

**City of Carson City  
Agenda Report**

**Date Submitted:** February 17, 2012

**Agenda Date Requested:** March 1, 2012  
**Time Requested:** 30 minutes

**To:** Board of Supervisors

**From:** Ken Furlong, Sheriff

**Subject Title:** For Possible Action: To introduce, on first reading, Bill No.\_\_\_\_, an ordinance replacing the previously Reserved section of the Carson City Municipal Code Title 4 License and Business Regulations, Chapter 4.29 with 4.29 Second Hand Stores and Pawnbrokers to the previously reserved chapter– Generally, sections: 4.29.010 Definitions,4.29.020 License required, 4.29.030 Exemptions,4.29.040 Records, 4.29.050 Reports Required,4.29.070 Retention and removal of property, 4.29.080 Secondhand Stores and Pawnbrokers; unlawful acts, 4.29.090 Penalties and other matters properly related thereto.

**Staff Summary:**

This ordinance is an exercise of the authority granted to the Sheriff under NRS 647.120 to direct what method a transcript of the records of all transactions which the businesses had on the proceeding day, should be reported to the Sheriff's Office. Currently, each business utilizes its own template and method of submitting such information to the Sheriff's Office. There is currently a backlog of tickets that have not yet been entered into the Sheriff's Office's system.

**Type of Action Requested:** (check one)  
 Resolution  Ordinance First Reading  
 Formal Action/Motion  Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to introduce on first reading, Bill No.\_\_\_\_, an ordinance replacing the previously Reserved section of the Carson City Municipal Code Title 4 License and Business Regulations, Chapter 4.29 with 4.29 Second Hand Stores and Pawnbrokers to the previously reserved chapter– Generally, sections: 4.29.010 Definitions,4.29.020 License required, 4.29.030 Exemptions,4.29.040 Records, 4.29.050 Reports Required,4.29.070 Retention and removal of property, 4.29.080 Secondhand Stores and Pawnbrokers; unlawful acts, 4.29.090 Penalties and other matters properly related thereto.

**Explanation for Recommended Board Action:** The Board of Supervisors, pursuant to Carson City Municipal Code, is required to take final action on all code amendments.

**Applicable Statute, Code, Policy, Rule or Regulation:** CCMC Title 7

**Fiscal Impact:** Potential Increase in Revenues

**Explanation of Impact:** N/A

**Funding Source:** N/A



Ordinance No. \_\_\_\_\_

Bill No. \_\_\_\_\_

AN ORDINANCE ADDING A NEW SECTION TO THE CARSON CITY MUNICIPAL CODE, TITLE 4, LICENSES AND BUSINESS REGULATIONS, BY ADDING CHAPTER 4.29 SECONDHAND STORES AND PAWNBROKERS TO THE PREVIOUSLY RESERVED CHAPTER 4.29, BY ADDING A DEFINITION SECTION, AND BY ADDING A SECTION MANDATING THAT SECONDHAND STORES AND PAWNBROKERS HAVE A BUSINESS LICENSE, AND BY ADDING A SECTION EXEMPTING CERTAIN BUSINESSES SUCH AS CERTAIN DEALERS OF USED VEHICLES, CERTAIN BUSINESSES THAT PURCHASE, SELL OR TRADE ARTICLES, USED BOOKS, NEWSPAPERS, AND PERIODICALS, COINS, WHICH ARE NOT JEWELRY, SCRAP METAL DEALERS AS DEFINED UNDER NRS 647.092- NRS 647.098, INCLUSIVE, AND DEALERS IN SECONDHAND MATERIALS PURSUANT TO NRS 647.105- 647.131 INCLUSIVE, AND NONPROFIT OR CHARITABLE ORGANIZATIONS OR OPERATIONS FROM CHAPTER 4.29, BY ADDING A REQUIREMENT THAT EVERY SECONDHAND STORE KEEP A RECORD OF ARTICLES PURCHASED, AND BY REQUIRING THAT PAWNBROKERS KEEP RECORDS, AND BY ADDING A SECTION WHICH REQUIRES THAT EVERY SECONDHAND DEALER AND PAWNBROKER SUBMIT THEIR RECORDS THROUGH AN APPROVED ELECTRONIC FORMAT TO THE SHERIFFS OFFICE DAILY, AND REQUIRING THAT EACH SECONDHAND DEALER AND PAWNBROKER REPORT PROPERTY HE IN GOOD FAITH BELIEVES TO HAVE BEEN PREVIOUSLY LOST OR STOLEN, AND BY ADDING A SECTION WHICH REQUIRES PROPERTY TO BE RETAINED FOR A MINIMUM TIME DURATION, AND OTHER MATTERS PROPERLY RELATING THERETO.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF CARSON CITY DO  
ORDAIN:

