

ANCHORAGE, ALASKA
AO No. 2020-4(S), As Amended

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 10.20 RELATING TO CONDUCT OF BUSINESS, RECORD KEEPING AND REPORTING REQUIREMENTS, VIDEO SURVEILLANCE AND OTHER REQUIREMENTS FOR PAWNBROKERS.

WHEREAS, according to the Anchorage Police Department (APD), burglary and theft continue to be a significant crime problem in the Municipality of Anchorage (MOA); and

WHEREAS, according to APD, in the period January 1, 2018 to December 31, 2018, there were 165 reported cases involving the theft and subsequent pawn of stolen property in the MOA; and

WHEREAS, more detailed and precise record keeping and reporting, and video surveillance requirements would be useful tools in investigating thefts and burglaries where the stolen property is subsequently pawned; and

WHEREAS, marijuana establishments licensed by the MOA are required to have video surveillance pursuant to Anchorage Municipal Code (AMC) 10.80.720 due, in part, to concerns about such establishments being attractive to criminal elements; and

WHEREAS, Pursuant to Alaska Statute 08.76.460 a municipality may have its own ordinance regulating pawnbrokers and pawnbroker transactions provided it, at a minimum, complies with the state pawnbroking law, with the exception that it cannot require the payment of a fee or tax related to a pawnbroker transaction, and it cannot restrict the hours of operation beyond what is set forth in state law; and

WHEREAS, the legislative history of the state law regarding pawnbroking – Alaska Statute 08.76.100 – 08.76.590 (effective July 1, 2011), and in particular AS 08.76.460 – Municipal Regulation, indicates that the state statute was intended to be a minimum set of laws, allowing maximum local control and permitting a municipality to have more restrictive pawnbroking ordinances if it so chose; and

WHEREAS, the current Anchorage ordinance regarding the hours of operation for a pawnbroker does not comport with the 2011 state statute and needs to be corrected; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 10.20.030 is hereby amended to read as follows (*the remainder of the section is not affected but provided for context*):

1
2 **10.20.030 - Pawnbrokers—Conduct of business.**
3

4 A. *Hours.* A pawnbroking establishment may not be open for the
5 transaction of business [ONLY] between the hours of [8:00 A.M. AND
6 10:00 P.M.] 12 midnight and 6:00 a.m.
7

8 B. *Connection with premises selling or dispensing alcoholic*
9 *beverages.* A pawnbroker may not have [HIS] the business premises
10 connected by any means of ingress with premises occupied by an
11 establishment selling or dispensing alcoholic beverages.
12

13 C. *Record of articles pawned or purchased.* A pawnbroker shall complete
14 a separate [CARD] electronic form for each article pawned or
15 purchased, which shall contain the following information:
16

17 1. The name of the pawnbroker and the pawn transaction number.
18

19 2. The article pawned or purchased, including the manufacturer,
20 serial number, caliber, model number and other identifying
21 description. If the article [attempting] to be pawned or
22 purchased is a firearm as defined in Alaska Statute
23 11.81.900(27), the pawnbroker shall provide the firearm serial
24 number to the police department and shall not proceed with any
25 transaction involving the firearm until receiving confirmation
26 from the police department that the firearm associated with the
27 serial number is not stolen.
28

29 3. The date and time of the transaction.
30

31 4. The name, current physical address, phone number [AND THE
32 MILITARY SERIAL NUMBER], [~~and valid current U.S. state,~~
33 ~~District of Columbia or territorial government, photo~~
34 ~~identification number~~] [OR DRIVER'S LICENSE NUMBER
35 OF THE CUSTOMER] and one of the following forms of
36 current valid government-issued photo identification and
37 the number thereon:
38

39 U.S. state, territorial, or District of Columbia driver license
40 or identification card;
41

42 United States passport;
43

44 United States military identification card; or
45

46 Federally recognized, tribal-issued identification card.
47

48 5. The physical description of the customer, including his age,
49 height, weight, race, and color of hair and eyes.
50

