

CHAPTER 25

PAWNBROKERS AND JUNK AND SECONDHAND MERCHANDISE DEALERS

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ARTICLE I. IN GENERAL

Sec. 25.01 25 16. Reserved.

ARTICLE II. JUNK DEALERS

DIVISION 1. GENERALLY

*Cross Reference Junked, abandoned and wrecked vehicles, Sec. 32 72 et seq.

Sec. 25 17. Definitions - junk dealers.

Terms used in this article shall have the following meanings:

Junk: The term junk, shall refer to old iron, chain, brass, copper, tin, lead, or other base metals, “recyclable metals” as defined in 825 ILCS 325/2, old rope, old bags, wastepaper, paper clippings, wool scraps, rubber, rags, glass, empty bottles of different kinds and sizes when the number of each kind or size is less than one gross, and all articles and things discarded no longer a manufactured article.

Junk dealer: The term "junk dealer" shall refer to a person who engages in the business of buying, selling, bartering or exchanging junk, or who collects, receives, stores, or holds in possession for sale, barter or exchange, any junk whether dealing at wholesale or at retail or as a junk peddler and “recyclable metals” as defined in 825 ILCS 325/2

Junk peddler: The term "junk peddler" shall refer to a person who deals in junk but does not occupy any premises especially for such business. (Code 1965, Sec. 33.01)

Sec. 25 18. Markings for vehicles; wearing of badges.

Each vehicle used by any junk dealer or junk peddler shall display the name of the licensee and his license number plainly on the exterior thereof, or if a metal license plate is issued by the City Clerk, such metal plates shall be so displayed. If metal badges are issued by the City Clerk, a junk dealer or junk peddler and their employees shall wear such badge while engaged in the junk business. (Code 1965, Sec. 33.03)

Sec. 25 19. Inspections generally - junk dealers.

Every store or yard where junk is dealt in, shall be subject to inspection by the Police and Fire Departments. Inspection shall be made at reasonable hours. (Code 1965, Sec. 33.04)

Sec. 25 20. Junk Dealers dealing with minors.

No junk dealer or peddler shall within the City purchase any goods, articles or things except old rags and wastepaper, from any minor without written consent of the parent or guardian of such minor. (Code 1965, Sec.33.05)

State law reference Authority of municipality to forbid any person from purchasing or receiving articles from minors without written consent of parent or guardian, Ill. Rev. Stat. 65 ILCS 5/11-42-3.

Sec. 25 21. Inspection of lost or stolen goods by police.

Every junk dealer or peddler who shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen, or alleged to have been lost or stolen, shall upon demand to view or examine the same, forthwith produce such goods, articles or things to any member of the Police Department. (Code 1965, Sec. 33 06)

Sec. 25 22. Acting as pawnbroker or loaning money prohibited.

No junk dealer or junk peddler shall engage in pawn broking, or loan any money on the security of any article or thing. (Code 1965, Sec. 33.07)

Sec. 25 23. Destroying or selling goods after receipt restricted.

No retail junk dealer shall destroy, refashion, mutilate or resell any goods or articles within two (2) days after receiving such goods or articles. (Code 1965, Sec. 33 08)

Sec. 25 24. Records – Junk Dealer/Recyclable Metal Dealers

Every Junk Dealer shall keep a suitable book, in which shall be written in ink, at the time of receiving any junk, an accurate description of the goods, articles or things received, the amount of money paid thereon, the time at which the same is received, and the name, a valid driver’s license, or a State of Illinois photo identification and residence of the person from whom the goods, articles or things are received (Code 1965 32.10). Copies of all such identification shall

be made at the time of sale. If the person who delivers the above good does not present a valid drivers license or State of Illinois photo identification, the Junk Dealer/Recyclable Metal Dealer shall not complete the transaction.

A copy of a report of any such receipt of goods shall be delivered to the Police Station, 385 E. Oak St., Kankakee, Illinois within 24 hours of receipt by the dealer. If any of the goods, articles or items received, include any copper or manhole covers or other items that Dealer reasonably believes might be stolen, said Dealer or its employees shall immediately contact the City of Kankakee Police Department by phone and report same.

