



PLANNING COMMISSION MEETING AGENDA

THURSDAY, MARCH 5, 2020, 7:00 P.M.

SPRING HILL CIVIC CENTER

401 N. MADISON ST.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

CITIZEN PARTICIPATION

This is an opportunity for those in attendance to address the Planning Commission regarding items not on the agenda.

Guest speakers are asked to fill out a "request to speak" card located on the back table by the door and hand it to staff, although the provision of a name, address or other identifying information is optional. Speakers are limited to five (5) minutes each; the Chair may adjust the time limit in-light of the number of anticipated speakers.

FORMAL COMMISSION ACTION

1. **Approval of Minutes:** February 6, 2020
2. **Final Plat (PLAT-000001-2020) – Woodland Ridge, VIII**
3. **Public Hearing regarding the proposed amendments to the zoning regulations designated "Spring Hill Unified Zoning Ordinance" addressing Pawn Shops, Precious Metals and Distilleries, Use in individual zoning districts.**
4. **Election of Planning Commission Chair and Vice Chair**

DISCUSSION

5. **Spring Hill Middle School Site**

REPORTS

6. The following item(s) related to Community Development were approved at the February 13, 2020 City Council meeting:

- No Items on Agenda

7. The following item(s) related to Community Development were approved at the February 27, 2020 City Council meeting:

- No Items on Agenda

8. Conditional Use Permit (CU-2016-0002) Annual Staff Review – RP Automotive; located at 102 E. Nichols St.; Staff has reviewed the site and finds it in compliance with applicable codes and conditions.

9. Conditional Use Permit (CU-2017-0002) Annual Staff Review – City of Spring Hill, Public Works Facility; located at 502 E. Nichols St.; Staff has reviewed the site and finds it in compliance with applicable codes and conditions.

10. Conditional Use Permit (CU-2017-0004) Annual Staff Review – Jim Boeh, Ad Trend, Inc. – billboard sign; located at the NE corner of 18781 S US 169 Highway.; Staff has reviewed the site and finds it in compliance with applicable codes and conditions.

11. Conditional Use Permit (CU-2017-0003) Annual Staff Review – Chris Coulson- billboard sign located at 191st St and US 169 Highway.; Staff has reviewed the site and finds it in compliance with applicable codes and conditions.

12. Conditional Use Permit (CU-2018-0001) Annual Staff Review – NIPS, LLC – Concrete batch plant; located at 19001 Chestnut St.; OUT OF BUSINESS

13. Conditional Use Permit (CU-2018-0003) Annual Staff Review – Grant Merritt – Freeway frontage pole sign; located at 22399 Harrison St.; Staff has reviewed the site and finds it in compliance with applicable codes and conditions.

14. Conditional Use Permit (CU-2017-0001) Annual Staff Review – Big C, LLC – car wash; located at 22361 Harrison St.; Staff has reviewed the site and finds it in compliance with applicable codes and conditions.

15. Conditional Use Permit (CU-2018-0004) Annual Staff Review – Bettis Asphalt & Construction; located at 18900 N. Webster St.; Staff has reviewed the site and finds it in compliance with applicable codes and conditions. – NO LONGER ONSITE

16. Conditional Use Permit (CU-2016-0001) Annual Staff Review – The Wholesome Child, LLC; located at 21901 S. Victory Rd.; Staff has reviewed the site and finds it in compliance with applicable codes and conditions. – OUT OF BUSINESS

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

Please notify Staff if you plan on attending any events/meetings. Staff needs to follow the meeting requirements and notify public if a quorum maybe present even though there would be no official business conducted.

ADJOURN

PUBLIC HEARING PROCEDURE

1. Chairperson opens the public hearing.
2. Commission members describe what, if any, ex-party contacts they might have had regarding this case; indicating the nature of the communication and *whom* it was with.
3. Commission members describe what, if any, conflicts of interest they may have and dismiss themselves from the hearing.
4. Staff presents a report and comments regarding the case.
5. Applicant or agent of the applicant makes brief presentation of the case or request.
6. Commission members ask for any needed clarification of the applicant or agent.
7. Public comments are solicited from the audience. Each member of the audience must fill out a Citizen Participation/Comment Form.
8. Commission members ask for any further clarifications from applicant or staff.
9. Public Hearing is closed.
10. Members deliberate the request.
11. 14-day Protest Period begins after the Planning Commission Public Hearing is closed. *

* **Protest Petitions:** Any protest petition must be filed in the Office of the Spring Hill City Clerk within 14 days from the conclusion of the public hearing held by the Planning Commission. Sample copies of protest petitions may be obtained from the City Clerk Office at 401 N. Madison St., Spring Hill, KS 66083 (913-592-3664).