51 6. The signature of the customer from whom property was

1 pawned or purchased and a notation by the **[LICENSEE]**
 2 **pawnbroker** of the paper, document or license with which the
 3 pawnbroker compared the signature.
 4

5 7. The name and address of each person to whom a pawned or
 6 purchased item is conveyed, and a description of the item.
 7

8 8. A clear color photograph of each separate item of jewelry. A
 9 single photograph showing more than one piece of jewelry is
 10 not acceptable under this provision of the law **unless the**
 11 **jewelry being photograph consists of a set of no more than**
 12 **three items.**
 13
 14

15 D. *Reports to police.* The **[LICENSEE]** **pawnbroker** shall make a daily
 16 [WEEKLY] report to the [CHIEF OF POLICE] police department
 17 summarizing all transactions. The **[LICENSEE]** **pawnbroker**
 18 shall report each transaction no later than ~~[11:59 p.m.] 10:00 a.m., on~~
 19 the **day following the [same] date [as] the transaction was made.**
 20 The report shall be [ON] in a [FORM PROVIDED BY THE POLICE
 21 DEPARTMENT OR ANY] format acceptable to the police department.
 22

23 E. *Retention of records.* The records required by this section, with the
 24 exception of video surveillance imagery as set forth below, shall be
 25 retained by the **[LICENSEE]** **pawnbroker** for a period of not less than
 26 one year.
 27

28 F. *Duties upon notification that property has been reported stolen.* Upon
 29 receipt of verbal or written notification by a police officer or member of
 30 the pawn detail that the particular item of property in possession of a
 31 pawnbroker has been reported stolen, a pawnbroker:
 32

33 1. Is presumed to know or have reason to know, that the item is
 34 lost, mislaid, or stolen;
 35

36 2. May not sell, transfer, or otherwise dispose of the property
 37 except upon:
 38

39 a. Expiration of a 60-day period within which a person
 40 claiming entitlement to the property may request return
 41 of the property and such request is denied the
 42 pawnbroker shall, within 30 days of the denial, request
 43 a hearing before the administrative hearing officer
 44 pursuant to subsection G.2. of this section and hold the
 45 property for disposal in accordance with the hearing
 46 officer's order; or
 47

48 b. An order of the administrative hearing officer following a
 49 hearing requested under subsection G.2. of this section;
 50 and
 51

- 1 3. Must take reasonable measures to restore the property to a
2 person entitled to have it.
3
4 4. May request the investigation number, officer or police
5 employee name and badge number of the officer or police
6 employee making the verbal or written notification, which shall
7 be provided by that officer or police employee.
8

9 G. *Reasonable measures.* For the purposes of this section reasonable
10 measures shall be either:

11
12 1. Return of the item to the person entitled to have it upon request,
13 accompanied by evidence of that person's ownership or an online
14 tracking report number and a police report, OF THAT PERSON]; or
15

16 2. Submission of a request for an administrative hearing before the
17 municipal administrative hearing officer to determine who is entitled to
18 have the property. If an item is referred for hearing under this
19 subsection the administrative hearing officer may request copies of
20 police reports relating to the property to assist in determination of the
21 matter. Any such hearing shall be conducted following the procedures
22 as outlined in chapter 3.60. The burden of proof at such a hearing shall
23 be on the party claiming a legal interest. The hearing officer's decision
24 shall be limited to determining whether any party has established its
25 right to the item by a preponderance of the evidence. If no party is able
26 to prove its right to the item by a preponderance of the evidence, the
27 property shall be returned to the **[LICENSEE] pawnbroker**. The
28 administrative hearing officer shall send a copy of the decision to the
29 police department. Except while the matter is pending on appeal,
30 failure of a pawnshop to comply with the orders of the administrative
31 hearing officer shall result in immediate revocation of the pawnbroker's
32 license.
33

34 H. *Request for a determination.* A request for a determination by the
35 administrative hearing officer under subsection G.2 of this section
36 shall include an assertion by the pawnbroker that either:
37

