CODE ORDINANCE

By: Assemblymember Colver
Introduced: 07/18/06
Public Hearing: 08/01/06
Postponed to 09/19/06: 08/01/06
Postponed Indefinitely: 09/19/06

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 06-145

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ENACTING MSB 3.39, TITLED "REGULATION OF PAWNBROKERS."

WHEREAS, the Matanuska-Susitna Borough is among the fastest growing regions within the state of Alaska and, through hundreds of new businesses, is increasingly becoming a distinct location for commercial and retail activities necessary to support its growing population; and

WHEREAS, the adjoining Municipality of Anchorage presently regulates pawnbrokers in order to protect the public health, safety, and welfare, in the commerce of used or pawned merchandise; and

WHEREAS, the cities of Wasilla, Palmer, and Houston are considering or have already enacted local regulatory provisions within their boundaries governing pawnbrokers and their commercial activities; and

WHEREAS, the Assembly finds that regulation of pawnbrokers within the areas Matanuska-Susitna Borough will further the orderly economic development of the borough by providing a complementary regulatory environment for pawnbrokers and related commercial activities because businesses that would otherwise be unwilling or unable to meet applicable regulatory requirements of the adjoining

municipalities which regulate this business would have no incentive to locate in the borough, creating the precise adverse economic and social effects such measures are intended to avoid; and

WHEREAS, the regulation of pawnbrokers contributes to the orderly development of commerce and business by preventing the creation of markets of stolen merchandise, particularly in the Matanuska-Susitna Borough who does not presently regulate pawnbrokers and would otherwise become a safe haven for sales of merchandise stolen from neighboring cities or municipalities that do regulate pawnbrokers, and from within the borough itself.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Adoption of chapter. MSB 3.39 is hereby adopted to read as follows:

3.39.010 Pawnbrokers—Business License Required

(A) Required. Within the Matanuska-Susitna Borough no person may engage in the business of lending money on security of personal property physically taken and held, or engage in the business of purchasing articles of personal property and reselling or agreeing to resell the articles to the vendor or an assignee at a price agreed upon at or before the time of purchase, without first having obtained a pawnbroker's business license from the Matanuska-Susitna Borough. For the

purposes of this section, personal property shall not include intangible personal property. Intangible personal property is defined as personal property which has no physical existence such as claims, interest, rights and titles to personal property including but not limited to motor vehicle titles.

(B) Location of business. A pawnbroker's business license shall be issued only for a single location, to be specified on the license.

3.39.020 Pawnbrokers—Records of Articles Pawned or Purchased.

(A) Record of articles pawned or purchased. A pawnbroker shall complete a separate record, either electronically or in writing for each article pawned or purchased, which shall contain the following information:

(1) The name of the pawnbroker and the pawn number.

(2) The article pawned or purchased, including the manufacturer, serial number, caliber, model number and other identifying description.

(3) The date of the transaction.

(4) The name, address and the military serial number or driver's license number of the customer.

(a) A copy of the identification above shall be made by the pawnbroker and kept with the file.

(5) The signature of the customer from whom property was pawned or purchased.

(6) The name and address of each person to whom a pawned or purchased item is conveyed, and a description of the item.

(7) Said records shall be available for inspection by the Borough or law enforcement agencies of articles pawned or purchased.

(B) Reports. Within 24 hours of each transaction, the licensee shall make an online report of the items pawned or purchased to a website as directed by the Borough.

(1) The online report shall be according to a format acceptable and provided by the Borough or its website host.

(2) The website will be a secure website, with data only available to law enforcement agencies and the Borough.

(a) For a fee and after filling out an application, a person in search of missing property, may make a request to the Borough, or the website host for a data base search for specific items by the

manufacturer, serial number, caliber, model number and other identifying description.

C. Retention of records. The records required by this section shall be retained by the licensee for a period of not less than one year.

3.37.030 License Fee.

(A) An annual license fee of $25.00 will be due on January 1 of each year. Upon passage of this ordinance the fee for the remainder of the year shall be $12.50.

Section 3. Effective date. This ordinance shall take effect upon Assembly certification of the October 3, 2006 election results provided a majority of the voters approve the limited police powers question on the ballot at the general election to be held on October 3, 2006.

POSTPONED INDEFINITELY by the Matanuska-Susitna Borough Assembly this 19 day of September, 2006.

YES: Woods, Allen, Colberg, Kvalheim, Bettine, and Vehrs

NO: Colver