City of Spring Hill, Kansas
Minutes of Planning Commission Regular Session
February 6, 2020

A Special Session of the Planning Commission was held at the Civic Center, 401 N. Madison St., Spring Hill, Kansas on January 6, 2020. The meeting convened at 7:01 p.m. with Chairman Stephen Sly presiding, and Amy Long, Planning Secretary recording.

Commissioners in attendance: Stephen Sly
Cindy Squire
Mary Dobson
Troy Mitchell
Josh Erhart
Janell Pollom
Roger Welsh, II

Commissioners absent: Josh Nowlin
Mike Denny

Staff in attendance: Patrick Burton, Director of Community Development
Amy Long, Planning Secretary

Public in attendance: Chad Eckert
Steve Owen
Bill Peterman
Rodolfo Arevalo

PLEDGE OF ALLEGIANCE

ROLL CALL

The Secretary called the roll of the Planning Commissioners. With a quorum present, the meeting commenced.

APPROVAL OF THE AGENDA

Motion by Ms. Squire seconded by Mr. Erhart to approve the agenda as presented.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Erhart-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye

Motion carried 7-0-0

CITIZEN PARTICIPATION

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda.

Bill Peterman asked what the policy is for attendance of the commissioners.

FORMAL COMMISSION ACTION

1. Approval of Minutes from the January 6, 2020 Regular Meeting

Motion by Ms. Squire seconded by Ms. Dobson to approve the minutes as presented.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Erhart-Abstain, Mitchell- Abstain, Pollom-Abstain, Squire-Aye

Motion carried 4-0-3

DISCUSSION

2. Request for Proposal – Comprehensive Plan
3. Explanation of Distillery

REPORTS

4. The following item(s) related to Community Development were approved at the January 9, 2020 City Council meeting:

- No Agenda Items

5. The following item(s) related to Community Development were approved at the January 23, 2020 City Council meeting:

- No Agenda Items

ANNOUNCEMENTS FROM PLANNING COMMISSIONERS AND STAFF

Mr. Sly announced that Josh Nowlin has resigned his seat.