38 1.The person requesting the property is not entitled to have it;
39

40 2.The pawnbroker has a superior claim to the property; or
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42 3.The pawnbroker lacks sufficient information to determine whether
43 the person requesting the property is entitled to have it.
44

45 I. *Failure to return fee.* Failure of a pawnbroker to either return the
46 property to the person entitled to have it upon request of that person,
47 or request an administrative hearing within 30 days of denying the
48 request of a person for the property shall result in suspension or
49 revocation of the pawnbroker's license.
50

51 J. *Finders fee, reward, etc.* A pawnbroker is not entitled to a finder's fee

1 or other reward or compensation from the rightful owner of stolen
2 property found in the pawnbroker's possession unless ordered by the
3 administrative hearing officer upon a finding that it is warranted.
4

5 K. *Failure to request return of property within time period.* If no person
6 requests return of the property within the time period provided in
7 subsection F.2 of this section, the **[LICENSEE] pawnbroker** does not
8 have to request a hearing and may sell, transfer, or dispose of the
9 property. For the purposes of an administrative hearing, evidence of
10 ownership includes, but is not limited to, timely filed complaints or
11 police reports of stolen property; local, state or national police
12 information data bases; documents in possession of the police
13 department; license or property identification numbers; markings on
14 the property; appraisals, photographs, or other similar indicia of
15 ownership.
16

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18 L. *Duties upon notification by a person making a claim that property in*
19 *the possession of the pawnbroker is stolen.* Upon notice by a person
20 that an item in the pawnbroker's possession is the person's stolen
21 property, the pawnbroker shall immediately notify a member of the
22 pawn detail of the claim and provide a full and complete description of
23 the claimant's information and any identifying information regarding
24 the item, and shall include a phone number, provided by the person
25 making the claim and a police report number ~~[if available]~~. Such
26 notification may be made by phone or e-mail.
27

28 M. *Video surveillance.*
29

30 1. A **[LICENSEE] pawnbroker** shall install a video surveillance
31 system which, at a minimum, must cover:
32

33 a. Each publicly accessible area and each entrance to a
34 publicly accessible area within the licensed premises;
35

36 b. Each entrance to the exterior of the licensed premises;
37 and
38

39 c. Each sales, transfer or exchange area.
40

41 2. At a pawnbroking establishment, any required video camera
42 must be placed in a way that produces a clear view adequate
43 to identify any individual inside the licensed premises, or within
44 20 feet of each entrance to the licensed premises. Both the
45 interior and the exterior of each entrance to the establishment
46 must be recorded by a video camera.
47

48 3. Surveillance recording equipment and video surveillance
49 records must be housed in a locked and secure area or in a
50 lock box, cabinet, closet or other secure area that is accessible
51 only to a pawnbroker **[LICENSEE]** or authorized employee.

1 and to law enforcement personnel. A pawnbroking
 2 establishment may use an offsite monitoring service and offsite
 3 storage of video surveillance records if security requirements
 4 at the offsite facility are at least as strict as onsite security
 5 requirements as described in this section.

6
 7 4. Each surveillance recording must be preserved for a minimum
 8 of 90 days, in a format that can be easily accessed for viewing.
 9 All recorded images must clearly and accurately display the
 10 time and date, and must be archived in a format that does not
 11 permit alteration of the recorded image, so that the images can
 12 readily be authenticated. After 90 days, a pawnbroking
 13 establishment may erase video recordings.

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 18 N. *Inspection availability.* A pawnbroker shall make the records required
 19 by subsections 10.20.030C 1. – ~~19~~8. available for inspection by a law
 20 enforcement officer or a member of the pawn detail, during the
 21 pawnbroker's regular hours of business or at a reasonable time if the
 22 dealer does not keep regular hours of business.

