

**CITY OF BELLMEAD  
ORDINANCE NO. 2024-01**

**AN ORDINANCE OF THE CITY OF BELLMEAD, TEXAS, IS HEREBY AMENDED BY ADDING A SECTION TO CHAPTER 10, TO BE NUMBERED ARTICLE VIII TITLED PAWNBROKERS AND OTHER SECONDHAND GOODS DEALERS; PROVIDING FOR THE ESTABLISHMENT OF GUIDELINES, REGULATIONS, INSPECTION REQUIREMENTS, AND PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City Council of the City of Bellmead, Texas (“City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Bellmead, Texas (“City”) to reduce criminal activity, promote the safety and welfare of the citizens by adopting a Pawnbrokers and Other Secondhand Goods Dealers Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLMEAD, TEXAS:**

**SECTION 1.** That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

**SECTION 2.** Chapter 10 of the Code of Ordinances of the City of Bellmead, Texas, is amended by adding Article VIII., Pawnbrokers and Other Secondhand Goods Dealers Ordinance, to read as follows:

**“ARTICLE VIII PAWNBROKERS AND OTHER SECONDHAND GOODS DEALERS”**

**Sec. 10-240. Definition(s).**

"Pawnbroker" for purposes of this article shall mean any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period.

“Junk dealer or secondhand store/dealer” shall mean any person who buys, sells, receives for storage, accepts as a pledge for money loaned or acquires in any way items defined as junk, regulated property, or regulated metals. The definition shall not include licensed pawnbrokers, state-licensed metal recycling entities, or tax-exempt non-profit organizations.

“Minor” shall mean any person under 18 years of age.

“Real-time electronic web-based database” shall mean an electronic filing system in which data is organized by fields and records and that can transmit a file or respond to input immediately via the internet.

**Sec. 10-241. Penalty.**

Unless stated otherwise, violations of this chapter shall be punished as provided in [section 1-8](#).

**Sec. 10-242. Compliance with state law and this article.**

All pawnbrokers and any person doing business as such shall comply with Vernon's Ann. Civ. St. art. 5069-51.01 et seq. and any other statute regulating pawnbrokers. Furthermore, all persons managing, owning, maintaining, or doing pawnbroking, operating a secondhand store, or operating a junk business in the city shall comply with the terms of this article.

**Sec. 10-243. Effect of noncompliance, refusal to keep records, etc.**

Any person who shall violate any of the provisions of this article or fail or refuse to keep the books and records in connection with his business as provided for herein or who shall make false entries concerning the transactions named, or who shall fail or refuse to permit an inspection and examination of such books of the property pledged with or sold to him by any police officer as provided, shall, upon conviction, be punished as provided in section 10-248

**Sec. 10-244. Records to be kept. Inspection of records and articles.**

All pawnbrokers, secondhand stores, and junk dealers shall keep books in connection with their business, wherein shall be entered an accurate description of all property pledged or sold to them, giving the name and address of the person pledging or selling same, and the place where the same occurs, and in the case of articles having identification letters or numbers, the name of the make, model, and serial number of the piece, and in all cases all property shall be as accurately and fully described as the nature of the article permits, and in such books, there shall also be entered a general description of the person by whom same is deposited or sold, and the time when the same was done, and the explanation given by the person as to the source of such article. These entries shall be made as soon after any transaction is had as possible, in no event allowing more than one hour to elapse after such transaction before the above-provided entry is made concerning the same.

These records and the articles pledged or sold shall at all reasonable times be subject to inspection and examination by the police officers or any other law enforcement officer in the city. All pawnbrokers, secondhand stores, and junk dealers shall have their goods arranged in stock to enable the goods to be inspected by law enforcement officials. It

shall be unlawful for any such dealer to refuse to admit such officer to such place of business to inspect such property.

**Sec. 10-245. Daily list of purchases to be furnished to police.**

All pawnbrokers, secondhand stores, and junk dealers shall furnish to the Chief of Police a complete list each day of every article taken in pawn or bought by such dealers, giving a full description of same, maker, marks, number, brand, monogram, or letter of any kind on such articles so pawned or bought by such dealer, together with the name and address of the person from whom such article was secured. Any such dealer refusing or failing to furnish such a list shall be deemed guilty of a violation of this section.

If the pawnbrokers, secondhand stores, and/or junk dealer utilizes a real-time electronic web-based database this will satisfy the daily list requirement of this section.

