

**CHAPTER 33
BUSINESS REGULATION**

Art. I Pawnbrokers, Pawnshops and Dealers of in Secondhand Goods, Sections 33-1-1 to 33-1-6

ARTICLE I. Pawnbrokers, Pawnshops and Dealers of in Secondhand Goods

- Sec. 33-1-1. Scope of Chapter. For the purposes of this Article, the term “Pawnbroker” shall mean any person, firm, entity, or an agent thereof, engaged in the business of lending money upon the security of articles of personal property and who retains possession of the articles until the loan is repaid. This Article shall apply to: (1) Pawnbrokers; (2) the owners and operators of any business engaged in the business of operating as a Pawnbroker; and (3) all persons engaged in the purchase of second-hand goods from the public except as may be specifically excepted herein. .
- Sec. 33-1-2. Exceptions from Application of Chapter. This Chapter shall not apply to consignment stores; thrift stores operated by non-profit organizations; or re-sale stores operated by non-profit organizations.
- Sec. 33-1-3. Electronic Record-Keeping. Each and every Pawnbroker doing business within the corporate limits of the City of Searcy, Arkansas, shall maintain an electronic inventory-tracking system capable of delivery and transmission of all information required to be kept or maintained by Arkansas law, as may be amended from time to time, through a computer to the entity designated by the Searcy Police Department.
- Sec. 33-1-4. Transmission of Electronic Records. Each Pawnbroker shall upload or otherwise transmit to the Searcy Police Department, or its designee, all information required by any Pawnbroker to be maintained by the State of Arkansas, within two (2) business days of receipt of the goods purchased or pawned by any such Pawnbroker.
- Sec. 33-1-5. Authority to Adopt Rules. The Searcy Police Department is Authorized to adopt rules to implement the provisions of this Article.
- Sec. 33-1-6. Penalty for Non-Compliance. The failure on the part of any person required to comply with the terms of this Article by any Pawnbroker, or any person acting on behalf of any such Pawnbroker shall be deemed to be a misdemeanor and shall be punished by: (1) upon

conviction, be assessed a fine of not more than twenty-five and no/100ths dollars (\$25.00) for each separate offense, and each day of non-compliance with this Article shall be deemed to be a separate offense; and (2) upon a finding of non-compliance by Searcy Police Department, the Searcy Police Department shall transmit a finding of non-compliance to the Mayor, or the designee of the Mayor, who shall then present this finding of non-compliance to the Searcy City Council which shall review this finding of non-compliance at the next regular meeting of the Searcy City Council and, upon the affirmative vote of a majority of the members of the Searcy City Council present at any such meeting, shall suspend or revoke the business license for any Pawnbroker found by the Searcy City Council to be in non-compliance for a period of not less than thirty (30) days nor more than three hundred sixty-five (365) days.*(Ord. No. 2008-25, §1 7-8-2008)*

Sec. 33-2. Adult Oriented Business.

- 33-2-1. Adoption of State Law. The provisions of Arkansas Code Annotated §§ 14-1-301 through 14-1-307, as may be amended from time to time, are adopted by the City of Searcy as though set forth word for word.
- 33-2-2. Extension of Restrictions to Certain Locations within the City of Searcy. In addition to the restrictions imposed by Section 33-2-1, the restrictions imposed by this section shall extend for a distance of 500 feet from centerline of the following streets, roads or ways within the City of Searcy, Arkansas: (i) Race Avenue; (ii) State Highway 67/167; (iii) Beebe-Capps Expressway; (iv) Main Street; and (v) North Maple Street.
- 33-2-3. Violations. It shall be unlawful the provisions of Ark. Code Ann. §§ 14-1-301 through 14-1-307 and to undertake any such actions within the areas additionally prohibited by Section 33-2-2 hereof within the corporate limits of the City of Searcy, and any violation thereof shall, in addition to being a violation of the laws of the State of Arkansas, be punished by the same penalty as provided by the State of Arkansas and the City of Searcy shall have all remedies afforded by the State of Arkansas to violations of this Section.
(Ord. No. 2009-23, §1 7-14-09)

Sec. 33-3. Regulation of Yard Sales, Garage Sales and Other, Similar Activity.

- 33-33-1. Garage Sale Defined. A Garage Sale as used in this Section 33-3 is defined to mean the sale of any personal property, which is conducted on or about the premises of a private residence, by any resident or residents of a neighborhood, one of whom must be the occupant of the premises and which sale is open to the public.

