

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER SANG
Council Bill No. 30
Ordinance No. 1447
Series of 2009

**TITLE: AN ORDINANCE CONCERNING PAWNBROKER RECORD
KEEPING AND RECORD SUBMISSION REQUIREMENTS AND
MAKING CONFORMING AMENDMENTS TO ARTICLE VII OF
CHAPTER 11 OF THE CODE OF LAWS**

WHEREAS, the City of Wheat Ridge, acting through its City Council, possesses the authority pursuant to Article XX of the Colorado Constitution, the City's Home Rule Charter, and C.R.S. § 31-15-501(1)(g) to license and regulate pawnbrokers within the City; and

WHEREAS, pursuant to this authority the Council previously adopted regulations concerning pawnbrokers, including certain record keeping and record submission requirements; and

WHEREAS, the Council finds that in the fifteen years since such regulations were originally adopted, enhanced video and the creation and maintenance of electronic files have become more readily-available and affordable to the average business owner; and

WHEREAS, the Council further finds that enhanced video is clearer than film photography and that electronic files, including picture files, occupy less space than paper files and are generally more desirable in the context of pawn broker records; and

WHEREAS, the Council therefore desires to require pawnbrokers to provide enhanced video recordings of pawnors and pawned property and to provide required records to the Wheat Ridge Police Department in electronic form or such other form approved by the Police Department.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO AS FOLLOWS:

Section 1. Subsection (h) of Section 11-183 of the Code of Laws, concerning pawnbrokers' obligations to provide certain records, is hereby amended as follows:

(h) *Provision of records to law enforcement.* Every pawnbroker shall provide the police department ~~local law enforcement agency~~, on a weekly basis, with a record ~~two (2) copies of the records, original plus one (1) copy, on a form approved by the local law enforcement agency~~ of all tangible personal property accepted during the preceding week, including ~~and copies of the customer's declaration of ownership. The forms shall be~~

~~no smaller than 6" x 4" and no larger than 6" x 9". The form~~ Such records shall be submitted in electronic form, or such other form and number as approved from time to time by the police department, and shall contain the same information required to be recorded in the pawnbroker's register pursuant to subsection (a) of this section. The pawnbroker shall obtain the right index fingerprint from the customer and affix it to a box provided for that purpose on the form. The police department ~~local law enforcement agency~~ shall designate the day of the week on which the records and declarations shall be submitted.

Section 2. Subsection (k) of Section 11-183 of the Code of Laws, concerning the videotaping of pawnbroker transactions, is hereby amended as follows:

(k) *Videotaping of transactions.* Every pawnbroker shall videotape all transactions, including those which do not result in a contract for purchase or purchase transaction. The videotape shall be in a format approved by the police department and of such quality that it visibly displays the item(s) and an identifiable frontal image of the customer. Any such videotapes shall be kept by the pawnbroker for a minimum of ninety (90) days and shall be subject to police review. If the videotape contains photographic evidence, as determined by the police department, it shall be kept by the pawnbroker for one hundred and eighty (180) days.

Section 3. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

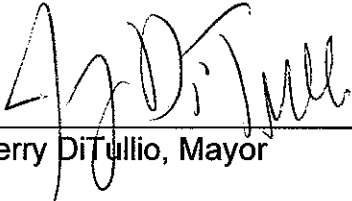
Section 4. Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 1 on the 12th day of October, 2009, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for Monday, October 26, 2009, 2010, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

10/26/2009 Continued to 12/14/2009. 12/14/2009 Continued to 1/25/2010.


READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 25th day of January, 2010.

SIGNED by the Mayor on this 25th day of January, 2010.

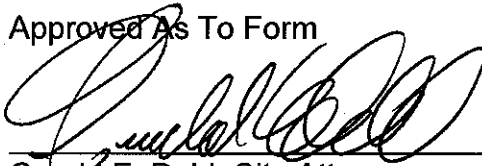


Jerry DiTullio, Mayor

ATTEST:



Michael Snow, City Clerk

Approved As To Form


Gerald E. Dahl, City Attorney

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