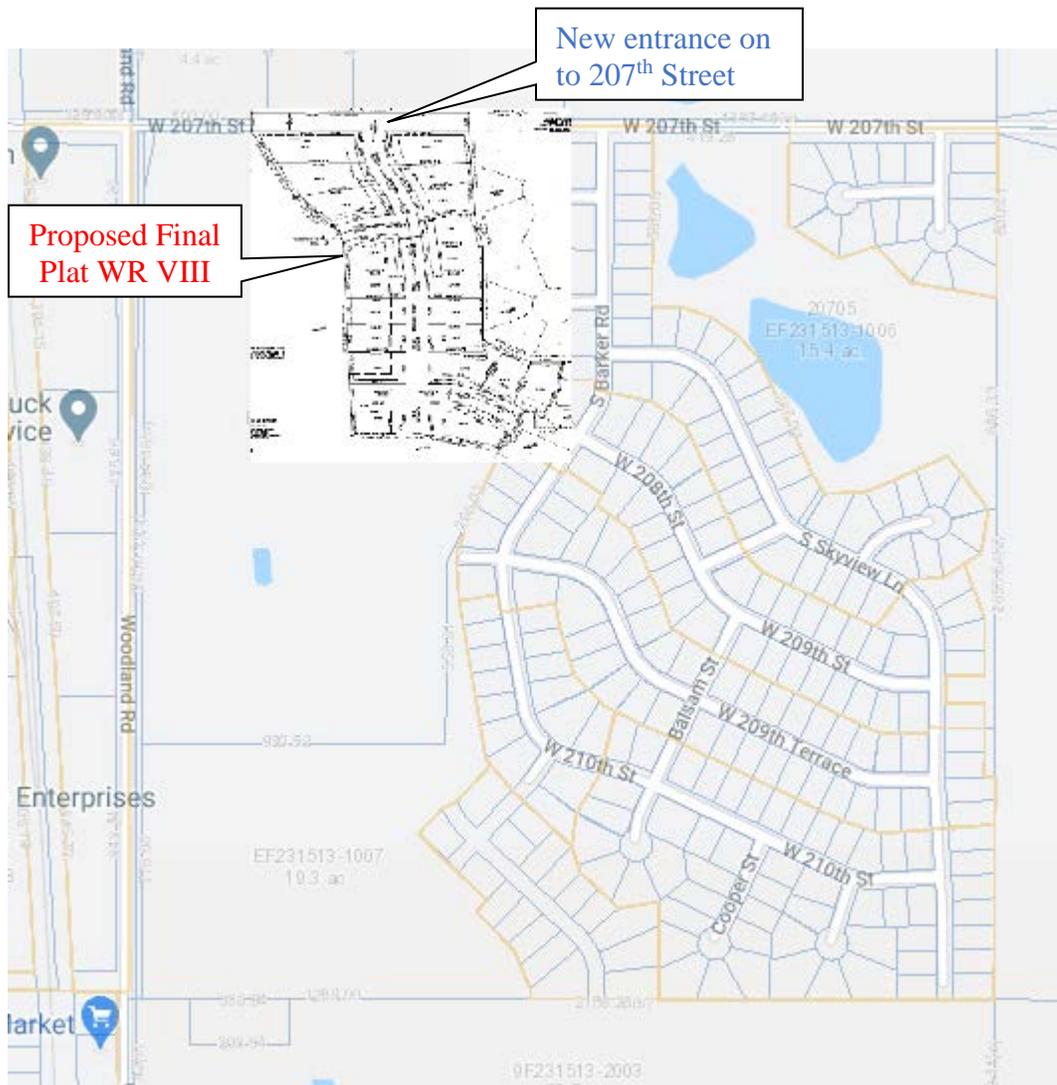
ADJOURN

Motion by Mr. Welsh seconded by Mr. Erhart to adjourn.

Roll Call Vote: Dobson- Aye, Welsh- Aye, Sly-Aye, Erhart-Aye, Mitchell- Aye, Pollom-Aye, Squire-Aye

Motion carried 4-0-3

The meeting adjourned at 8:29 P.M.



The developer complied with the Planning Commission's recommendation from the 2017 Final Plat of Woodland Ridge VII. The Planning Commission informed the developer that a second entrance into the subdivision needs to be implemented in the next phase.

BACKGROUND:

The applicant, Chris George Homes, LLC., has submitted an application for an additional phase of development in the Woodland Ridge Subdivision, located east of Woodland Road on 207th Street. The preliminary plat for this subdivision was approved in 2002, with previous final plats approved in 2002, 2003, 2004, 2006, 2015 and 2017.

The drawings (see above) of the property, identifies the location of proposed Woodland Ridge VIII, which consists of 21 single family lots. The proposed final plat is shown above in this report.

STAFF COMMENT:

1. Staff has submitted the proposed final plat to utility providers, consultants, Spring Hill Public Works and JOCO Fire District #2 for review and comment. Comments from Staff, Departments and consultants have been and will be implemented into the plat. Some consultant comments are to be applied with in the improvement plan submittal. Staff finds the proposed final plat in substantial compliance with the preliminary plat approved by the Planning Commission in 2002, as well as the Spring Hill Subdivision Regulations, and Comprehensive Plan.

Staff will submit a draft Improvement Agreement to the developer for review. Once approved by all parties, this Improvement Agreement will be forwarded to the Governing Body, along with final plat. Anticipated action by the Governing Body is March 26, 2020.

The applicant will need to submit the required plans/drawings showing the proposed construction of all streets, public use areas, storm water facilities, sanitary sewer lines and water lines. These drawings will be reviewed by the City Engineer, Public Works and applicable utility companies with some changes to the plat. Most of the changes will be easement oriented.