23
 24
 25 O. *Inspection by law enforcement officer for investigative purposes.*
 26 If a law enforcement officer provides the case number assigned to the
 27 investigation for which the inspection is being made, a pawnbroker
 28 may not refuse to allow the law enforcement officer to inspect during
 29 normal business hours, the pawnbroker's register, the purchased
 30 property involved in the investigation or the unredeemed pledged
 31 property involved in the investigation, and the relevant video
 32 surveillance imagery.

33
 34 (CAC 6.20.070; AO No. 95-177(S), § 2, 10-24-95)

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 36
 37 **Section 2.** Anchorage Municipal Code section 10.20.037 is hereby amended to
 38 read as follows (*the remainder of the section is not affected and therefore not set*
 39 *out*):

40
 41 **10.20.037 – Pawnbroker, ~~[/]~~secondhand store, antique store, auction**
 42 **hall, used firearm dealer, used automobile display lot, scrap metal**
 43 **dealers or crafted precious metal dealers; duties upon notification of**
 44 **property reported stolen and disposition of seized property.**

45
 46 A. Following notification from the police department that an item of
 47 property has been reported stolen, the pawnbroker, secondhand
 48 store, antique store, auction hall, used firearm dealer, used
 49 automobile display lot, scrap metal dealer or crafted precious metal
 50 dealer, hereinafter referred to in this section as "merchant", shall hold
 51 that property safe from alteration, loss, or damage.

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B. The merchant shall place an identifying tag or other suitable identification upon the property which shall contain the officer's name or the name of the member of the pawn detail, as well as the 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 a police officer or a member of the pawn detail 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.

*** *** ***

(AO No. 95-115, § 1, 7-6-95; AO No. 2000-113, § 2, 7-25-00; AO No. 2017-31(S) , § 2, 5-26-17)

State Law reference— Licensing and Regulation of Pawnbrokers, AS 08.76.100 – 08.76.590.

Section 3. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows (*the remainder of this section is not affected and therefore not set out*):

14.60.030 Fine Schedule

The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty/Fine
* * *	* * *	* * *

<u>10.20.030A.</u>	<u>Failure to keep required hours.</u>	<u>500.00</u>	
<u>10.20.030B.</u>	<u>Failure to maintain premises unconnected to an alcoholic beverage establishment.</u>	<u>500.00</u>	
<u>10.20.030C.1-9.</u> <u>10.20.030C.1-8</u>	<u>Failure to maintain required records.</u>	<u>300.00</u>	
<u>10.20.030D.</u>	<u>Failure to make daily report to the police department.</u>	<u>500.00</u> <u>50.00/day</u>	
<u>10.20.030E.</u>	<u>Failure to retain records for one year after a transaction.</u>	<u>500.00</u>	
<u>10.20.030F.- L.</u>	<u>Failure to fulfill duties and requirements upon notification property is stolen.</u>	<u>500.00</u>	
<u>10.20.030M.1.- 4.</u>	<u>Failure to have and maintain a video surveillance system as required.</u>	<u>500.00</u> <u>200.00</u>	
<u>10.20.030N.</u>	<u>Failure to make records available for inspection by a law enforcement officer or a member of the pawn detail.</u>	<u>300.00</u>	
<u>10.20.030O.</u>	<u>Failure to make records available for investigative purposes when a law enforcement officer provides an investigative case number.</u>	<u>500.00</u>	

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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11;

