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STATE OF COLORADO)
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COUNTY OF ADAMS)

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CAROL SNYDER ADAMS CO

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the County Administration Building, 450 S. 4th Avenue, Brighton, Colorado, on Monday, the 28th day of June, 1999, there were present:

- Ted Strickland Commissioner, Chairman
- Elaine T. Valente Commissioner
- Martin J. Flaum Commissioner
- Rita Connerly County Attorney
- Lucy Trujillo Deputy Clerk of the Board

When the following proceedings, among others were held and done, to wit:

ORDINANCE NO. 10
AN ORDINANCE REGULATING PAWNBROKERS
AND PROVIDING PENALTIES FOR VIOLATION THEREOF

ORDINANCE NO. 10

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ADAMS, COLORADO**

**AN ORDINANCE REGULATING PAWNBROKERS AND PROVIDING
PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, there are currently seven pawnbrokers located in the unincorporated areas of Adams County; and,

WHEREAS, the location of pawnshops in unincorporated Adams County is governed by the Adams County Zoning Regulations, as amended; and,

WHEREAS, § 30-15-401(1), C.R.S., as amended, and § 12-56-101, et seq., C.R.S., as amended, authorize the Board of County Commissioners to adopt by ordinance regulations governing pawnbrokers; and,

WHEREAS, § 12-56-102, C.R.S., as amended, specifically authorizes the Board of County Commissioners to adopt regulations governing pawnbrokers that are "at least as restrictive" as the Colorado statutes governing pawnbrokers; and,

WHEREAS, the Board of County Commissioners finds that regulating pawnbrokers is necessary to the health, welfare and public safety of the citizens of Adams County because a lack of regulation encourages trafficking in stolen property; and,

WHEREAS, it is the intent of the Board of County Commissioners in adopting these regulations to aid law enforcement agencies in identifying and recovering stolen property by providing a mandatory record-keeping and reporting system and a mandatory holding period concerning property purchased by pawnbrokers in the course of business.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners, County of Adams, State of Colorado, that the operation of pawnshops in the unincorporated portions of Adams County shall be subject to the following regulations:

Section I. Definitions. When not otherwise clearly indicated by the context, the following words and phrases used in this Ordinance shall have the following meanings:

(A) "Contract for purchase" means a contract entered into between a pawnbroker and a customer pursuant to which money is advanced to the customer by the pawnbroker on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, not to exceed ninety (90) days, has the option to cancel said contract.

(B) "Fixed price" means the amount agreed upon to cancel a contract for purchase during the option period. Said fixed price shall not exceed:

(1) One-tenth of the original purchase price for each month, plus the original purchase price, on amounts of fifty dollars (\$50) or more; or

(2) One-fifth of the original purchase price for each month, plus the original purchase price, on amounts under fifty dollars (\$50).

(C) "Fixed time" means that period of time, not to exceed ninety (90) days, as set forth in a contract for purchase, for an option to cancel said contract.

(D) "Licensing authority" means the Board of County Commissioners, County of Adams, State of Colorado, or any authority designated by county resolution.

(E) "Option" means the fixed time and the fixed price agreed upon by the customer and the pawnbroker in which a contract for purchase may be but does not have to be rescinded by the customer.

(F) "Pawnbroker" means a person regularly engaged in the business of making contracts for purchase or purchase transactions in the course of his or her business, excluding non-profit establishments, used motor vehicle dealers, and used clothing dealers.

(G) "Pawnbroking" means the business of a pawnbroker.

(H) "Pawnslip" or "pawn ticket" means the form upon which is listed the tangible personal property that is the subject of a contract for purchase or purchase transaction.

(I) "Purchase transaction" means the purchase by a pawnbroker in the course of his or her business of tangible personal property for resale, other than

newly manufactured tangible personal property which has not previously been sold at retail, when such purchase does not constitute a contract for purchase.

(J) "Tangible personal property" means all personal property other than choses in action, securities, or printed evidences of indebtedness, which property is deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his or her business in connection with a contract for purchase or purchase transaction.

Section II. Fees.

(A) Pawnbrokers shall pay a transaction fee in the amount of one dollar (\$1.00) for every pawnslip completed as a result of entering into a contract for purchase or a purchase transaction. This fee is to defray the law enforcement costs associated with processing pawnbroker records, and may be charged to the customer at the discretion of the pawnbroker.

(B) For the purposes of imposition of the transaction fee, a parcel of homogenous tangible personal property that is offered as one item and purchased for one set price shall be considered to be one item of tangible personal property. Tangible personal property with identifying marks on such property, including but not limited to any identification number, serial number, model number or inscription, shall be individually itemized.

(C) Individual components of a stereo or computer system shall be individually itemized. However, when a stereo or computer system is being offered as one item and purchased for one set price, only one transaction fee shall be imposed.