Section I: Title 4, Chapter 4.29 of the Carson City Municipal Code is hereby  
amended by adding a new chapter and sections to the formerly reserved  
Chapter 4.29 as follows:

**Chapter 4.29 Secondhand Stores and Pawnbrokers**

**Sections:**

**4.29.010 Definitions.**

**4.29.020 License required.**

**4.29.030 Exemptions.**

**4.29.040 Records.**

**4.29.050 Reports Required.**

**4.29.070 Retention and removal of property.**

**4.29.080 Secondhand Stores and Pawnbrokers; unlawful acts.**

**4.29.090 Penalties.**

**4.29.010 Definitions:**

As used in this chapter, the following words shall have the meanings described in  
this section, unless the context clearly indicates otherwise:

1. "Identifiable" means secondhand personal property which bears a serial number or personalized initials or an inscription and includes secondhand personal property which, at the time it is acquired by the secondhand dealer, bears evidence of having had a serial number or personalized initials or inscription.
2. "Pawn" or "pledge" means the deposit of personal property by a debtor (pawnor) to his creditor (pawnbroker) as security for a loan.
3. "Pawnbroker" means every person engaged, in whole or in part, in the business of loaning money on the security of pledges, deposits or other secured transactions in personal property.
4. "Pawnbroker business" means the business of loaning money on the security of personal property pledges, personal property deposits, or other secured transactions in personal property and includes without limitation any person who allows the use of a motor vehicle or title of a motor vehicle as collateral or security, on a cash loan, not used to purchase the collateralized property, if any of the loans involve the borrower forfeiting ownership of the vehicle at the expiration of the period of redemption or repayment.

5. "Pawnor" means a person who borrows money from another and deposits personal property with him as security for the loan.
6. "Personal property" means all corporeal property that is not real property as well as documents and titles. Personal property includes but is not limited to:
  - a. All property which bears a serial number or personalized initials or inscription which, at the time it is acquired by any business licensed under this chapter, bears evidence of having or having had a serial number or personalized initials or inscription.
  - b. All secondhand property but not including antiques and used books.
  - c. All property, new or used, received at the business location as a pledge for security of a loan by any business defined in this chapter.
  - d. Personal property shall not include antiques, any coins, monetized bullion, or commercial grade ingots of gold, silver, or other precious metal or merchandise purchased from any manufacturer, distributor or wholesaler.
7. "Secondhand store" means the business, in whole or in part, of buying, selling, or trading metal junk, melted metals or secondhand personal property, other than antiques and used books.
  - a. "Secondhand store" does not include a person engaged solely in the automobile wrecking business, as regulated by NRS Chapter 487.
  - b. "Secondhand dealer" means any person engaged in whole or in part in the business of buying and selling metal junk, melted metals or secondhand personal property, other than antiques and used books, including, without limitation, coins and collectibles.
  - c. The term does not include a person who engages in the business of buying or selling secondhand firearms or any antique parts, accessories or other equipment relating to those firearms if the person engages in that business at a show that is held at:
    - i. A convention facility which is owned or operated by and located on the premises of a resort hotel; or

ii. A recreational facility; and

1. Is conducted for not more than 7 days during any 6-month period; and
2. The person has been issued a license as a manufacturer, importer, dealer or collector pursuant to the provisions of 18 U.S.C. Section 923.

**4.29.020 License required.**

1. Except as provided in this section, no person shall operate or conduct a secondhand store or pawnbroker business in this county without having first obtained an appropriate business license therefore.

2. Secondhand stores engaged primarily in the automobile wrecking business or in the business of buying, selling, or trading secondhand books or periodicals shall be exempt from the provisions of sections 4.29.010 to 4.29.070, inclusive.

**4.29.030 Exemptions.**

This chapter does not apply to:

1. Dealers of used vehicles whose activities are permitted by a license issued by the State Department of Motor Vehicles pursuant to NRS 482.322.

