

**Anchorage Municipal Code**  
**Chapter 10.20.025      PAWNBROKER**

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**Applicant must return to Clerk's Office:**

- completed application (signature must be notarized)
- \$100.00 license fee (2 years)
- \$25,000.00 Bond (original application)
- continuation certificate (renewal)
- copy of State of Alaska business license

**10.20.25      Pawnbrokers--License.**

- A. Required. No person may engage in the business of lending money on security of personal property physically taken and held, or purchasing articles of personal property and reselling or agreeing to resell the articles to the vendor or an assignee at a price agreed upon at or before the time of purchase, without first having obtained a pawnbroker's license from the municipal clerk. For the purposes of chapter 10.20, personal property shall not include intangible personal property. Intangible personal property is defined as personal property which has no physical existence such as claims, interest, rights and titles to personal property including but not limited to motor vehicle titles.
- B. Qualifications of pawnbrokers and employees. A pawnbroker and every person employed by a pawnbroker shall:
1. Be 18 years of age or older; and
  2. Not have been convicted of a crime involving larceny, theft, receiving and concealing stolen property, dealing with illegally obtained property or involving misrepresentation or fraud within five years prior to the date of application or employment.
- C. Application. An applicant for a pawnbroker's license shall describe in his application the terms and conditions of the lending agreement used or intended for use, including the time period allowed for redemption of articles, the rate or amount of interest or other charge made for the use of money lent, and the manner in which the terms are identified for redemption.
- D. Bond. An applicant for a pawnbroker's license shall file a bond in the amount of \$25,000.00 either with his initial application or with renewal after October 1, 1996. The bond shall be conditioned on the licensee's compliance with title 10 and all applicable laws.
- E. Location of business. A pawnbroker's license shall be issued only for a single location, to be specified on the license.

(CAC 6.20.060; AO No. 95-177(S), § 1, 10-24-95)

**10.20.030      Pawnbrokers--Conduct of business.**

- A. Hours. A pawnbroker establishment may be open for the transaction of business only between the hours of 8:00 a.m. and 10:00 p.m.
- B. Connection with premises selling or dispensing alcoholic beverages. A pawnbroker may not have his business premises connected by any means of ingress with premises occupied by an establishment selling or dispensing alcoholic beverages.
- C. Record of articles pawned or purchased. A pawnbroker shall complete a separate card for each article pawned or purchased, which shall contain the following information:
1. The name of the pawnbroker and the pawn number.
  2. The article pawned or purchased, including the manufacturer, serial number, caliber, model number and other identifying description.
  3. The date of the transaction.
  4. The name, address and the military serial number or driver's license number of the customer.
  5. The physical description of the customer, including his age, height, weight, race, and color of hair and eyes.
  6. The signature of the customer from whom property was pawned or purchased and a notation by the licensee of the paper, document or license with which the pawnbroker compared the signature.
  7. The name and address of each person to whom a pawned or purchased item is conveyed, and a description of the item.

- D. Reports to police. The licensee shall make a weekly report to the chief of police summarizing all transactions. The report shall be on a form provided by the police department or any format acceptable to the police department.
- E. Retention of records. The records required by this section shall be retained by the licensee for a period of not less than one year.
- F. Duties upon notification that property has been reported stolen. Upon receipt of written notification by a police officer that the particular item of property in possession of a pawnbroker has been reported stolen, a pawnbroker:
  - 1. Is presumed to know or have reason to know, that the item is lost, mislaid, or stolen;
  - 2. May not sell, transfer, or otherwise dispose of the property except upon:
    - a. Expiration of a 60-day period within which a person claiming entitlement to the property may request return of the property and such request is denied the pawnbroker shall, within 30 days of the denial, request a hearing before the administrative hearing officer pursuant to subsection G.2 of this section and hold the property for disposal in accordance with the hearing officer's order; or
    - b. An order of the administrative hearing officer following a hearing requested under subsection G.2 of this section; and
  - 3. Must take reasonable measures to restore the property to a person entitled to have it.
- G. Reasonable measures. For the purposes of this section reasonable measures shall be either:
  - 1. Return of the item to the person entitled to have it upon request, accompanied by evidence of ownership, of that person; or
  - 2. Submission of a request for an administrative hearing before the municipal administrative hearing officer to determine who is entitled to have the property. If an item is referred for hearing under this subsection the administrative hearing officer may request copies of police reports relating to the property to assist in determination of the matter. Any such hearing shall be conducted following the procedures as outlined in chapter 3.60. The burden of proof at such a hearing shall be on the party claiming a legal interest. The hearing officer's decision shall be limited to determining whether any party has established its right to the item by a preponderance of the evidence. If no party is able to prove its right to the item by a preponderance of the evidence, the property shall be returned to the licensee. The administrative hearing officer shall send a copy of the decision to the police department. Except while the matter is pending on appeal, failure of a pawnshop to comply with the orders of the administrative hearing officer shall result in immediate revocation of the pawnbroker's license.
- H. Request for a determination. A request for a determination by the administrative hearing officer under subsection G. 2 of this section shall include an assertion by the pawnbroker that either:
  - 1. The person requesting the property is not entitled to have it;
  - 2. The pawnbroker has a superior claim to the property; or
  - 3. The pawnbroker lacks sufficient information to determine whether the person requesting the property is entitled to have it.
- I. Failure to return fee. Failure of a pawnbroker to either return the property to the person entitled to have it upon request of that person, or request an administrative hearing within 30 days of denying the request of a person for the property shall result in suspension or revocation of the pawnbroker's license.
- J. Finders fee, reward, etc. A pawnbroker is not entitled to a finder's fee or other reward or compensation from the rightful owner of stolen property found in the pawnbroker's possession unless ordered by the administrative hearing officer upon a finding that it is warranted.
- K. Failure to request return of property within time period. If no person requests return of the property within the time period provided in subsection F.2 of this section, the licensee does not have to request a hearing and may sell, transfer, or dispose of the property. For the purposes of an administrative hearing, evidence of ownership includes, but is not limited to, timely filed complaints or police reports of stolen property; local, state or national police information data bases; documents in possession of the police department; license or property identification numbers; markings on the property; appraisals, photographs, or other similar indicia of ownership.