PLANNING COMMISSION REVIEW AND ACTION: Upon review of the final plat application the Planning Commission may by a majority vote of those members present:

- Recommend approval of the application to the Governing Body, or
- Recommend denial of the application to the Governing Body and notify the applicant of such action, or
- Table action on the application to a specific date and notify the applicant of such action

STAFF RECOMMENDATION:

Staff recommends approval of final plat application PLAT-000001-2020, Woodland Ridge VIII Final Plat with the following suggested motion:

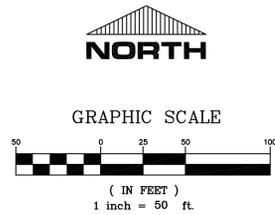
Suggested motion: *Motion to recommend approval Final Plat of Woodland Ridge VIII, application PLAT-000001-2020 as presented by staff.*

FINAL PLAT OF **WOODLAND RIDGE VIII** CITY OF SPRING HILL JOHNSON COUNTY, KANSAS

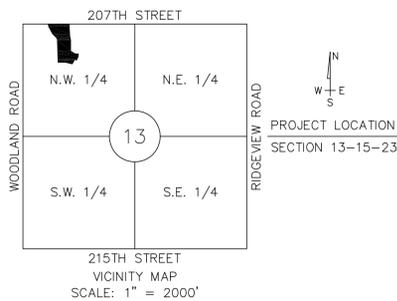
LOT	SQ. FT.
243	11,619
244	9,543
245	14,685
246	9,747
247	9,520
248	9,623
249	10,134
250	11,600
251	10,260
252	11,153
253	17,858
254	20,742
255	16,324
256	15,494
257	12,766
258	10,106
259	10,026
260	9,833
261	11,544
262	11,548
263	17,783
RW	92,781

Error of Closure:
 Perimeter: 2974.43' Area: 354688.00 Sq. Ft.
 Error Closure: 0.0279 Course: N4°24'56"E
 Error North: 0.02786 East: 0.00215
 Precision: 1:106609.68

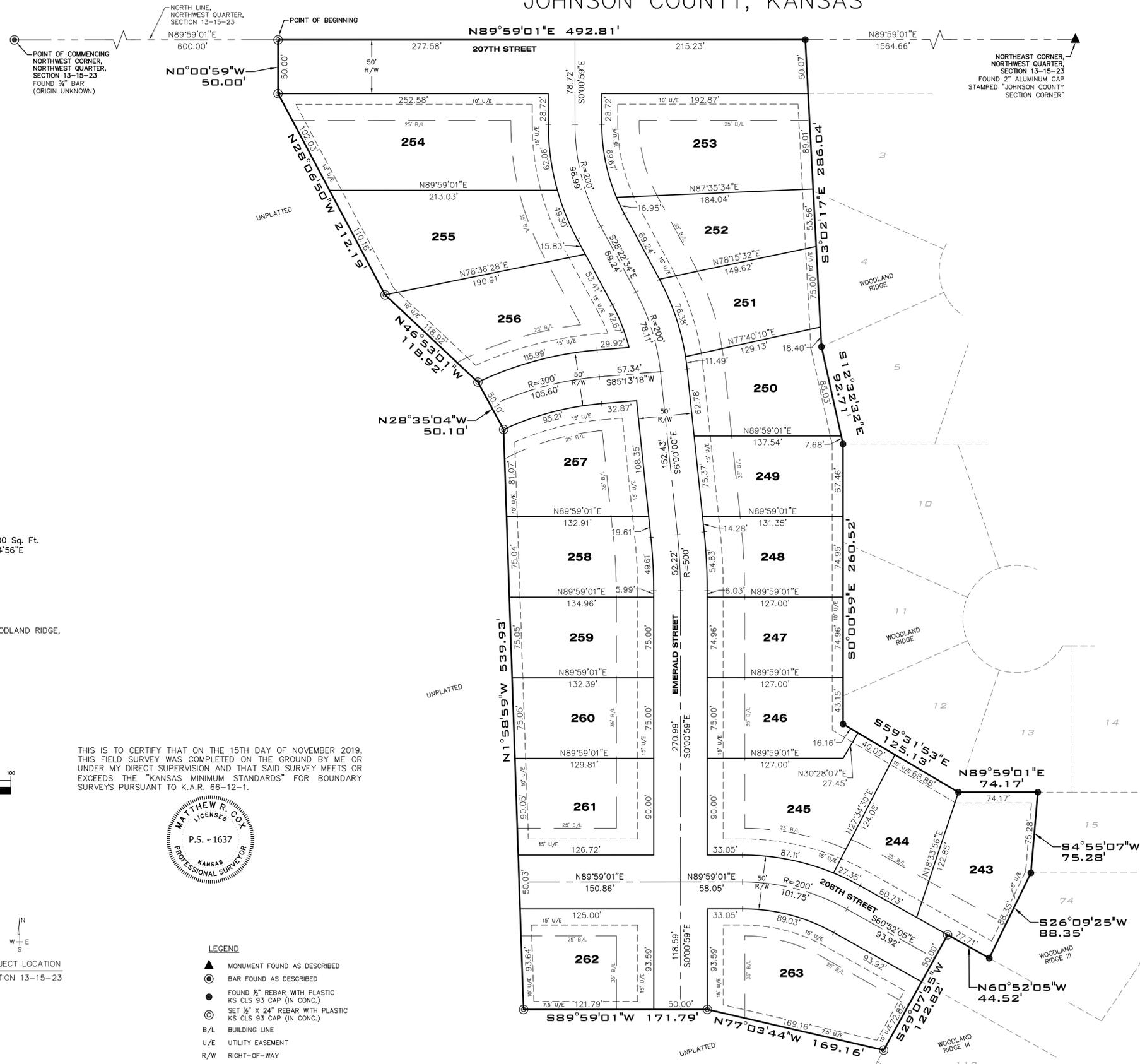
BASIS OF BEARINGS: FINAL PLAT OF WOODLAND RIDGE,
 RECORDED IN BOOK 127, PAGE 33