2. The purchase, sale or trade by a licensed business of used articles which were acquired as a trade-in or as a credit upon purchase of a new article of the same kind on a one-for-one basis; provided however, that the sale of such used articles does not exceed more than twenty-five (25) percent of the gross sale of the business for any consecutive six (6) month period.

3. The purchase, sale or trade by a licensed business of used books, newspapers, and periodicals;

4. The purchase, sale or trade by a licensed business of coins which are not part of any jewelry

5. The purchase, sale or trade by a licensed business of scrap metal pursuant to NRS 647.092- NRS 647.098, inclusive; or dealers in secondhand materials pursuant to NRS 647.105- 647.131 inclusive; or

6. Any nonprofit or charitable organization or operation.

**4.29.040 Records.**

1. Every person operating a secondhand store shall keep a record of articles purchased. The record and the articles themselves shall be open to

inspection by any member of the Sheriff's Office or other law enforcement agency without a warrant, at any and all reasonable hours.

2. In accordance with NRS 646.020, every pawnbroker doing business in Carson City shall maintain in his or her place of business a book or other permanent record in which must be legibly written in the English language, at the time of each loan or purchase a record thereof containing:
  - a. The date and time of the transaction.
  - b. The name or other identification of the person or employee conducting the transaction.
  - c. The name, age, street and house number, the serial number of one piece of positive identification and a general description of the complexion, color of hair and facial appearance of the person with whom the transaction is had. In lieu of recording the serial number of a piece of positive identification, the record may contain an indication that the pawnbroker knows the person with whom the transaction is had.
  - d. A description of the property received in pledge. In the case of watches, the description must contain the name of the maker and the number of the works or the case. In the case of jewelry, all letters and marks inscribed thereon must be included in the description.
  - e. The amount loaned.
  - f. The number of any pawn ticket issued therefore.
  - g. The person with whom a transaction is had shall, at the time of the transaction, certify in writing that he or she has the legal right to pledge or sell the property.
  - h. The record and all goods received must at all times during the ordinary hours of business be open to the inspection of the prosecuting attorney or of any peace officer.
3. The account and description shall:
  - a. Be transmitted electronically to the Sheriff's Office.
  - b. Be available for inspection or collection by the Sheriff at all reasonable times.
  - c. Include all transactions conducted up to the close of business on the previous working day.

4. The account and description required by subsection 2 of this section shall include:

- a. A complete and reasonably accurate description of serialized property, including but not limited to the serial number and other identifying marks or symbols, owner applied numbers, manufacturer's named brand, and model name or number.
- b. A complete and reasonably accurate description of property without a serial number, including but not limited to the size, color, material, manufacturer's pattern name (when known), owner applied numbers, and personalized inscriptions and other identifying marks and symbols.
- c. The price paid
- d. The number of any pawn ticket issued therefore.
- e. The name of the person or employee conducting the transaction

**4.29.050 Reports Required.**

1. Daily Reports: In accordance with NRS 646.030, every secondhand dealer and pawnbroker doing business in Carson City shall, before twelve o'clock (12:00) midnight of each day, furnish to the Sheriff a full, true and correct transcript of the record of all transactions had on the preceding day, unless exempted by the Sheriff or his designee. Such reports shall be electronically transmitted to the Sheriff's Office through an approved medium.

2. Report of Lost or Stolen Property: In accordance with NRS 646.030(3) every secondhand dealer and pawnbroker doing business in the County having good cause to believe that any property in his possession has been previously lost or stolen shall forthwith report such fact to the Sheriff's office together with the name of the owner if known, and the date when and the name of the person from whom the same was received by him.

**4.29.070 Retention and removal of property.**

1. Except as otherwise provided in subsection 2 of this section, no property that has a specific identification mark, or is otherwise individually identifiable, and is bought by any person operating a secondhand store may be removed from his place of business within fifteen (15) days after the receipt thereof is recorded.

2. A person operating a secondhand store who purchases a motor vehicle may, during the period prescribed in subsection 1 of this section, remove the motor vehicle from the place of business at which the transaction occurred to a place used for the storage of purchased motor vehicles. Once the motor vehicle is moved to the place of storage, the person operating a secondhand store shall not



remove the motor vehicle from that place during the remainder of the period prescribed in subsection 1.

3. All other secondhand property must be retained for a period of four (4) days after the receipt has been recorded.

4. No property received in pledge by a pawnbroker may be removed from his place of business before the expiration of fifteen (15) days after the receipt of the property is recorded, unless the property is:

a. Redeemed by the owner thereof; or

b. Released to the custody of a peace officer in the manner set forth in NRS 646.047.

