

ORDINANCE NO. 97-5017

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 7-503; REQUIRING PAWNBROKERS TO USE COMPUTERIZED REGISTER ENTRIES FOR REPORTS TO THE CHIEF OF POLICE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. That the Billings, Montana City Code be amended by revising Section 7-503, to read as follow:

"Sec. 7-503. Daily Report to city.

~~(a) Except as provided in subsection (b), any person carrying on the business of pawnbroker, secondhand dealer or valuable article dealer in the city must, before the hour of 12:00 noon of each day, except days the business is closed all day, make a clear and true copy of the register entries required by section 7-502 for the preceding twenty-four (24) hours, and must deliver a copy of the same to the city; except for items purchased from estate licensed auction sales, licensed dealers and regular licensed suppliers. If no article or thing has been pawned or received, a report must be made to that effect. Immediately following the date called for by the phase-in schedule in subsection (c), every person carrying on the business of pawnbroker in the city except those pawnbrokers exempted by operation of subsection (d) shall before the hour of 5:00 p.m. every Monday of every week at a time designated for that business by the Chief of Police, transmit to the Chief of Police or his designee through a modem or similar electronic device or by delivery of a computer disk, the information Section 7-502 requires be recorded concerning all transactions in which the pawnbroker received used goods the preceding week by pawn, trade, purchase, or consignment. The information shall be transmitted or delivered on computer disk in such a format that the data are capable of direct electronic entry into the Billings Police Department's computerized system for identifying and tracing lost, stolen and sought-after property.~~

~~(b) The copy of the register entries shall be personally delivered to the city no later than twenty-four (24) hours from the time of the last entry in the register, or shall be sent to the city through the United States mail, postmarked no later than twenty-four (24)~~

hours from the time of the last entry in the register. It shall be presumed that the receipt of same by the city occurred twenty-four (24) hours from the time of mailing stamped on the postmark. The Chief of Police shall establish the format and requirements for the transmission of data and may restrict the scope of the items that are to be electronically reported. A transaction reported by electronic transmission shall be recorded on paper forms and kept at the place of business. Each pawnbroker shall pay a fee of fifty cents (\$.50) per transaction required to be electronically reported if the electronic report transmitted to the Chief of Police is erroneous, duplicative, or in an incorrect or incompatible format, or if no electronic report of the transaction is transmitted.

(c) All pawnbrokers shall begin reporting their transactions electronically to the Chief of Police as required by subsections (a) and (b) effective April 1, 1998.

The Chief of Police may for good cause shown grant a pawnbroker an extension of the otherwise applicable deadline to a date not later than April 1, 1999. An extension may only be granted: upon written application by the pawnbroker; upon a showing that the pawnbroker is making satisfactory progress toward acquiring computer programs and equipment to make the necessary transmission; and upon agreement by the pawnbroker to pay to the City a fee of fifty cents (\$.50) per transaction reported after April 1, 1998 to offset the Billings Police Department's costs in converting the data from paper format into electronic form.

(d) Pawnbrokers need not report electronically transactions taking place at a business location where the number of pawn transactions in one week is less than ten (10) calculated from each Monday through the following Sunday, (inclusive). A pawnbroker reasonably believing a location at which he or she conducts a subject business qualifies under this subsection for exemption from computerized reporting and wishing to be exempt from the requirement of subsection (a) shall sign, under penalty of perjury, a declaration to that effect in a form developed by the Chief of Police. The exempted pawnbroker must still pay to the City the sum of fifty cents (\$.50) per pawn transaction to offset the Billings Police Department's costs in converting the data from paper format into electronic form. If, in any two (2) weeks in any consecutive three (3) month period, the number of subject transactions at such a pawnshop exceeds ten (10), then the pawnbroker shall cease conducting pawn

transactions at that business location until a computerized system is in place and subject transactions are being reported electronically in compliance with subsections (a), (b), and (c) of this section.

(e) If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief of Police alters the required format, pawnbrokers shall be given at least 30 days to comply with the new format requirements.

(f) Any person violating or failing to comply with any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with Section 1-110 of the Billings Montana City Code.

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 24 day of February, 1997.

PASSED, ADOPTED and APPROVED on second reading this 24 day of March, 1997.

CITY OF BILLINGS



By Charles F. Tolley
Mayor

ATTEST:

By Marita Hessel
City Clerk