

ORDINANCE NO.183
PAWNBROKER, ETC

AN ORDINANCE TO REGULATE AND LICENSE PAWNBROKERS, SECOND HAND DEALERS AND JUNK DEALERS, AND PRECIOUS METAL AND GEM DEALERS.

THE VILLAGE OF DECATUR, VAN BUREN COUNTY, MICHIGAN ORDAINS:

Section 1: PAWNBROKER:

A. Definition: Pawnbroker means a person, corporation or member of a co-partnership or firm who loans money on deposit, or pledge of personal property or other valuable thing; or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

B. License: A person, corporation or firm shall not conduct business as a Pawnbroker in the Village of Decatur, Van Buren County MI, without first obtaining a License executed by the Village President of the Village of Decatur MI, which authorizes the conduct of such business.

C. Application: An applicant to become a Pawnbroker within the Village of Decatur MI shall first complete and submit an application for License to the Village Clerk of the Village of Decatur MI. A copy of said application for License can be obtained from the Village Clerk.

D. Bond and Fee: Before the issuance of a License the applicant shall give a Penal Bond to the Village of Decatur MI in the sum of \$3,000.00 conditioned upon the faithful performance of the duties and obligations pertaining to the conduct of a pawnbroker business, and for the payment of all costs and damages incurred for any violation. Said applicant shall further pay to the Village of Decatur MI an annual License fee of \$50.00.

E. Term of License, etc: License is valid for one year from date of issuance unless revoked for cause, and is not transferable.

F. Incorporation of State Law: The Pawnbroker's License is subject to provisions of the "Pawnbroker Act" which is Public Act 273 of 1917, as amended (MCL 446.201 et seq), and said provisions are fully incorporated herein by reference thereto.

Section 2: SECOND HAND DEALER OR JUNK DEALER:

A. Definition: Second Hand Dealer or Junk Dealer means a person, corporation or member of a co-partnership or firm whose principal business is that of purchasing, selling, exchanging, storing, or receiving second hand articles of any kind.

B. License: A person, corporation or firm shall not conduct business as a Second Hand Dealer or Junk Dealer in the Village of Decatur, Van Buren County MI, without first obtaining a

License executed by the Village President of the Village of Decatur MI, which authorizes the conduct of such business.

C. Application: An applicant to become a Second Hand Dealer or Junk Dealer within the Village of Decatur MI shall first complete and submit an application for License to the Village Clerk of the Village of Decatur MI, a copy of said application for License can be obtained from the Village Clerk.

D. Fee: Before the issuance of a License the applicant shall pay to the Village of Decatur MI an annual License fee of \$50.00.

E. Term of License, etc.: License is valid for one year from date of issuance unless revoked for cause, and is not transferable.

F. Incorporation of State Law: The Second Hand Dealer and Junk Dealer License is subject to provisions of the "Second Hand Dealer and Junk Dealer Act" which is Public Act 350 of 1917, as amended (MCL 445.401 et seq), and said provisions are fully incorporated herein by reference thereto

Section 3: PRECIOUS METAL AND GEM DEALER.

A. Definition: Precious Metal and Gem Dealer means a person, corporation or member of a co-partnership or firm who engages in the ordinary course of buying or receiving precious items from the public within the Village of Decatur MI. A precious item means jewelry, a precious gem, or an item containing gold, silver or platinum.

B. Certificate of Registration: A person, corporation or firm shall not conduct business as a Precious Metal and Gem Dealer in the Village of Decatur MI without first obtaining a License or Certificate of Registration from the Village of Decatur MI, which authorizes the conduct of such business.

C. Application: An applicant to become a Precious Metal and Gem Dealer within the Village of Decatur MI shall first complete and submit an application for a License or Certificate of Registration to the Village Clerk of the Village of Decatur MI. A copy of said application, which can be obtained from the Village Clerk, must contain the thumb print of the applicant and the thumb print of all agents and employees of the dealer.

D. Fee: Before the issuance of a License/Certificate of Registration the applicant shall pay to the Village of Decatur MI a fee of \$50.00.

E. Term of License/Certificate of Registration: The License or Certificate of Registration shall continue until such dealer is no longer in business within the Village of Decatur MI or upon revocation of same for cause.

F. Incorporation of State Law: The Precious Metal and Gem Dealer License/Certificate of

Registration is subject to the provisions of the “Precious Metal and Gem Dealer Act” which is Public Act 95 of 1981, as amended (MCL 445.481 et seq) and said provisions are fully incorporated herein by reference thereto.

Section 4: REVOCATION OF LICENSE/CERTIFICATE OF REGISTRATION: In the event any person, corporation or firm shall violate the State Law incorporated herein, being the Pawnbroker Act, the Second Hand Dealer and Junk Dealer Act, and the Precious Metal and Gem Dealer Act, any License or Certificate of Registration heretofore issued by the Village of Decatur MI shall be revoked and terminated.

Section 5: PENALTY: In addition to the penalties provided in the aforesaid Pawnbroker Act (MCL 446.201 et seq), the Second Hand Dealer and Junk Dealer Act (MCL 445,491 et seq), and the Precious Metal and Gem Dealer Act (MCL 445.481 et seq), any person, corporation or member of a co-partnership or firm who violates the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not less than \$100.00 nor more than \$500.00, plus Court costs and costs of prosecution, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both at the discretion of the Court. Each day that a violation occurs shall be deemed a separate offense.

Section 6: SEVERABILITY: Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 7: EFFECTIVE DATE: This Ordinance shall become effective the 25th day of January, 2010.

Adopted by the Village Council of the Village of Decatur, Michigan this 4th day of January, 2010.