Sec. 25-25 - 29. Reserved.

DIVISION 2. LICENSE

*Cross Reference Licensess generally, Sec. 21 1 et seq.

Sec. 25 30. License required by junk dealer; issuance.

No person shall engage in business as a junk dealer or junk peddler without a license. A separate license shall be procured for a wholesale business and a retail business, and for each separate junk store or junkyard. The City Clerk shall grant a license to such persons as shall produce satisfactory evidence of good character. (Code 1965, Sec. 33.02)

Sec. 25 31. Fee for junk dealers.

The license fee for a license required by this division shall be paid in the amount described in Chapter 21 Section 21.04 of this Municipal Code. (Code 1965, Sec.33.02; Ord 04-24 Sec 9)

Sec. 25 32. Suspension or Revocation of License

Failure of any licensee hereunder to abide by the provisions of this Ordinance shall result in revocation or suspension of said license by the City Clerk of the City of Kankakee. Any such action by the Clerk is subject to the Administrative Review Act of the State of Illinois.

Sec. 25 33 42. Reserved.

ARTICLE III. PAWNBROKERS DIVISION 1. GENERALLY

State law reference Authority of municipalities to license and regulate pawnbrokers, Ill. Rev. Stat. Ch. 24, Sec. 11 42 5.

Sec. 25 43. Records - pawnbrokers.

Every pawnbroker or keeper of a loan office shall keep a suitable book, in which shall be written in ink, at the time of making each loan, an accurate description of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time for which the same is pledged, the rate of interest to be paid on such loan, and the name and residence of the person paying or pledging the goods, articles or things. (Code 1965 32.10)

Sec. 25 44. Pawn ticket reports.

Every pawnbroker or keeper of a loan office shall also, at the time of making each loan, deliver to the person pawning or pledging any goods, articles or things of value, a memorandum or note signed by him, containing the substance of the entry to be made in the book required in this division, and it shall be the duty of every such person to make out and deliver to the Chief of Police every day before the hour of 12:00 noon a legible and correct copy from the book of all

personal property and all other valuable things received on deposit or purchased during the preceding day, together with the hour received or purchased, and a true description of the person by whom left in pledge, or from whom the same was purchased. (Code 1965, Sec.32 10)

Sec. 25 45. Prohibited transactions - pawnbrokers.

A pawnbroker or keeper of a loan office shall not take or receive in pawn or pledge, for money loaned, any property, article or thing of value from any intoxicated person, nor from any person known to him to be a thief, or to have been convicted of burglary or larceny, nor from any minor. (Code 1965, Sec. 32 10)

State law reference Authority of municipality to forbid any person from purchasing or receiving articles from minors without written consent of parent or guardian, Ill. Rev. Stat. Ch. 24 Sec. 11 42 3.

Sec. 25 46 51. Reserved.

DIVISION 2. LICENSE

Sec. 25 52. License required - pawnbroker.

No person shall engage in the business of a pawnbroker or keeper of a loan office within the City without a license therefore. (Code 1965, Sec 32.10)

Sec. 25 53. Fee for pawnbroker.

The license fee for a license required by this division shall be paid in the amount described in Chapter 21 Section 21.04 of this Municipal Code. (Code 1965, Sec. 32.19; Ord 04-24, Sec 9)

- A) No more than one license pursuant to this Section shall be issued. However, any license in existence at the time of adoption of this ordinance may continue to exist and may continue to be reissued at the sites described below until said license is not renewed or until said license is revoked for any reason. In the event that any license is not renewed or is revoked, no new license shall be issued for said site or any other site unless no other license is currently in force and effect. The license currently in force and effect are the following licensees:

Daniels Pawn Shop	892 West Station St., Kankakee, Illinois
Downtown Pawn Shop	347 West Court St., Kankakee, Illinois
The Pawn Shop	195 South Washington Ave., Kankakee, Illinois

- B) No license may be transferred pursuant to this section. In the event of a sale of a business the purchaser of said business is required to apply of said license. In the event that one or more licenses are then in effect, no license shall be issued to any transferee. (Ord 04-91)

Sec. 25-54. License Fee

The license fees for a license required by this division shall be One Hundred and no/100s Dollars (\$100) per year and the application for said license shall be complete and shall provide any information required by said application.