THIS IS TO CERTIFY THAT ON THE 15TH DAY OF NOVEMBER 2019,
 THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR
 UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR
 EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY
 SURVEYS PURSUANT TO K.A.R. 66-12-1.



- LEGEND**
- ▲ MONUMENT FOUND AS DESCRIBED
 - BAR FOUND AS DESCRIBED
 - FOUND 1/2" REBAR WITH PLASTIC KS CLS 93 CAP (IN CONC.)
 - SET 1/2" X 24" REBAR WITH PLASTIC KS CLS 93 CAP (IN CONC.)
 - B/L BUILDING LINE
 - U/E UTILITY EASEMENT
 - R/W RIGHT-OF-WAY



DESCRIPTION
 All that part of the Northwest Quarter of Section 13, Township 15, Range 23, in the City of Spring Hill, Johnson County, Kansas, described as follows:
 Commencing at the Northwest corner of the Northwest Quarter of said Section 13; thence North 89 degrees 59 minutes 01 seconds East, along the North line of the Northwest Quarter of said Section 13, a distance of 600.00 feet to the point of beginning; thence continuing North 89 degrees 59 minutes 01 seconds East, a distance of 492.81 feet to the Northwest corner of Woodland Ridge, a subdivision of land in the City of Spring Hill, Johnson County, Kansas; thence along the Westerly line of said Woodland Ridge for the following six courses; thence South 3 degrees 02 minutes 17 seconds East, a distance of 286.04 feet; thence South 12 degrees 32 minutes 32 seconds East, a distance of 92.71 feet; thence South 0 degrees 00 minutes 59 seconds East, a distance of 260.52 feet; thence South 59 degrees 31 minutes 53 seconds East, a distance of 125.13 feet; thence North 89 degrees 59 minutes 01 seconds East, a distance of 74.17 feet; thence South 4 degrees 55 minutes 07 seconds West, a distance of 74.28 feet to the Northwest corner of Lot 74, Woodland Ridge III, a subdivision of land in the City of Spring Hill, Johnson County, Kansas; thence South 26 degrees 09 minutes 25 seconds West, along the West line of said Lot 74, a distance of 88.35 feet to a point on the Northerly right-of-way line of 208th Street; thence North 60 degrees 52 minutes 05 seconds West, along the Northerly right-of-way line of said 208th Street, a distance of 44.52 feet; thence South 29 degrees 07 minutes 55 seconds West, along the Westerly line of Lot 112 of said Woodland Ridge III and its extension, a distance of 122.82 feet; thence North 77 degrees 03 minutes 44 seconds West, a distance of 169.16 feet; thence South 89 degrees 59 minutes 01 seconds West, a distance of 171.79 feet; thence North 1 degree 58 minutes 59 seconds West, a distance of 539.93 feet; thence North 28 degrees 35 minutes 04 seconds West, a distance of 50.10 feet; thence North 46 degrees 53 minutes 01 seconds West, a distance of 118.92 feet; thence North 28 degrees 06 minutes 50 seconds West, a distance of 212.19 feet; thence North 0 degrees 00 minutes 59 seconds West, a distance of 50.00 feet to the point of beginning, containing 8.14 acres, more or less.

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "WOODLAND RIDGE VIII".

DEDICATION
 The undersigned proprietors of said property shown on this plat do hereby dedicate to public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, avenues, lanes, and alleys.