(D) Any fees imposed under this Ordinance are subject to annual review by the licensing authority to ensure that the fees charged are reasonably related to the costs associated with the enforcement and administration of these regulations. The licensing authority may change the fees described herein by resolution.

Section III. Pawnshop operations.

(A) Contracts for purchase and purchase transactions:

(1) A pawnbroker shall keep a numerical register in which he or she shall record the following information concerning all contracts for purchase or purchase transactions:

(a) The name, address, and date of birth of the customer, as well as the identification number from any of the following forms of identification of the customer:

- (i) a valid Colorado driver's license;
- (ii) an identification card issued in accordance with § 42-2-302, C.R.S.;
- (iii) a valid driver's license, containing a picture, issued by another state;
- (iv) a military identification card;
- (v) a valid passport;
- (vi) an alien registration card; or
- (vii) a nonpicture identification document issued by a state or federal government entity;

(b) A clear and identifiable imprint of the customer's right index finger;

(c) The date, time, and place of the contract for purchase or purchase transaction; and

(d) An accurate and detailed account and description of each item of tangible personal property, including, but not limited to, any trademark, identification number, serial number, model number, brand name, or other identifying marks of such property.

(2) The pawnbroker shall also obtain a written declaration of the customer's ownership which shall state that each item of tangible personal property is totally owned by the customer, or shall have attached to such declaration a power of sale from the partial owner to the customer, how long the customer has owned the property, whether the customer or someone else found the property, and, if the property was found, the details of the finding. If tangible personal property is purchased as a parcel for the purposes of the transaction fee, pursuant to Section II(B) herein, the pawnbroker shall obtain a written declaration

of the customer's ownership which shall state that each item of tangible personal property in the parcel is totally owned by the customer, or shall have attached to such declaration a power of sale from the partial owner to the customer, how long the customer has owned the property, whether the customer or someone else found the property, and, if the property was found, the details of the finding.

(3) The customer shall sign his or her name in the numerical register and on the declaration of ownership, and the pawnbroker shall give the customer a copy of the contract for the purchase or receipt of the purchase transaction.

(4) If the contract for purchase or other purchase transaction involves more than one item, each item shall be individually recorded on the pawnbroker's register, the customer's declaration of ownership, and on the pawnslip.

(5) The numerical register shall be kept on a form approved by the Adams County Sheriff ("Sheriff"), and shall be made available to the Sheriff or any law enforcement officer for inspection at any reasonable time.

(6) The pawnbroker shall keep each register for at least three (3) years after the date of the last transaction entered in the register.

(7) A pawnbroker shall hold all contracted goods within this jurisdiction for a period of ten (10) days following the maturity date of the contract for purchase, during which time such goods shall be held separate and apart from any other tangible personal property, and shall not be changed in form or altered in any way.

(8) A pawnbroker shall hold all property purchased through a purchase transaction for thirty (30) days following the date of purchase, during which time such property shall be held separate and apart from any other tangible personal property, and shall not be changed in form or altered in any way.

(9) A pawnbroker shall provide the Sheriff's Department with the original and one (1) copy of the records of all tangible personal property accepted during the preceding week, and the original of the customer's declaration of ownership. These records shall be on a form provided or approved by the Sheriff, and shall contain the same information required to be recorded in the pawnbroker's register pursuant to subsection (A)(1) of this section. The Sheriff shall designate the day of the week on which the records and declarations shall be submitted.

(B) All pawnshop transactions, whether they involve a contract for purchase or a purchase transaction, shall be videotaped. Any such videotapes shall be kept by the pawnbroker for a minimum of ninety (90) days, and shall be made available to any local law enforcement agency for inspection upon request at any reasonable time.

Section IV. Automobile Pawnbroking.

This Ordinance shall not apply to the pawnbroking of automobiles.

Section V. Severability.

If any clause, sentence, paragraph, or part of this Ordinance, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to others persons or circumstances.

Section VI. Inconsistent ordinances.

All other ordinances or portions thereof that are inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section VII. Penalties.

Pursuant to § 30-15-402, C.R.S., any person who violates the provisions of this Ordinance commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of not more than six hundred dollars (\$600) for each separate violation. In addition, persons convicted of a violation of this Ordinance are subject to a surcharge of ten dollars (\$10). These surcharges shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the Adams County Court Administrator for credit to the victims and witnesses assistance and law enforcement fund in Adams County, pursuant to § 24-4.2-103, C.R.S.

Section VIII. Safety Clause.

The Board of County Commissioners hereby finds, determines, and declares that this Ordinance is necessary for the preservation of public health, safety, and welfare.

Section IX. Effective date. This Ordinance shall take effect on October 7, 1999.