



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

300 Sixth Street

Ryan M. A. Soye, Assistant City Attorney
City web: www.rcgov.org

Phone: 605-394-4140
Fax: 605-394-6633
e-mail: ryan.soye@rcgov.org

MEMORANDUM

TO: Mayor Kooiker & Council Members

FROM: Ryan Soye, Assistant City Attorney

DATE: Monday, August 19, 2013

RE: Ordinance No. 5938 to Amend Chapter 5.36 of the Rapid City Municipal Code to Update the Licensing Framework Applicable to Pawnbrokers and Secondhand Dealers and to Incorporate Gems and Precious Metals Under this Chapter - Recommended Ordinance Changes Following Legal & Finance Meeting

During its regularly scheduled meeting held on August 14, 2014, the Legal and Finance Committee considered the proposed Ordinance No. 5938. During Committee discussion, a motion was made to amend Section 5.36.080(A)(2) of the proposed ordinance to state photographs only need to be taken of jewelry, excluding wedding bands. This would replace the current provision requiring photographs to be taken of all items received by a licensee in purchase or pawn. If approved, suggested language to implement this amendment reads as follows:

Photographs of all jewelry, excluding wedding bands, being purchased or received, taken with a digital camera of sufficient resolution and from a reasonable distance to permit the specific characteristics and details of the item to be readily identifiable;

Following the August 14th Legal and Finance meeting, the City Attorney's Office was contact by a pawnbroker and secondhand dealer representative. This individual requested that an additional provision be included in the proposed Section 5.36.070(c). Specifically, it was requested that a licensee have the opportunity to respond, through inclusion of a responsive statement in the official



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file, to any documented violation. The purpose of this responsive statement would be to provide information the licensee believes relevant to the specific violation. This would allow a licensee the opportunity to respond to a documented violation at the time it occurs. As it is conceivable a license revocation or suspension hearing may take place, only after months or years of documented violations, a licensee may feel disadvantaged and unable to recall the specific circumstances of an incident. As the rationale for this provision is to avoid such a complication, the suggested language places a 30-day limitation on submitting any responsive statement. This will prevent statements being offered long after an incident and defeating the purpose of the provision.

It shall be the duty of the Chief of Police or his or her designee, to maintain active files on all licensed premises, documenting all violations of this chapter. Whenever documenting a violation of this chapter, a copy of the stated violation shall be provided to the licensee at the address on file. A licensee who is subject to a documented violation, shall have the opportunity to submit a responsive statement to be included in the file. Any responsive statement must be received by the Rapid City Police Department no later than 30 days following receipt of the document by the licensee.