1 AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No.
 2 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13;
 3 AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-85, § 4,
 4 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3, 11-18-14; AO No. 2015-
 5 23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-15 ; AO No. 2015-54, § 1, 5-26-15 ; AO
 6 No. 2015-65, § 4, 6-9-15 ;AO No. 2015-111(S-1), § 2, 1-1-16 ; AO No. 2016-16(S), § 4, 2-9-
 7 16 ; AO No. 2016-76(S), § 7, 7-12-16 ; AO No. 2016-81(S), § 4, 8-25-16 ; AO No. 2016-83(S),
 8 § 9, 7-26-16 ; AO No. 2016-82 , § 3, 8-9-16; AO No. 2016-116 , § 2, 10-18-16; AO No. 2016-
 9 115(S) , § 2, 11-15-16; AO No. 2016-124(S) , § 11, 12-20-16; AO No. 2017-26 , § 2, 5-1-17;
 10 AO No.2017-29(S) , § 61, 6-1-17; AO No. 2017-30 , § 3, 3-21-17; AO No. 2017-31(S) , § 5, 5-
 11 26-17; AO No. 2017-119(S) , § 4, 11-9-17; AO No. 2017-101 , § 2, 2-5-18; AO No. 2017-
 12 161(S) , § 3, 2-27-18; AO No. 2017-16 , § 3, 2-14-17; AO No.2017-129 , § 2, 1-23-18; AO
 13 No. 2018-63(S) , § 2, 8-28-18; AO No. 2018-100(S) , § 2, 1-1-19; AO No. 2018-110 , § 2, 12-
 14 18-18; AO No. 2019-9(S) , § 2, 2-12-19; AO No. 2019-12 , § 2, 3-5-19; AO No. 2019-15(S) ,
 15 § 2, 3-19-19; AO No.2019-34 , § 5, 4-18-19; AO No. 2019-50(S) , § 2, 6-6-19; AO No. 2019-
 16 66 , § 26, 6-18-19; AO No. 2019-74(S) , § 2, 6-18-19)

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Section 4. This ordinance shall be effective 120[60] days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 25th day of February, 2020.



 Chair

ATTEST:



 Municipal Clerk

for



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY INFORMATIONAL MEMORANDUM**

No. AIM 26-2020

Meeting Date: February 25, 2020

1 **From: Assembly Members LaFrance and Rivera**

2
3 **Subject: Community engagement information: AN ORDINANCE OF THE**
4 **ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE**
5 **MUNICIPAL CODE CHAPTER 10.20 RELATING TO CONDUCT OF**
6 **BUSINESS, RECORD KEEPING AND REPORTING**
7 **REQUIREMENTS, VIDEO SURVEILLANCE AND OTHER**
8 **REQUIREMENTS FOR PANWBROKERS**
9

10 The Assembly sponsors provide the following additional information on this
11 ordinance:

- 12
- 13 • This AO was discussed at several Rules Committee meetings and Assembly
14 members were informed that work was being done on this legislation.
15
 - 16 • The Assembly Committee(s) that reviewed the AO include the following:
17 ○ Public Safety Committee Meeting held on Wednesday, February 12.
18 Several recommendations were made, which are reflected in the (S)
19 version of the ordinance. A representative from Cash America was in
20 attendance during this meeting and provided input to the committee.
21
 - 22 • Community stakeholders on various sides of the issue reviewed this AO,
23 including the following:
24 ○ Cash America sent a letter on Monday, January 27 to the Assembly
25 and was engaged in dialogue with the sponsors on suggested
26 changes in 2019
27 ○ Pawn Clerk Bethany Jenner emailed all 9 pawnbrokers within the
28 Municipality on November 19, 2019 and encouraged input. Cash
29 America, which operates 6 of the 9 licenses, was the only
30 pawnbroker to respond.
31
 - 32 • This AO was discussed at various community councils by LaFrance throughout
33 2019 a courtesy.
34
 - 35 • The Anchorage Police Department and Department of Law assisted in drafting
36 and reviewing this AO.
37
 - 38 • A Summary of Economic Effects (SEE) is required on proposed ordinances.
39 AMC 2.30.053A. For ordinances proposed by the Assembly, the
40 department affected by the ordinance shall prepare the SEE within 10
41 working days of the assembly request. AMC 2.30.053.C. A Summary of
42 Economic Effects was discussed and is not attached as it is not required
43 per AMC 2.30.053B2, which states that a summary of economic effects is

1 not needed if the information is already included in the ordinance or
2 appended materials. The economic effects on pawnbrokers is discussed in
3 the accompanying Assembly Memorandum.
4

5 Respectfully submitted: Suzanne LaFrance and Felix Rivera, Assembly
6 Members