

**COUNTY OF JACKSON**

**ORDINANCE NO. 11**

**AN ORDINANCE TO REGULATE AND REQUIRE THE LICENSING OF  
PAWNBROKERS**

**WHEREAS**, Act 273, Public Acts of Michigan, 1917, as amended (“Act 273”), requires that a person, corporation or firm shall not conduct business as a pawnbroker in any of the governmental units of this state without having first obtained from the chief executive officer of that governmental unit a license under Act 273 that authorizes that person, corporation or firm to conduct that business; and

**WHEREAS**, Act 231, Public Acts of Michigan, 1945 as amended (“Act 231”) supplements Act 273 and ordinances regulating pawnbrokers.

**THE COUNTY OF JACKSON ORDAINS:**

Section 1. License Required. No person, corporation or firm shall engage in the business of pawnbroker in the County of Jackson without first having complied with all the provisions of Act 273, Public Acts of Michigan, 1917, as amended (“Act 273”), Act 231, Public Acts of Michigan, 1945, as amended (“Act 231”), and the provisions of this Ordinance and obtained the license as herein required; except:

(a) The County may not issue a license for a location within the City of Jackson or a village with a population greater than 3,000; and

(b) The County may not issue a license for a location within a city or village in the County with a population of 3,000 or less or within a township or

charter township if that city, village, township or charter township has established a license fee for pawnbrokers pursuant to Section 2 of Act 273.

Section 2. Application. Any person, firm or corporation desiring to engage in the business of pawnbroker shall file an application for a license with the County Clerk.

Section 3. License Fee and Bond. The applicant, prior to the issuance of the license, shall pay an annual license fee in an amount not less than \$50.00 or more than \$500.00 as determined by resolution of the County Board of Commissioners and shall file a bond in the penal sum of \$3,000.00, with at least two sureties, conditioned that such applicant will in all respects faithfully comply with and observe all the requirements of Act 273 and Act 231 and the faithful performance of the duties and obligations of the business, including compliance with the provisions of this Ordinance.

Section 4. Grant of License, Term and Location.

(a) The County Clerk is authorized to grant a license to applicants as provided in this Ordinance upon approval of the Sheriff, payment of the license fee and filing of a bond as required by Section 3 of this Ordinance.

(b) A license shall designate the particular place in the County where the pawnbroker business may be conducted.

(c) The term of a license shall be one (1) year from date of issuance unless revoked for cause.

(d) A pawnbroker license shall not be transferable.

Section 5. Posting Name of Licensee. Every licensee shall cause his, her or its name, as the case may be, to be painted or printed in large legible characters and

placed over the outside door or entrance of such business, together with the words “Licensed Pawnbroker”.

Section 6. Records.

(a) Every licensee shall keep a record written in the English language, at the time the licensee receives any article of personal property or other valuable thing by way of pawn, that includes a description of the article, a sequential transaction number, any amount of money loaned on the article, the name, residence, general description, and driver license number, official state personal identification card number, or government identification number of the person from whom the article was received and the date and hour when the article was received. The record, the licensee’s place of business and all articles of property in a licensee’s place of business shall be subject to examination at any time by an attorney of the County, the Sheriff’s Department, the County Prosecuting Attorney, or the State Police.

(b) Upon the receipt of any article of personal property or other valuable thing by way of pawn a licensee shall also make a permanent record of the transaction on a form that substantially complies with the form described in Section 5(4) of Act 273. The record of transaction form shall be completed in duplicate by the licensee, legibly in the English language, and shall contain all applicable information required to complete the record of transaction form. Licensee shall retain a copy of each record of transaction form and shall, within forty-eight (48) hours after the property is received, send a copy of the record of transaction form to the Sheriff’s Department. The information in the record of

transaction form shall be transmitted by means of computer or other electronic media as provided in Section 7 of this Ordinance.

Section 7. Computerized reporting of transactions.

(a) Every licensee, except those exempted by operation of subsection (b), shall, within 48 hours of a transaction, transmit via the internet, all data and information about the transaction required by this Ordinance into a computerized system designated by the Sheriff for identifying pawned property and the persons pawning said property. A transaction reported by electronic transmission under this subsection shall not be reported on paper forms unless the Sheriff's Department so requests.

(b) A licensee need not report electronically transactions taking place at a business location where the number of pawn transactions in each 90-day period does not exceed ten. A licensee who reasonably believes a location at which licensee conducts a pawnshop qualifies under this subsection for exemption from computerized reporting and wishes to be exempt from the requirements of subsection (a) shall sign, under penalty of perjury, a declaration to that effect in a form developed by the Sheriff or the Sheriff's designee, and once the declaration is signed, so long as the volume of transactions does not exceed ten each 90-day period, pawn transactions taking place at that pawnshop need not be reported electronically, but shall be reported on paper forms.