An easement or license is to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over, and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Spring Hill, Kansas, with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes.

CONSENT TO LEVY
 The undersigned proprietors of the above described land hereby consent and agree that the Board of County Commissioners of Miami County, Kansas, and the City of Spring Hill, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public ways or thoroughfares.

EXECUTION
 IN TESTIMONY WHEREOF, CHRIS GEORGE HOMES, LLC, a Kansas Limited Liability Company, has caused this instrument of writing to be executed this _____ day of _____ 2020.

CHRIS GEORGE HOMES, LLC

By: _____
 Christopher J. George, Jr. - Member

ACKNOWLEDGEMENT
 STATE OF _____)
 COUNTY OF _____) SS:

BE IT REMEMBERED, that on this _____ day of _____ 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Christopher J. George, Jr., member of Chris George Homes, LLC, a Kansas limited liability company, who is personally known to be the same person who executed the foregoing instrument of writing and such person duly acknowledged the execution of the same for himself and for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Commission Expires: _____
 Notary Public

APPROVALS
 APPROVED BY, the Planning Commission of the City of Spring Hill, Kansas, this _____ day of _____ 2020.

By: _____
 Stephen Sly, Planning Commission Chair

APPROVED BY, the Governing Body of the City of Spring Hill, Kansas, this _____ day of _____ 2020.

By: _____ Attest: _____
 Steven M. Ellis, Mayor Glenda Gerrity, City Clerk

WOODLAND RIDGE VIII

CIVIL ENGINEERS
LAND SURVEYORS - LAND PLANNERS

Allanbrand-Drews & Associates, Inc.

122 N. WATER STREET
 OLATHE, KANSAS 66061
 PHONE: (913) 764-1076
 FAX: (913) 764-8635

14 W. PEORIA
 PAOLA, KANSAS 66071
 PHONE: (913) 557-1076
 FAX: (913) 557-6904

AGENDA ITEM REVIEW SHEET

TO: PLANNING COMMISSION
SUBMITTED BY: PAT BURTON, COMMUNITY DEVELOPMENT DIRECTOR
MEETING DATE: MARCH 5, 2020
DATE: MARCH 3, 2020

Agenda Item: Hold a Public Hearing on the proposed amendments to the zoning regulations addressing Pawn Shops, Precious Metals and Distilleries uses in individual zoning districts.

Issue: The addition of Pawn Shops, Precious Metals and Distillery uses to the zoning regulations.

Background: The City has never listed, addressed or regulated the above uses with in the zoning regulations and ordinances. The Planning Commission has discussed the uses in several meetings.

Analysis: The Planning Commission studied the zoning districts and concluded the M-1 (General Industrial Use District) would be the proper zoning district for Pawn Shops and Precious Metals uses.

The Distillery uses was not directly addressed with in the zoning regulations by name but has been comparatively identified with microbreweries shown as an approved use in the C-2 (General Business District).

Alternatives for the Planning Commission Actions: Upon the information presented in the Public Hearing and discussion by the Planning Commission a majority vote of those members present:

- Recommend approval of the zoning changes to the Governing Body, or
- Recommend denial of the zoning changes to the Governing Body, or
- Table the action zoning change action to a specific date to remand for further study

Legal Review: City Attorney, Frank Jenkins will review the proposed ordinance for the changes to the zoning regulations.

Funding Review or Budgetary Impact: N/A

Recommendation: Staff recommends approval of the proposed changes to the Unified Zoning Ordinance.

Suggested motion: *Motion to recommend approval of the changes to the Unified Zoning Ordinance adding regulations for Pawn Shops and Precious Metals in the M-1 (General Industrial District) and included the description of Distillery in the C-2 (General Commercial District).*

Chapter

PAWNBROKERS AND PRECIOUS METAL DEALERS

Sections:

Definitions.

License Required.

Application for License.

Investigation by Chief of Police.

Issuance of License.

Transfer of Stock by Stockholder of Corporate License--Effect.

License Requirements.

Nonuse of License.

Change in Location of Place of Business.

Examination of Books, Accounts and Records.

Suspension or Revocation of License – Notice and Hearing.

Loans Secured by Pledged Goods--Written Contract Required,

Contents--Retention, Disposition and Redemption of Pledged Articles.

**Report of Description of Property Received in Pawn or Purchased as
Secondhand Merchandise or as a Precious Metal Dealer.**

Record of Transaction.