**Sec. 10-246. When acceptance of goods is prohibited.**

It shall be unlawful for any pawnbroker, secondhand store, or junk dealer to accept delivery of any secondhand or used merchandise after 6:00 p.m. or before 7:00 a.m.

It shall be unlawful for any owner, manager, or employee of any of the businesses regulated hereby to buy or receive from any minor any goods or other property unless such minor shall have in his possession the written consent of his parent or guardian, provided that this provision shall not apply to any minor who is married or who has had the disability of nonage removed.

**Sec. 10-247. Property to be held for ten days. Additional order stopping the sale, etc. of property.**

All property shall be held in an unaltered condition in the local store or warehouse for a period of at least ten days before it is sold, disposed of, and/or moved out of the city.

Any law enforcement official shall have the right, upon written order addressed to a particular pawnbroker or dealer, to stop the sale, removal, and/or redelivery of any property for a stated period or until the property is released by such officer. After receipt of such order, it shall be unlawful for a pawnbroker or dealer to sell, dispose of, remove, or redeliver such property until the property is released by the officer issuing the order.

If a police officer finds property offered for sale that has had the manufacturer's identification number or any other identifying mark removed, defaced, or altered, he may seize the property, and it may be held at the police department's property room for

30 days. At the time of seizure of property under this section, the police officer shall issue the owner a receipt for the property notifying him that the property may be redeemed in 30 days at the police department's property room unless it is otherwise required by law to be held.

**Sec. 10-248. Responsibility of owners, etc., for employees or agents.**

Any owner, manager, or operator of the business regulated in this article whose employees or agents fail to observe any of the provisions of this article shall be equally guilty with the offender and subject to the same penalties.

SECTION 3. That all provisions of the ordinance of the City of Bellmead in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Bellmead not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause phrase, or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

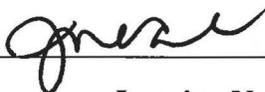
**PASSED AND APPROVED ON FIRST READING MARCH 12, 2024.**

**PASSED AND APPROVED ON SECOND READING APRIL 9, 2024.**

**PASSED AND APPROVED ON THIRD AND FINAL READING APRIL 9, 2024.**

**DULY PASSED** by the City Council of the City of Bellmead, Texas on this 9 day of April 2024

**APPROVED:**

  
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**Jasmine Neal, MAYOR**



ATTEST:

*Holly Owens*

Holly Owens, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

*Charlie Buenger*

Charlie Buenger, CITY ATTORNEY



Regular 4/09/2024

Item # 7B

CCM/O 2024-01

## CITY COUNCIL MEMORANDUM FOR ORDINANCE

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Prepared By: Louis Rendon

Approval: Yousry Zakhary

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### **Pawnbrokers and Other Secondhand Goods Dealers Ordinance**

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#### **DESCRIPTION:**

Consider an ordinance amending the code of ordinances by amending chapter 10, to add Article VIII titled Pawnbrokers and Other Secondhand Goods Dealers, providing for the establishment of guidelines, regulations, inspection requirements, and penalties for non-compliance; providing for an effective date of this ordinance.

#### **BACKGROUND:**

The City of Bellmead has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Bellmead to introduce and adopt such an ordinance to reduce criminal activity through deterrence, as well as to promote the safety and welfare of the citizens within our community.

This ordinance would deter burglaries and thefts by preventing a quick opportunity for criminals to sell the item through pawnbrokers or secondhand goods dealers by having regulations in place that are created by this ordinance. This ordinance would also assist the Bellmead Police Department by allowing officers to have access to information for items being pawned so that stolen property involved in criminal cases can be recovered when possible.

Ordinances like this one have been successful as a deterrent and in solving criminal cases for the City of Waco.

The first reading was held on March 12, 2024. The first reading passed with a vote of 4-0-0, Mayor Neal and Mayor Pro Tem Winget were absent.

#### **FISCAL IMPACT / FUNDING SOURCE:**

There is no funding impact or funding source required.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of Ordinance 2024-01; amending chapter 10, to add Article VIII titled Pawnbrokers and Other Secondhand Goods Dealers, providing for the establishment of guidelines, regulations, inspection requirements, and penalties for non-compliance; providing for an effective date of this ordinance.

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**ATTACHMENT(S):**

Ordinance 2024-01 Draft