Sec. 25-55. Violation Fine

Any person or entity who violates the provisions of this ordinance is subject to a fine not to exceed Five Hundred and no/100s dollars (\$500.00). Each day that said violation continues shall be considered a separate violation and is subject to the penalties provided herein. In addition to said penalties, said person or entity shall be subject to orders of closure and injunctive proceedings, in discretion of the City.

Sec. 25-56. Suspension or Revocation of License

Failure of any licensee hereunder to abide by the provisions of this Ordinance shall result in revocation or suspension of said license by the City Clerk of the City of Kankakee. Any such action by the Clerk is subject to the Administrative Review Act of the State of Illinois.

Sec. 25-57 - 59. Reserved.

ARTICLE IV. SECOND HAND DEALERS DIVISION 1. GENERALLY

State law reference Authority of municipalities to license and regulate pawnbrokers, Ill. Rev. State. Ch. 24, Sec. 11 42 5.

Cross Reference Licenses generally, Sec. 21 1 et seq.

Sec. 25 60. Definition - second hand dealers.

The words "secondhand dealer" as used in this article shall not include itinerant dealers in secondhand clothes, secondhand bottle dealers or exchanges, pawnbrokers or junk dealers as defined and licensed by other provisions of this Code, or sales or exchanges of used articles and materials conducted by charitable or religious organizations; but shall specifically include those persons that temporarily or permanently conduct the business of purchasing used items of gold, silver, jewelry or other precious metals in the City. (Code 1965, Sec. 32.05; Ord. No. 81 2, Sec.1, 1 5 81)

Sec. 25 61. Location of second hand dealers restrictions.

No person shall engage in the business of a secondhand dealer on any lot fronting on any public way in any block in which one half (1/2) of the buildings on both sides of the public way are used exclusively for residence purposes, or within fifty (50) feet of any such public way, without the written consent of a majority of the property owners according to frontage on both sides of such public way. Such frontage consents shall be filed with the building inspector. (Code 1965, Sec. 32.05)

Sec. 25 62. Record books for second hand dealers.

Every secondhand dealer shall keep a book in which there shall be made, at the time of the transaction, a record in English of every article received, purchased, sold, or exchanged by him, setting forth the following: The date of the transaction, the name and residence of the purchaser or seller, and a brief description of the article sold or purchased, including identification numbers thereon, if any such record shall at all reasonable times be open to the inspection of any member of the police force, or any person authorized in writing for such purpose by the Chief of Police. (Code 1965, Sec. 32.05)

Sec. 25 63. Use of non licensed premises by second hand dealers.

No secondhand dealer shall make use of any property, private or public, not included within the premises licensed under

this article, for the storage, handling or display of any secondhand article. (Code 1965, Sec. 32.05)

Sec. 25 64. Destruction of material received restricted.

No secondhand dealer shall take apart or melt any secondhand article, or remodel or rebuild the same until he shall have made a record of his intention so to do, along with the description of such article and all other data required to be recorded, in his record book nor until he shall have kept such article intact in his licensed place of business for inspection for ten (10) days. (Code 1965, Sec. 32.05)

Sec. 25 65. Maintenance of premises; failure to maintain deemed nuisance.

It is hereby declared to be a public nuisance, and it shall be unlawful, for any secondhand dealer to permit any debris, rubbish, dirt or refuse to accumulate on his premises or to permit any dense smoke, cinders, dust, gas or odor which is offensive or prejudicial to the health or dangerous to the life of any person to escape from his premises, and the board of health or any officer designated by it shall take necessary action to abate such nuisance. (Code 1965, Sec. 32.05)

Sec. 25 66. Transactions by second hand dealer with minors.