Section 8. Holding period; tagging articles. Any article purchased or exchanged under a license issued pursuant to this Ordinance shall be retained by the licensee for at least three (3) months in an accessible place in the building where such

articles are purchased and received. A tag shall be attached to the article in some visible and convenient place, with a number written thereupon to correspond with the entry number in the record book required in Section 6(a).

Section 9. Hours of operation; purchases from certain persons prohibited.

No licensee shall purchase or receive, by sale, barter or exchange or otherwise, an article under a license issued pursuant to this chapter from any person between the hours of 9:00 p.m. and 7:00 a.m. of the following day or on a Sunday. Further, no licensee shall purchase or receive such an article from any person who is at the time intoxicated, from an habitual drunkard, from any person known by the pawnbroker to be a thief or an associate of thieves or a receiver of stolen property, from any person the dealer has reason to suspect of being such or from any minor under the age of 18 years.

Section 10. Thumbprints of Customers.

Whenever a licensee purchases or receives any article or valuable thing by way of pledge or pawn, except new articles, wares or merchandise purchased at wholesale from manufacturers, wholesale distributors or jobbers for retail sale to customers, or motor vehicles, old rags, wastepaper, books, magazines, tapestries, antiques and household furniture, licensee shall take, in duplicate, the legible imprint of the right thumb of the person from whom such property was received, or if that is not possible, of the left thumb or some other finger of such person. Such fingerprint shall be taken under such rules and regulations as prescribed by the Commissioner of the Michigan State Police. One copy shall be forwarded within forty-eight (48) hours, together with the record of transaction form to the Sheriff's Department. A second copy of the fingerprint shall be forwarded within

forty-eight (48) hours, together with a statement of the nature of the property received, to the State Police. The fingerprint shall be transmitted by computer or other electronic media as provided in Section 7 of this Ordinance.

Section 11. Cleanliness of premises; displaying goods outside. Any establishment operated pursuant to this Ordinance shall be kept in as neat and orderly a condition as the conduct of the business will permit. No person owning, operating or in charge of such an establishment shall allow any secondhand goods or merchandise to be displayed or stored outside of the building wherein such business is conducted.

Section 12. License revocation. If a licensee or any of his, her or its employees is found guilty of violating any of the provisions of this Ordinance, the Sheriff shall report such violation to the County Clerk, which, after notice to the licensee, shall revoke his, her or its license. The violator, upon such revocation, shall not be permitted to carry on such business in the County for a period of one year after such revocation.

Section 13. Appeals. Any person aggrieved by the action of the County Clerk in the revocation of a license as a pawnbroker may appeal to the Board of Commissioners by filing within 14 days after notice of the denial has been mailed to the applicant's address contained on the application, a written statement setting forth fully the grounds for the appeal. Upon appeal to the Board of Commissioners, the matter shall be referred to the \_\_\_\_\_ Committee for consideration. The \_\_\_\_\_ Committee shall set a time and place for a hearing on such appeal and notice of such hearing shall be given by registered or certified mail. After reviewing the appeal, the \_\_\_\_\_ Committee shall make a recommendation to the Board of

Commissioners for final decision. The decision of the Board of Commissioners on such appeal shall be final and conclusive.

Section 14. Incorporation of State Law. Act 273 and Act 231 are incorporated herein by reference as if fully set out herein. Any violation of either Act shall be considered to be a violation of this Ordinance.

Section 15. Penalty. Any person who shall violate any of the provisions of this Act, whether as owner, or as clerk, agent, servant or employee, shall be guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction, be fined not less than \$25.00 nor more than \$100.00, or by imprisonment in the County jail not less than ten (10) days nor more than three (3) months, or by both such fine and imprisonment in the discretion of the Court.

Section 16. Severability of Ordinance Provisions. If any section, subsection, sentence, clause or phrase of the within Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners of the County hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 17. Inconsistent Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 18. Publication. This Ordinance shall be in full force and effect as of the Effective Date upon notice of adoption of this Ordinance published once in a newspaper of general publication in Jackson County.

Commissioners Present: Herl, Lutchka, Brittain, Duckham, Reynolds, Videto, Mahoney, Berkemeier, Smith, Wilson, Gumbert & Shotwell

Commissioners Absent:

Ayes: Commissioners Herl, Lutchka, Brittain, Duckham, Reynolds, Videto, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Shotwell

Nays: \_\_\_\_\_

Adopted: February 21, 2006

Effective: March 30, 2006

James E. Shotwell, Jr.

Chairman, Board of Commissioners

Sandra L. Crowley

County Clerk