

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 380

**AN ORDINANCE AMENDING THE CODE OF THE
BOROUGH OF ST. CLAIR TO INCLUDE CHAPTER 120,
PAWNBROKERS AND SECONDHAND DEALERS, AND
REQUIRING THE RECORDING OF ALL PROPERTY
BOUGHT OR SOLD AT SAID BUSINESS
ESTABLISHMENTS.**

WHEREAS, Borough Council of St. Clair, Schuylkill County, Pennsylvania, deems it to be in the best interest of the Borough to require pawnbrokers and secondhand dealers or other related entities to keep a written record documenting certain information which will aid in criminal investigations and related matters involving the transfer, sale or possession of personal property within the Borough; and

WHEREAS, the Borough Code of the State of Pennsylvania authorizes the Borough Council to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance and health of the Borough and its citizens; and

WHEREAS, The Borough Code of the State of Pennsylvania authorizes the Borough Council to make and adopt ordinances to secure the safety of persons or property within the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough of St. Clair, Schuylkill County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

Section 120-1. Short Title.

This ordinance shall be known as the Pawnbrokers and Secondhand Dealers Ordinance under Chapter 120, of the Code of the Borough of St. Clair.

Section 120-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ANTIQUÉ DEALER or SECONDHAND DEALER – Any person who either wholly or in part engages in or operates the trade or business of buying and/or selling used goods such as antiques, precious stones, stained glass, metals, jewelry, coins, compact discs, videotapes and games, any tools, any electrical devices, fixtures, appliances, household goods, firearms and brick-a-brack. The foregoing enumeration of articles, goods, and property shall not be deemed to be exclusive or all inclusive, and includes all articles and goods that are purchased, salvaged, traded or received from any person, association, copartnership or corporation.

A. This definition shall not include:

- (1) Judicial sales or sales by executors or administrators.
- (2) Sales of unredeemed pledges.
- 3) Occasional or auction of sales of household goods sold from private homes.
- (4) Auctions of real estate.
- (5) Auctions conducted by licensed auctioneers.

PAWNBROKER – Anyone engaged in the business of accepting money on deposit or a pledge of personal property; or purchases personal property with an express or implied agreement or understanding to sell it back at a subsequent time at a stipulated price.

A. “Pledge” means any property deposited with a pawnbroker as security for a loan in the course of business as defined above.

SCRAP DEALER – Includes anyone in the business of buying or selling wood, iron, brass, lead, copper, aluminum or other metals or alloys, or other materials commonly referred to as “scrap.”

Section 120-3. Required Recording of All Property Bought and Sold.

A. All antique dealers, secondhand dealers, pawnbrokers and scrap dealers shall keep a written record legibly written in the English language documenting the following information:

(1) Full and accurate description of all articles purchased, salvaged, received, pawned or traded, including brand names, serial numbers, model numbers, inscribed initials or other identifying marks.

(2) Date and time of purchasing, receiving, salvaging or pawning of property.

(3) Amount of money paid for articles.

(4) Identification information from whom an article was purchased, received, pawned or salvaged must be recorded providing the following information: name, address, telephone number, social security number, operators license number, date of birth and race.

B. All identification information should be obtained from a type of positive identification such as a photograph driver’s license, state identification card, etc.

C. The written record containing the required information must be kept at the business location where the article was purchased, pawned, traded or received. Such documentation shall be kept for a period of not less than 24 months. The record will be available for immediate inspection to any police officer engaged in the legitimate execution of his duties.

D. A written record in the English language must be kept of all sales of articles sold in the course of business. The name, address and telephone number of the purchaser must be recorded and retained for a period of not less than one year from the date of sale. Such sales information must be available at the business location and be made available upon request to any police officer properly engaged in the performance of his duties.

Section 120-4. Police Notification Required.

All antique dealers, secondhand dealers, pawnbrokers and scrap dealers must provide either oral or written communication to the St. Clair Police Department within two business days of any unusual, odd or suspicious transaction or attempted transaction. Such communication should occur when:

- A. The item in question is a firearm.
- B. Coin, stamp or similar type collectibles are presented.
- C. Any item that appears to be new, in the original packaging that has been unopened.
- D. Large quantities of compact discs, music tapes or similar items that are commonly stolen from vehicles.

Section 120-5. Dealer Responsibility to Retain Property.

A. Dealers must not sell or dispose of in any way property received in the course of business until five business days have elapsed from the time of receipt of any articles purchased, salvaged, traded, pawned or otherwise received.

B. Dealers must retain all articles received in the course of business at the business location where the transaction occurred. All property must be kept in the original condition as it was initially received at the time of purchase, trade, pawn or salvage. All property will be kept in such original condition for a period of five business days from the time of purchase, salvage, trade or pawn. Such property will be made available for inspection to any police officer engaged in the performance of his duties.

C. The sale of articles previously received, purchased, traded or pawned and properly recorded as required by this act need not be reported to police.

Section 120-6. Violations and Penalties.

Any antique dealer, secondhand dealer, pawnbroker or scrap dealer who violates any of the provisions of this Article, if such violation is a first offense, shall be subject, upon conviction in a summary proceeding, to a fine of not less than \$100.00 nor more than \$300.00, including all costs of prosecution. A second and all subsequent violations will constitute a fine of not less than \$300.00, nor more than \$600.00 plus cost of prosecution. Each day a violation continues shall constitute a separate offense.

Section 120-7. Effective Immediately.

This Article shall become effective immediately after final enactment or adoption thereof and shall remain in full force and effect for the year 2005 and thereafter without any further reenactment.

Section 120-8. Savings Clause.

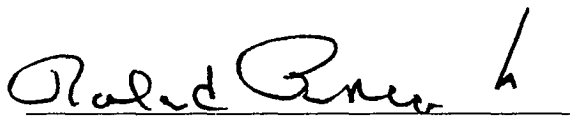
All other ordinances and resolutions or parts thereof inconsistent with the provisions of this ordinance are suspended to the extent necessary to carry out the provisions of this ordinance.

DULY ENACTED AND ORDAINED this 1st day of March,
2005, by Borough Council of St. Clair in
public session duly assembled.


ST. CLAIR BOROUGH


MICHAEL M. McCORD
Council President

ATTEST:


ROLAND PRICE, JR.
Borough Secretary

Approved by me this 2nd day of March, 2005.


RICHARD E. TOMKO
Mayor