No secondhand dealer shall purchase any secondhand article from any minor without the written consent of his parent or guardian. (Code 1965, Sec. 32.05)

State law reference Authority of municipality to forbid any person from purchasing or receiving articles from minors without written consent of parent or guardian, Ill. Rev. Stat. Ch. 24, Sec. 11 42 3.

Sec. 25 67. Holding of pawnbroker's or junk dealer's license by licensee prohibited.

No person licensed as a secondhand dealer shall during the period of his license, receive or hold a license to carry on the business of a pawnbroker or keeper of a junk shop. (Code 1965, Sec. 32.05)

Sec. 25 68 74. Reserved.

DIVISION 2. LICENSE

*Cross Reference Licenses generally, Sec. 21 1 et seq. Sec. 25 74. Required.

No person shall engage in the business of a secondhand dealer without a license therefore for each separate location where such business is to be carried on. (Code 1965, Sec. 32.05)

Sec. 25 75. Investigation to obtain second hand license.

When an application for a license required by this division is made, the Chief of Police shall cause an investigation to be made to ascertain whether the applicant has complied with the state laws and the provisions of this Code applicable to such business, and whether the applicant is of good character and repute. (Code 1965, Sec. 32.05)

Sec. 25 76. Fee for a second hand license.

The annual fee for a secondhand dealer's license shall be paid in the amount described in Chapter 21 Section 21.04 of this Municipal Code. (Code 1965, Sec. 32.05; Ord 04-24, Sec 9)

Sec. 25 77. Suspension or Revocation of License

Failure of any licensee hereunder to abide by the provisions of this Ordinance shall result in revocation or suspension of said license by the City Clerk of the City of Kankakee. Any such action by the Clerk is subject to the Administrative Review Act of the State of Illinois

**ARTICLE V. CASH FOR JEWELRY DEALERS
DIVISION 1. GENERALLY**

Sec. 25 – 80. Definitions – Cash for jewelry dealers.

Terms used in this article shall have the following meanings:

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Dealer: This ordinance applies to cash for jewelry dealers, which means a person engaged in the business of buying, bartering, trading or exchanging gold, silver, platinum, coins, precious gems, semiprecious gems or jewelry from persons other than those persons regularly engaged in the business of wholesale marketing or distributing such goods, licensed auctioneers or estate sales and those who advertise in any form that they purchase any such products “for cash.” The licensing provisions of this ordinance shall not apply to retail jewelry stores whose revenues are more than ninety percent (90%) derived from the retail sale and/or servicing of jewelry.

Jewelry: Jewelry shall include any gold, silver, platinum, coins, precious and semiprecious gems and any other jewelry of any sort.

Sec. 25-81. Inspections generally – Cash for jewelry locations.

Every store or location where secondhand jewelry is dealt or purchased shall be subject to inspection by the Police and Fire Departments. Inspection shall be made at reasonable hours. Said inspection may include all merchandise and records of purchases located within the premises.

Sec. 25-82. Cash for Jewelry Dealers dealing with minors.

No cash for jewelry dealer shall, within the City of Kankakee, purchase any gold, silver, platinum, coins, precious gems, semiprecious gems or jewelry of any kind, from any minor without written consent of the parent or guardian of such minor.

Sec. 25-83. Recordkeeping; daily report; inspections.

(a) Except as provided in subsection (c) of this section, every licensee shall keep a standard record book in which shall be typewritten or printed in ink, at the time of each transaction, an accurate account and description in the English language of:

- (1) All personal property purchased, bartered, traded or exchanged;
- (2) A description of the person making the sale, barter, trade of exchange, including

the person's name, address, age, sex, approximate height and weight, or in lieu of the person's physical description, the person's current Illinois driver's license number and/or state identification number;

- (3) The person actually performing the transaction on behalf of the licensee;
- (4) The date of the transaction;
- (5) The time of the transaction;
- (6) A description of the identification provided by any person from whom said property is purchased, bartered, or exchanged, including the assigned identification number of the person, if one appears on the identification.
- (7) A digital photograph of the seller and of each item of jewelry being sold.