Ordinance No. \_\_\_\_\_

Bill No. \_\_\_\_\_

AN ORDINANCE ADDING A NEW SECTION TO THE CARSON CITY MUNICIPAL CODE, TITLE 8 PUBLIC PEACE SAFETY AND MORALS, CHAPTER 8.04 PROHIBITED CONDUCT BY AMENDING SECTION 8.04.050 BY ADDING THE OFFENSE OF FAILING TO MAKE AN ENTRY OF A MATERIAL MATTER INTO A RECORD AS REQUIRED FOR PAWNBROKERS, CLERK, AGENTS, OR EMPLOYEES OF PAWNBORKERS, AND BY THE OFFENSE OF MAKING A FALSE ENTRY INTO A BOOK OR RECORD, AND BY ADDING THE OFFENSE OF REFUSING TO ALLOW A PROSECUTING ATTORNEY OR A PEACE OFFICER TO INSPECT THE BOOK OR RECORD, AND BY ADDING THE OFFENSE OF REPORTING A MATERIAL MATTER FALSELY TO LAW ENFORCEMENT, AND BY ADDING THE OFFENSE OF FAILING TO REPORT POSSESSION OF PROPERTY WHICH IN GOOD FAITH A PAWNBROKER, CLERK, AGENT, OR EMPLOYEE OF A PAWNBROKER HAS GOOD CAUSE TO BELIEVE IS LOST OR STOLEN, AND BY ADDING THE OFFENSE OF REMOVING PROPERTY BEFORE THE MANDATED RETENTION DURATION, AND BY ADDING THE OFFENSE OF RECEIVING PROPERTY FROM CERTAIN PERSONS AND OTHER MATTERS PROPERLY RELATED THERETO.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section 1: Section 8.04 of Title 4 of the Carson City Municipal Code is hereby amended as follows:

**Sections:**

8.04 – PROHIBITED CONDUCT

8.06 – (RESERVED)

8.08 – NUISANCES

8.09 – ENFORCEMENT PROVISIONS FOR NUISANCES

8.10 – RECREATIONAL VEHICLE PARKING

8.12 – FIREARMS

8.16 – BALL PLAYING IN STREETS

8.20 – MINORS

8.24 – POSTERS AND ADVERTISING MATTER

8.28 – FINGERPRINTING CERTAIN EMPLOYEES

8.32 – LITTERING

8.36 – GRAFFITI AS A PUBLIC NUISANCE

8.40 – CARSON CITY PUBLIC DEFENDER FOR CONFLICT CASES

8.44 – DOMESTIC VIOLENCE

Section II. Section 8.04.050 of the Carson City Municipal Code is hereby amended as follows:

8.04.050- Interference with city officers, Sheriff's Officers or firemen.

**8.04.050 - Interference with city officers, Sheriff's Officers or firemen.**

1. It is unlawful for any person to hinder, obstruct, resist, delay, molest or threaten to hinder, obstruct, resist, delay or molest any city officer or member of the Sheriff's office or fire department of Carson City in the discharge of his official duties.

2. It is unlawful for any person to attempt to prevent any member of the Sheriff's office of Carson City from arresting any person, or to attempt to rescue from such member of the Sheriff's office or from someone called to his aid, any person in his custody.

3. It is unlawful for any person operating a secondhand store or for any pawnbroker to:

- a. Fail to make an entry of any material matter in a book or record kept as provided for in NRS 646.020.
- b. Make a false entry in the book or record.
- c. Obliterate, destroy or remove from his place of business the book or record.
- d. Refuse to allow the prosecuting attorney or a peace officer to inspect the book or record or any goods in his possession, during the ordinary hours of business.
- e. Report a material matter falsely to the Sheriff's Office.
- f. Fail to report immediately to the Sheriff the possession of property which he may have good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when and the name of the person from whom he received the property.
- g. Remove property received or allow for it to be removed from his place of business in violation of NRS 646.040.
- h. Receive property from a person under the age of 18 years, common drunkard, habitual user of controlled substances, habitual criminal, habitual felon, habitually fraudulent felon, person in an intoxicated

condition, known thief or receiver of stolen property, or known associate of a thief or receiver of stolen property, whether the person is acting in his own behalf or as the agent of another.