

ORDINANCE 2011-02

ORIGINAL

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AMENDING
CHAPTER 5.24 OF THE SUNNYSIDE MUNICIPAL CODE
TO INCLUDE SECOND-HAND METAL DEALERS AND
DELETING CHAPTER 9.58 AS REDUNDANT

WHEREAS, Chapter 19.60 of the Revised Code of Washington regulates second-hand dealers, which includes second-hand metal dealers, and at section 19.60.075 authorizes the City to enact an ordinance requiring such dealers operating in the City to obtain a license;

WHEREAS, the City Council has determined that amending Chapter 5.24 of the Sunnyside Municipal Code to require second-hand metal dealers operating in the City to obtain a license is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

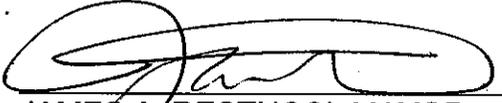
Section 1. Chapter 5.24 of the Sunnyside Municipal Code is hereby amended and shall read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. Chapter 9.58 of the Sunnyside Municipal Code, as set forth in Exhibit "B", is considered redundant and is hereby deleted.

Section 3. Except as amended herein, Title 5 and Title 9 of the Sunnyside Municipal Code shall remain unchanged.

Section 4. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 24th day of January, 2011.


JAMES A. RESTUCCI, MAYOR

ATTEST:



DEBORAH ESTRADA, CITY CLERK

APPROVED AS TO FORM:



MENKE JACKSON BEYER EHLIS & HARPER, LLP
ATTORNEYS AT LAW

EXHIBIT 'A'

Chapter 5.24 PAWNBROKERS AND SECOND-HAND METAL DEALERS

Sections:

- 5.24.010 Definitions.
- 5.24.020 Compliance with Chapter 19.60 RCW.
- 5.24.030 License – Required – Application – Fee.
- 5.24.040 Licensee – Terms.
- 5.24.050 Daily reports to Police Chief.
- 5.24.060 Violations - Penalty

5.24.010 Definition.

A. Pawnbroker means every person engaged, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

B. Second-hand metal dealer means every person engaged in whole or in part in the business of purchasing, selling, trading, consignment selling, or otherwise transferring for value metal junk, melted metals or precious metals, whether or not the person maintains a fixed place of business within the state.

5.24.020 Compliance with Chapter 19.60 RCW.

A. Pawnbrokers licensed pursuant to this chapter shall comply with Chapter 19.60 RCW. Those provisions of Chapter 19.60 RCW applicable to pawnbrokers are hereby adopted by reference as and for a portion of the Sunnyside Municipal Code and apply to pawnbrokers under this chapter.

B. Second-hand metal dealers licensed pursuant to this chapter shall comply with Chapter 19.60 RCW. Those provisions of Chapter 19.60 RCW applicable to secondhand dealers are hereby adopted by reference as and for a portion of the Sunnyside Municipal Code and apply to second-hand metal dealers under this chapter.

5.24.030 License – Required – Application – Fee.

A. No person shall engage in the business of a pawnbroker or second hand metal-dealer in the City without first procuring a license therefor. An applicant engaged in both pawnbroking and second-hand metal dealing shall only be required to obtain one license.

B. In order to procure a license, an applicant shall present to the City an application which shall contain the name of the applicant, the place, including telephone number, where he proposes to conduct the business, the name under which the same shall be conducted, and the names of persons interested in the business if a partnership, corporation or other business organization.

C. If such application is approved, the City Manager, or his/her designee, shall issue a license to the applicant upon his executing and delivering to the City a bond to be approved by the City Attorney, in the amount of \$1,000, conditioned that he will conduct such business in compliance with all of the ordinances of the City and the laws of the State. The license fee shall be the sum of \$250.00 per year. The license shall not be assignable or transferable.

5.24.040 Licensee – Terms.

A. All licenses issued under this chapter shall expire on the thirty-first day of December next succeeding the date of issuance and no reduction in license fee shall be made for any period less than one year. Such license shall be subject to revocation by the City Manager, or his/her designee, upon a determination by a preponderance of evidence that the licensee has failed to comply with any provision of this chapter, or any other provision of the Sunnyside Municipal Code or state law. Such determination, along with the reasons therefor, shall be provided to the licensee in writing. If a second-hand metal dealer license is revoked, the licensee shall immediately cease all business. If a pawnbroker license is revoked, the licensee shall cease all pawnbroking business within 30 days from the date of such revocation.

B. The holder of a license whose license has been revoked by the City Manager in accordance with subsection (A) of this section shall be entitled to a hearing before the City Council at the next scheduled meeting, provided such request is made in writing within fourteen (14) days after receipt of the notice of revocation. At the hearing before the City Council, the burden is upon the licensee to establish why the license should not be revoked.

Licensee

5.24.050 Pawnbroker daily reports to Police Chief.

Every licensee under this chapter doing business in the City shall provide reports of daily activity, as set forth in RCW 19.60.040 on a daily basis.

5.24.060 Violations – Penalty.

Any person violating this chapter shall be deemed to have committed a civil infraction and shall be assessed the monetary penalty authorized pursuant to SMC 1.16.010.

EXHIBIT 'B'

**Chapter 9.58
PAWNBROKERS AND SECOND HAND DEALERS**

Sections:

9.58.900 Statutes incorporated by reference.

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The following statutes are incorporated in this chapter by reference:

RCW

- 19.60.010 Definitions
- 19.60.020 Duty to Record Information
- 19.60.040 Report to Chief Law Enforcement Officer
- 19.60.045 Duties Upon Notification that Property Is Reported Stolen
- 19.60.050 Retention of Property by Pawnbrokers – Inspection
- 19.60.055 Retention of Property by Second Hand Dealers – Inspection
- 19.60.066 Prohibited Acts – Penalty
- 19.60.085 Exemptions