such convictions with the date and prosecuting jurisdiction.

SECTION 5-5-4 APPLICATION FEE

Each application for a license to do business as a pawnbroker within the City from an applicant who at the time of application does not hold a valid license to do business as a pawnbroker within the City shall be accompanied by an applicant fee of two hundred fifty dollars (\$250.00). This application fee shall be in addition to all other fees set forth in this ordinance and shall not be refunded in the event that the application for a license to do business as a pawnbroker within the City is denied.

SECTION 5-5-5 BOND

No license to do business as a pawnbroker within the City shall be issued unless or until the applicant therefore shall file with the City a license and permit bond in the penal sum of one thousand dollars (\$1,000.00), approved by the City Attorney, with the City as obligee, conditioned for the faithful and due performances of the provisions of this Title and the laws of the State of Illinois concerning the operation of the licensed business and the payment of all fines and penalties by reason of the violation thereof.

SECTION 5-5-6 LICENSE FEE

No license to do business as a pawnbroker within the City shall be issued unless or until the applicant therefore shall pay to the City Clerk a license fee of one hundred dollars (\$100.00).

SECTION 5-5-7 ISSUANCE OF LICENSE

The Mayor shall issue all applications for licenses to do business as a pawnbroker within the City according to the terms of the provisions of this Title.

SECTION 5-5-8 DURATION OF LICENSE

All licenses to do business, as a pawnbroker within the City granted under this title shall expire one (1) year from the date of issuance.

SECTION 5-5-9 TRANSFERABILITY OF LICENSE

No license to do business, as a pawnbroker within the City granted under this Ordinance shall be transferable.

SECTION 5-5-10 POSSESSION AND DISPLAY OF LICENSE REQUIRED

Any pawnbroker licensed under this Ordinance shall keep said license in his possession at all times while doing business as a pawnbroker within the City and shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

SECTION 5-5-11 SIGNED MEMORANDUM, CONTRACT, OR NOTE

Every pawnbroker licensed under this Ordinance shall, at the time of making any advancement or loan, deliver to the person pawning or pledging any tangible personal property, a memorandum, contract, or note signed by him containing an accurate account and description, in the English language, of all goods, articles, or other things pawned or pledged, the amount of money, value of things loaned thereon, the time and date of

pledging the same, the rate of interest to be paid on the loan, the name and residence of the person making the pawn or pledge, and the amount of any fees. No charge shall be made or received by any pawnbroker licensed under this Ordinance for any such memorandum, contract, or note.

SECTION 5-5-12 RECORDS REQUIRED

Every pawnbroker licensed under this Ordinance shall keep a standard record book that has been approved by the Peoria County Sheriff's Department, in which shall be written in ink, at the time of each and every loan or taking of a pledge, an accurate account and description, in the English language, of all the goods, articles and other things pawned or pledged, the amount of money, value or thing loaned thereon, the time and date of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person making such pawn or pledge. Such entry shall include the serial number or identification number of items received which are required to bear such number. Every pawnbroker licensed under this Ordinance shall also record in his book an accurate description, in the English language, of all goods, articles and other things purchased or received for the purpose of resale or loan collateral by the pawnbroker from any source, not in the course of a pledge or loan, the time and date of such purchase or receipt, and the name and address of the person or business which sold or delivered such goods, articles, or other things to the pawnbroker. No entry in such book shall be erased, mutilated, or changed. Every pawnbroker licensed under this Ordinance shall preserve the records required by this Section for one (1) year from the date of the pledge or purchase or until the item is sold, whichever occurs later.

SECTION 5-5-13 IDENTIFICATION REQUIRED

Every pawnbroker licensed under this ordinance shall require two (2) forms of identification to be shown him by each person pledging or pawning any goods, articles, or things to the pawnbroker. One (1) of the two (2) forms of identification must include his or her residence address. These forms of identification shall include, but not be limited to, any of the following:

- Driver's license, social security card, utility bill, employee or student identification card, credit card, or a civic, union, or professional association membership card.

A photocopy of the forms of identification shown shall be made and kept for one (1) year by every pawnbroker licensed under this ordinance.

SECTION 5-5-14 INSPECTION

This said book, as well as every article or other thing of value so pawned or pledged, shall at all times be open to the inspection of the Mayor, his authorized agent, or any law enforcement officer.

SECTION 5-5-15 DAILY REPORT

It shall be the duty of every pawnbroker licensed under this Ordinance to make out and deliver to the Peoria County Sheriff's Department, on each day before the hours of twelve o'clock noon, a legible and exact copy from the standard record book, as required in Section Nine of this Ordinance, that lists all tangible personal property and other valuable things received on deposit or purchased during the preceding day, together with the exact time and date when received or purchased, and a description of the person or person by whom left in pledge, or from whom the same were purchased.

SECTION 5-5-16 PROPERTY FROM MINORS

No pawnbroker licensed under this Ordinance shall take or receive any pawn or pledge for any advancement or loan any tangible personal property of any kind from any minor which is under eighteen (18) years of age, or the ownership of which is in, or which is claimed by, any such minor, or which may be in the possession or under the control of any such minor.

SECTION 5-5-17 PROPERTY FROM INTOXICATED PERSON OR THIEF; RETURN OF STOLEN PROPERTY

No pawnbroker licensed under this Ordinance shall purchase or take any article in pawn or pledge from any person appearing to be intoxicated, nor from any person known to have been convicted of theft. A law enforcement officer may provide such criminal conviction information to a pawnbroker. When any person is found to be the owner of stolen tangible personal property which has been pawned, such tangible personal property shall be returned to the owner thereof without the payment of the money advanced by the pawnbroker thereon or any costs or charges of any kind which the pawnbroker may have placed upon the same.

SECTION 5-5-18 SALE OF PROPERTY

No tangible personal property received on deposit or pledge, or purchased by any such pawnbroker, shall be sold or permitted to be redeemed or removed from the place of business of such pawnbroker for the space of twenty-four (24) hours after the delivery of the copy and statement required by Section 5-5-12 of this Ordinance to be delivered to the Peoria County Sheriff's Department; and no tangible personal property pawned or pledged shall be sold or disposed of by any such pawnbroker within one (1) year from the time when the pawner or pledger shall make default in the payment of interest on the money so advanced by such pawnbroker, unless by the written consent of such pawner or pledger.

SECTION 5-5-19 EMPLOYMENT OF MINOR PROHIBITED

No pawnbroker licensed under this Ordinance shall employ any person less than eighteen (18) years of age to take or receive pledges or pawns.

SECTION 5-5-20 HOURS OF BUSINESS

No pawnbroker licensed under this Ordinance shall transact any business with any person between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M.

SECTION 5-5-21 WEAPONS

No pawnbroker licensed under this Ordinance shall take or receive as a pawn or pledge for any advance or any loan blackjack, Bowie knife, derringer, dirk, pistol, revolver, sawed-off shotgun, or other deadly weapon of like character, capable of being secreted upon the person and no pawnbroker licensed under this Ordinance shall display in his window or store any such weapons for sale.

SECTION 5-5-22 PENALTY

Any pawnbroker required to be licensed under this Ordinance who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a penalty of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each and every offense.

SECTION 5-5-23 REVOCATION OF LICENSE

The license of any pawnbroker licensed under this Ordinance who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, in addition to any other penalties provided for in this Ordinance be revoked.