

Chapter 620

TRANSACTIONS IN USED AND SECONDHAND PERSONAL PROPERTY

Section 620.010. General Provisions. [R.O. 2012 §625.010; CC 1979 §15-31; Ord. No. A-5722 §1, 5-27-1993]

A. *Definitions.* Unless otherwise expressly stated or the context clearly indicates otherwise, the following terms, for the purposes of this Chapter, shall have the meaning indicated in this Section:

EXEMPT TRANSACTION — The purchase, barter or exchange of tangible personal property of the kinds described in "Listed Property" hereof.

1. From a manufacturer, wholesaler or other person having an established place of business;
2. At a public auction or other openly conducted sale where the seller is required by law to have a license or permit to conduct such sale; or
3. Where the transaction is in the nature of a trade-in of one (1) item of personal property for another item of personal property of the same kind or involves an exchange or refund for personal property originally purchased from the licensed business giving such exchange or refund.

LICENSED BUSINESS — Any person having or required to have a business license under Chapter 605 of this Code relating to licenses and business regulations generally, whose business involves the purchase, barter, exchange, sale or pawn of used or secondhand tangible personal property.

LISTED PROPERTY — Used or secondhand tangible personal property except property received in an exempt transaction, of the following kinds:

1. Consumer electronics bearing a manufacturer's serial number, including without limitation televisions, VCRs, radios, personal computers and printers, car and home stereos, CBs, compact disk players, radar detectors, cellular and regular telephones, microwave ovens and related components and accessories;
2. Video and still cameras and accessories bearing a manufacturer's serial number;
3. Firearms of any description;
4. Power tools bearing a manufacturer's serial number, including without limitation lawn and garden tools, chainsaws and shop tools;

5. Outboard motors, trolling motors and other boating and fishing equipment bearing a manufacturer's serial number, provided that items subject to title registration and actually accompanied by the appropriate document of title shall not be included in this definition;
6. Bicycles, coins and stamps;
7. Fine jewelry, silverware and other items having as a component precious or semi-precious stones or precious metals, provided that items containing precious metals only in a plate, rolled or filled form, containing gold in any form less than twelve (12) karats or containing silver in any form less than coin shall not be included in this definition; and
8. Any personal property from which a manufacturer's serial number or identification number has been removed or obliterated.

OTHER PERSONAL PROPERTY — Used or secondhand tangible personal property of any kind whatever, except listed property and except items subject to title registration and actually accompanied by the appropriate document of title.

- B. *Transactions With Minors.* No licensed business shall purchase or receive any listed property or other personal property from an unemancipated minor under the age of eighteen (18) years, unless such minor's custodial parent or guardian has consented in writing to each particular transaction.
- C. *Stolen Property.* No licensed business shall purchase or receive any article of listed property or other personal property from any person when offered under such circumstances as would cause a reasonably prudent person to believe or suspect that such article was a stolen article.
- D. *Suspicious Circumstances.* It shall be the duty of every licensed business to report to the police any article of listed property or other personal property taken, purchased, pledged or received by it, or which is sought to be delivered, sold or pledged to it, if such business shall have reason to believe that the article was stolen or that the article cannot be rightfully delivered, sold or pledged by the person offering it.

Section 620.020. Register To Be Kept. [R.O. 2012 §625.020; CC 1979 §15-32; Ord. No. A-5722 §1, 5-27-1993]

- A. Every licensed business receiving listed property, whether by purchase, barter or exchange or by pledge, deposit or pawn, shall maintain a clear and legible register of listed property received, recording in ink the following information:
 1. A full description of the property received, including the manufacturer's insignia and serial number;
 2. The name, sex and residence address of the person selling or leaving such property; and
 3. The date and time of such transaction.

- B. Such information shall be recorded in the register as soon as practicable and, in any event, by the close of business on the day of such transaction. It shall be a violation of this Chapter to erase, obliterate or deface any information in the register for the purpose of concealing or falsifying such information.

Section 620.025. Duties of Those Engaged in Pawnbroker Loans. [R.O. 2012 §625.025; Ord. No. A-6951, 5-23-2000]

- A. This Section applies to all persons engaged in activities set forth in Section 620.010 of the Monett City Code including, but not limited to, those engaged in pawnbroker loans as defined and set forth in Sections 367.011 through 367.060, RSMo.
- B. No person, either as principal or agent, shall pursue, conduct, carry-on, or operate within the City any pawnbroker business without full compliance with Chapter 367, RSMo.
- C. At the time of the making of any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:
 - 1. The name and address of the business;
 - 2. The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, or other official number capable of identifying the pledgor;
 - 3. The date and time of such transaction; and
 - 4. An identification and description of the pledged goods, including serial numbers if reasonably available.
- D. All persons conducting business under Subsection (A) of this Section shall be required to furnish the Monett Police Department with copies of information contained in Subsections (1) to (4) of Subsection (B) of this Section at the end of each calendar month.

Section 620.030. Inspection of Register and Articles. [R.O. 2012 §625.030; CC 1979 §15-33; Ord. No. A-5722 §1, 5-27-1993]

- A. It shall be the duty of every licensed business to maintain in its files for a period of one (1) year all lists of stolen property which may be provided to them from time to time by the City Police Department.
- B. It shall be the duty of every licensed business to check the above mentioned lists for any comparable item in its place of business. It shall be the duty of every licensed business to notify the City Police Department of any such item and to hold such item for four (4) days for identification purposes.
- C. When there is reason to believe that any particular article of listed property or other personal property may have been stolen, upon reasonable request and notice, any

licensed business shall also make available to any authorized officer of the City Police Department for inspection, the article in its possession and its business records with regard to the article's acquisition, and if such article has been sold, any licensed business shall make available to such officer its business records with respect to the article's acquisition and any subsequent sale.

- D. When there is reason to believe that any particular article of listed property or other personal property may have been stolen, any licensed business, upon notice and request, shall hold such article for a period of four (4) business days for identification purposes.