If the licensee keeps more than one standard record book, each such book so must contain all the information required by this subsection on all personal property purchased, traded, bartered or exchanged. The licensee shall produce all copies of said book for inspection during reasonable business hours upon the request of the Chief of Police.

(b) It shall be the duty of every licensee to make out and deliver to the Police Department on each day the licensee does business before 12:00 noon, an exact, legible report on all the previous day's transactions from the standard record book, containing the following information:

- (1) A detailed description of each item of personal property purchased, bartered, traded or exchanged, including the manufacturer, any serial number, any engraved, stamped, or embossed identification information;
- (2) Name and address of the person making the purchase, barter, trade or exchange;
- (3) Date and time of the transaction;
- (4) The bill of sale reference number if information required to be maintained, of the licensee's recorder on a bill of sale.

Such daily report shall either be a photostatic copy of the entries in the standard record book, or word processed, typewritten, or printed in ink. Said document may be provided to the Police Department in person, by facsimile transmission or by email.

(c) The licensee need not record or report information regarding the purchase of personal property to or from the following sources:

- (1) The manufacturer of said such goods or the manufacturer's agent;
- (2) Persons regularly engaged in the business of marketing or distributing such goods and positively identified as such.

Sec. 25-84. Receipt of Property; Ownership of stolen property.

(a) Personal property which is determined to have been stolen shall be returned to the owner thereof, without the order being required to pay the licensee any money or in any manner pay the licensee for the personal property or for any charges the licensee may have placed upon the personal property.

(b) No personal property purchase, bartered, traded or exchanged and held by the licensee shall be sold, altered, melted down or otherwise disposed of or permitted to be removed from the place of business of the licensee for not less than 72 hours after the delivery of the daily report listing such personal property to the Police Department as required by this ordinance;

(c) No licensee shall take personal property from any person without first requiring such person to present two forms of identification of which at least one shall contain the person's full legal name, date of birth, photograph, full physical description, address and identification number;

- (d) Every licensee shall alert the Police Department immediately, either by phone call or by silent alarm, whenever the licensee knows or the exercise of reasonable care, should have known, that the individual is attempting to sell, barter, trade or exchange personal property which does not belong to that individual and for which the individual is not the agent of the owner.

Sec. 25-85. Rules and Regulations

The Chief of Police may issue regulations, consistent with the provisions of this article, for the administration and enforcement of this article and may prescribe application forms for use in connection with requirements of this article. Such rules shall be effective for not less than fourteen days after such regulations have been received the City Clerk and mailed to each current licensee.

DIVISION 2. LICENSE

Sec. 25-86. License required by cash for jewelry; issuance.

No person shall engage in business advertising cash for gold, silver, platinum, coins, precious gems, semiprecious gems or jewelry without a license. The City Clerk shall grant a license to such persons as shall produce satisfactory evidence of good character.

Sec. 25-87. Fee for cash for jewelry dealers.

The license fee for a license required by this division shall be paid in the amount of One Thousand and No/100s Dollars (\$1,000.00) per year or portion of any year. Said license shall be issued for a period of May 1 through April 30 of the following year.

Sec. 25-88. Suspension or Revocation of License

Failure of any licensee hereunder to abide by the provisions of this Ordinance shall result in revocation or suspension of said license by the City Clerk of the City of Kankakee. Any such action by the Clerk is subject to the Administrative Review Act of the State of Illinois.

Sec. 25-89. Limitation of Number of Licenses

No more than three (3) licenses shall be issued pursuant to this Ordinance.

Sec. 25-90. Violation/ Fine

Section One: Any person or entity who violates the provisions of this ordinance is subject to a fine not to exceed One Thousand and no/100s dollars (\$1,000.00). Each day that said violation continues shall be considered a separate violation and is subject to the penalties provided herein. In addition to said penalties, said person or entity shall be subject to orders of closure and injunctive proceedings, in discretion of the City.

Section Two: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PAWNBROKERS, JUNK DEALERS AND SECOND HAND DEALERS

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