

ORDINANCE #17-0001

AN ORDINANCE OF THE CITY OF TRINITY, TEXAS GOVERNING THE TRANSACTIONS OF PAWNSHOPS MANAGING THE SALE PURCHASE & CONSIGNMENT OF SECONDHAND GOODS: CREATING AN OFFENSE AND PROVIDING A PENALTY.

Chapter 4 Business and Commerce

Article 4.800 Pawnshops

Sec 4.801 Definitions

Sec 4.802 Applicability

Sec 4.803 License Required

Sec 4.804 Administration

Sec 4.805 Penalty

Sec 4.801 Definitions

- (1) APPLICANT** means a person who applies for a license under this article. If the applicant is not a natural person, the term includes:

 - (a) In the case of a partnership, the names of individual members of the partnership; and**
 - (b) In the case of a corporation or other business association, the owners, directors and officers of the corporation or business association.**
- (2) AUTOMOBILE ACCESSORY** means a hubcap, wheel cover, radar detector, recorded music player, removable automobile top, or an item that is crafted or designed for use in or on an automobile as an accessory item.
- (3) BUSINESS DAY** means a day that a secondhand dealer transacts business with a member of the public, or is open to the public for the transaction of business.
- (4) CRAFTED PRECIOUS METAL** means jewelry, silverware, coins, bars, or any object crafted, in whole or in part, from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys.
- (5) JEWELRY** means a gem, a jewel, or an object made of precious metal that is worn for adornment, including, but not limited to, a gem stone removed from a mounting.

- (6) MOTORCYCLE ACCESSORY** means an item that is crafted or designed for use in or on a motorcycle as an accessory item.
- (7) POWER TOOL** means a tool powered by electrical current, a battery, solar energy, or liquid or gaseous fuel, including, but not limited to, pneumatic and welding equipment.
- (8) REGULATED MERCHANDISE** means any of the following items of used merchandise:
- (c)** an item that bears or as originally manufactured bore a manufacturer's serial number;
 - (d)** a video recording, including but not limited to a motion picture or a video game;
 - (e)** an automobile accessory;
 - (f)** a business machine;
 - (g)** a crafted precious metal;
 - (h)** an electronic device, including, but not limited to , a radio, a television, a telephone or mobile telephone, an audio or video recorder or player, a computer, a video camera, a mobile telephone with computing ability and connectivity, or a device that is used in playing a video or computer game;
 - (i)** a household appliance;
 - (j)** jewelry;
 - (k)** a motorcycle accessory;
 - (l)** a musical instrument or an accessory used with a musical instrument, including, but not limited to, sound amplification equipment;
 - (m)** optical equipment, such as binoculars, a telescope, or a microscope;
 - (n)** photographic equipment;
 - (o)** a power tool;
 - (p)** a sporting good, or;
 - (q)** a weapon.
- (9) USED MERCHANDISE** means personal property that has been previously sold or transferred to a person for his own use or the use of another.
- (10) RECORDKEEPING** required means transaction via hard copy and electronic records generated at time of sale.

Sec 4.802 APPLICABILITY.

- (A) This article does not apply to:
- (1) Sales involving the transfer of a motor vehicle title;
 - (2) a garage sale allowed by Section 4.101 (Garage Sales);
- (B) This article is cumulative of law.

Sec 4.803 LICENSE REQUIRED.

- (A) A person may not do business as a pawnshop dealer without a license.
(State sales & use tax permit)
- (1) A pawnshop dealer who conducts business at more than one location in the City must obtain a separate license for each business location.
 - (2) A pawnshop dealer that does not have a permanent business location in the City of Trinity must comply with Chapter 371(pawnshop) of the Texas Finance Code;

Sec 4.804 ADMINISTRATION.

The Chief of Police may adopt rules and forms to administer and enforce this article

Sec 4.805 PENALTY


Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$10 nor more than \$500, plus court cost. Each day that such violation continues unabated shall constitute a separate offence.

Sec 4.806 RECORDKEEPING REQUIRED

In additions to the hard copy records required by Subsection (A), a secondhand dealer shall report each record required by this article by entering the record in an electronic system prescribed by the chief of police. The report must include a statement that the secondhand dealer has had no unreported transactions since the secondhand dealer's last report. A secondhand dealer shall enter into the electronic system a record required to be created for a transaction no later than the end of the seventh business day after:

PASSED AND APPROVED on this 8 day of JUNE 2017

ATTEST:



Jo Bitner, City Administrator


Billy Joe Slaughter, Mayor