(CAC 6.20.070; AO No. 95-177(S), § 2, 10-24-95)

**10.20.035 Pawnbrokers--Prohibited acts.**

- A. A licensee may not purchase or receive an article from a person under the age of 18 years or from a person 18 years of age or older who purchased or received the article from a person under 18 years of age for the purpose of pawning it.
- B. A licensee may not purchase or pawn an article if the customer cannot provide proof of ownership of the article or if the licensee has knowledge of facts that would create a belief in a reasonable man that the article may have been stolen, embezzled or otherwise illegally obtained.

- C. A licensee may not purchase or pawn property from a person who is or appears to be under the influence of drugs or intoxicating beverages.
- D. Property purchased by a licensee or acquired by expiration of a redemption period may not be resold, entered into stock or removed from the premises specified on the pawnbroker's license for a period of 30 days after such property has been reported to the chief of police pursuant to section 10.20.030.D.

(CAC 6.20.080)

**10.20.37 Pawnbroker-duties upon notification of property reported stolen and disposition of seized property.**

- A. Following notification from the police department that an item of property has been reported stolen, the pawnbroker or secondhand merchant, hereinafter referred to in this section as "licensee," shall hold that property safe from alteration, loss, or damage.
- B. The licensee shall place an identifying tag or other suitable identification upon the property which shall contain the officer's name, date, agency and case number.
- C. Property held shall not be disposed of or released for 60 days from the date of police notification unless pursuant to a court order, or released by the officer who placed the initial hold or by a member of the pawn detail. Such a hold does not preclude the actual physical seizure of the item at a later time in accordance with applicable law. The intent of this section is that property should not be seized unless there is a good faith intent to refer the matter for prosecution upon completion of the investigation.
- D. In cases where police have placed a verbal hold on an item they must then give written notice confirming the hold order within ten business days. If such written notice is not received within that period of time, then the hold order shall cease, however, the holding period may be extended in successive 60-day increments upon written notification prior to the expiration of the initial holding period. If the holding period has expired and has not been extended, the hold order should be considered expired and no longer in effect.
- E. The police shall not place on hold any item of personal property unless they have probable cause to believe that the item of personal property is stolen. Any hold that is placed on an item will be removed as soon as practicable after the item on hold is determined not to be stolen, or is determined to be no longer needed for evidence or for investigation of criminal activity.
- F. Willful noncompliance of a license to a hold order shall be cause for the pawnbroker's or secondhand merchant's license to either be suspended or revoked pursuant to section 10.10.035.
- G. Before disposing of seized property, unless it waives the right, the licensee from which it was seized shall be entitled to receive notice from the police pursuant to subsection H of this section when they no longer require the property for use in connection with a criminal case.
- H. The police department shall provide notice of intent to dispose of seized property which shall require claims to be submitted within 30 days by individuals whom they are aware might claim an ownership or other legal interest in the property. This includes the apparent owner, the party from whom the property was seized and any other party notifying the police that it has an interest in the property, unless that individual was convicted of theft of the property or has denied or has otherwise waived interest in the property.
- I. If more than one party submits a claim for seized property within the 30-day time period set forth in the notice or if the police department refers property to the administrative hearing officer for a determination of legal entitlement as provided for in subsection J of this section, then a hearing shall be held by the municipal administrative hearing officer to determine legal entitlement to the property. Any such hearing shall be conducted following the procedures as outlined in chapter 3.60. The burden of proof at such a hearing shall be on the party or parties claiming a legal interest. The hearing officer's decision shall be limited to determining whether any party has established its right to the item by a preponderance of the evidence. If no party is able to prove its right to the item by a preponderance of the evidence, the property shall be returned to the licensee.
- J. If only one party responds within the 30-day time period provided, the property may be either returned to that party without a hearing or, if the indicia of ownership in possession of the police department are inconsistent with the claim, the matter may be referred to the administrative hearing officer for a determination of the validity of the claim prior to return. Indicia of ownership include, among other things, timely filed complaints or police reports of stolen property; local, state or national police information data bases; documents in possession of the police department; license or property identification numbers; markings on the property; or other similar indicia of ownership. Subject to subsection K of this section, if none of the individuals so notified express their desire to have the property returned to them within the time period set forth in the notification, then the police department may dispose of the property as provided in section 7.25.030 and consistent with AS 12.36.030.

K. If the licensee waives his or her right to receive notice as in subsection G of this section, the seized property may be returned directly to the owner/victim as reflected in police department records or disposed of in accordance with chapter 7.25 upon conclusion of the police department's use of the property in the criminal investigation. If the licensee does not waive his or her right to receive notice, he or she will receive a notice of intent to dispose of the property as provided for in subsection H of this section. The licensee will have 30 days from that notification to assert a claim to the seized property by asserting his or her property interest in writing to the property section of the police department. If the licensee does not waive his or her right to receive notice and no party, including the licensee, submits a claim, the property shall be returned to the licensee after the time prescribed in AS 12.36.030.

(AO No. 95-115, § 1, 7-6-95)