- 33-3-2. Maximum Number of Garage Sales Per Year. No person shall have more than eight (8) Garage Sales per year with no more than two (2) such sales to occur within any calendar quarter. Any garage sale shall not exceed three (3) total days in length which shall be held on any of five (5) days.
- 33-3-3. Location of Garage Sales. All Garage Sales shall be undertaken by individuals and shall be conducted from residential dwellings within the city.
- 33-3-4. Parking. Parking must be maintained in a manner that would not affect the free flow of traffic on a public street near a Garage Sale.
- 33-3-5. Sale of New Merchandise Prohibited. Merchandise for sale at a Garage Sale shall be limited to used property and not property purchased for resale owned by those persons participating in the said sale.
- 33-3-6. Signs. Signs advertising, announcing or otherwise notifying the public of the conduct of a Garage Sale must be removed within four (4) hours after the end of the Garage Sale.
- 33-3-7. Public Address System Prohibited. The use of a public address system is prohibited in the conduct of advertising of any Garage Sale.
- 33-3-8. Display of Goods for Sale. Goods for sale at any Garage Sale shall not be displayed on public property. Neither shall any goods be displayed on private property in a manner which will materially impede visibility or pedestrian or vehicular traffic on or off the premises. Goods for sale and items used in conjunction with the Garage Sale must be removed within (24) twenty four hours of the conclusion of the Garage Sale. No items will be allowed to remain in view of the public that present a cluttered or unsightly appearance.
- 33-3-9. Application to Certain Entities. The provisions of this ordinance shall not apply to churches, schools or not-for-profit organizations.
- 33-3-10. Violation of this Section is punishable by a fine of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). Each violation of this Section shall constitute a separate offense. (*Ord. No. 2009-24, §1 7-14-09*)

Sec. 33-4. Canvassers and Solicitors.

- 33-4-1. Purpose. The purpose of this Section is to regulate the activities of canvassers and solicitors and to promote the dependability and accountability of canvassers and solicitors. It is expressly the purpose of this Section to provide for and promote the health, safety and welfare of the public and not

to create or designate any particular class of persons who will or should be specially protected by its terms.

33-4-2. Definitions.

33-4-2-1. "Canvasser" or "solicitor" means a person selling goods or services; or offering to sell goods or services to be delivered in the future; or obtaining information to be used by another in the sale or offer of sale of any goods or services; or requesting donations of money, goods or services; and who pursues these activities in the following manner: (a) Traveling from door to door, street to street, or place to place; or (b). Temporarily hiring, leasing, or using any structure or lot, or portion thereof.

33-4-2-2. "Charitable organization" means an entity that solicits or collects contributions from the general public where the total contribution is used to support charitable activities.

33-4-2-3. "Nonprofit organization" means an entity registered as a nonprofit corporation under the laws of the State of Arkansas; or an entity exempt from federal income tax under Section 501(c) of the Federal Income Tax Code.

33-4-2-4. "Prior Relationship" mean a business or personal relationship that existed prior to the contact by any canvasser or solicitor at the residence of any resident in the City of Searcy.

33-4-2-5. "Principal of an organization engaged in canvassing or soliciting" means a person organizing, supervising, or managing canvassers or solicitors.

33-4-2-6. "Religious organization" means an entity duly organized and operating in good faith and entitled to receive a declaration of current tax exempt status for religious purposes from the United States government, and the duly organized branches or chapters of those organizations.

33-4-2-7. "Residence" means any structure used as a residence by one or more families for habitation and shall include, without limitation, detached single family dwellings, duplexes or other multiple family dwellings, and individual units of an apartment complex.

33-4-3. Exemptions. This Section shall not apply to:

33-4-3-1. Persons dealing only with merchants, businesses, or professional consumers.

- 33-4-3-2. Newspaper carriers, state licensed insurance and real estate agents, advertising sales persons calling on commercial enterprises, or any sale under court order.
- 33-4-3-3 Officers or members acting on behalf of nonprofit, charitable or religious, organizations, and who are unpaid for their services.
- 33-4-3-4 Candidates for elected government positions and their campaign workers.
- 33-4-3-5 Persons working for, or on behalf of, an organization campaigning for or against a referred measure to the electors of the City of Searcy or the State of Arkansas.
- 33-4-3-6 Persons under the age of 18, unless employed by another person or organization.
- 33-4-3-7 Persons with whom a prior relationship exists.
- 33-4-3-8 Any contact requested by the occupant of the residence.
- 33-4-4 Solicitations Prohibited.
- 33-4-4-1 It is unlawful for any person not subject to an exemption set forth in this Section to canvass or solicit any residence within the City of Searcy, Arkansas.
- 33-4-4-2 It is unlawful for any person to canvass or solicit any residence for any reason between the hours of 9:00 p.m., and 9:00 a.m., absent the consent or request of an occupant of the residence.
- 33-4-5 Penalty. Any person found guilty of violating the provisions of this Section shall be fined an amount not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00).

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