Prohibited Acts.

Inspection and Examination by Law Enforcement Officers.

Interest and Charges on Pawnbroker Transactions--Applicability of Other

Loans--Maximum Charges--Terms of Loans.

Requirements of Precious Metal Dealers.

Effect of Refusal to Redeliver Converted or Stolen Property.

Persons From Whom Pledges May Not Be Taken or Precious Metals Purchased.

Acts of Employees.

Safekeeping of Pledges.

Employee Registration. (Repealed)

City Codes.

Penalty.

Definitions.

For the purpose of this chapter, the following words and phrases shall be defined as follows:

“Pawnbroker” means any person who loans money on deposit or pledge of personal property or other valuable thing, other than intangible personal property, or who deals in the purchase of personal property on the condition of selling the same back again at a stipulated price.

“Pawnbroker” does not include any person operating under the supervision of the State Banking Commissioner, Credit Union Administrator or the Consumer Credit Commissioner of this state.

“Person” means any individual, firm, company, partnership, corporation or association.

“Precious metal” means gold, silver or platinum group metals or any used articles or other used personal property containing such metals, but shall not include uncirculated coins purchased for their numismatic value rather than their metal content or ingots or other industrial residue or byproducts composed of such metals purchased from manufacturing firms.

“Precious metal dealer” means any person who engages in the business of purchasing precious metal for the purpose of reselling such metal in any form.

License Required.

It shall be unlawful for any person to engage or continue the business as a pawnbroker or precious metal dealer without first obtaining a license therefor from the city clerk. The business must be located in the M-1 zoning district.

Application for License.

Application for a license shall be in writing and shall state the full name and place of residence of the applicant; if the applicant is a partnership, the applicant shall contain the name and place of residence of each member thereof; or, if a corporation or association, of each officer, share-holder or member thereof; the application shall include the address of the places where the business is to be conducted, the hours and days of the week during which the applicant proposes to engage in the business of pawnbroking or dealing in precious metals at each such place, and such other

information as may be necessary to determine the applicant's qualifications for a license in accordance with the provisions of this chapter. Each applicant also shall submit with the application:

- (1) A copy of a valid registration certificate issued by the Director of Revenue pursuant to K.S.A. [79-3608](#) for each place of business for which application for a license is made; and
- (2) A detailed inventory and description of all goods, wares, merchandise, precious metals or other property held in pledge or for sale at the time of the application at each place of business stated herein, indicating whether the same was received in pledge, purchased as secondhand merchandise or precious metal purchased for resale; and
- (3) A copy of his lease in the event the applicant is not the owner of the premises on which his business is operating.

The license application shall be in a form approved by the Attorney General. Each application shall be accompanied by a fee which shall be paid annually upon renewal of the license. Such fee shall be adopted by the Governing Body of the City by resolution. All such fees received by the city clerk shall be deposited in the city general fund

Investigation by Chief of Police.

All applications for pawnbrokers' or precious metal dealers' licenses or renewals thereof shall be presented to the Governing Body at a regular meeting thereof. No application shall be acted upon until a recommendation for or against the application is received from the chief of police, provided that the Governing Body shall not be bound by the Chief's recommendation

Issuance of License.

No license or any renewal thereof shall be granted to:

- (A) Any person who is not a citizen of the United States;
 - (B) Any person who has not been an actual resident of the state of Kansas for at least two years immediately preceding the date of his application;
-

- (C) Any person who has been convicted of or has pleaded guilty to a felony under the laws of this state, or any other state, or of the United States, or shall have forfeited his bond to appear in court to answer charges for any such offense within the ten years immediately prior to such person's application for a license;
- (D) Any person who has had his license revoked for cause under the provisions of this act;
- (E) Any person who is not at least twenty-one years of age;
- (F) Any person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- (G) Any person who does not own the premises for which a license is sought, unless he has a written lease therefor at least three-fourths of the period for which the license is to be issued;
- (H) Any person whose spouse would be ineligible to receive a license hereunder for any reason other than the age, citizenship and residence requirements;
- (I) Any partnership, unless all of the partners shall be eligible to receive a license as an individual; and
- (J) A corporation, if any officer, manager, director or stockholder would be ineligible to receive a license as an individual.

Transfer of Stock by Stockholder of Corporate License--Effect.

It shall be unlawful for any shareholder of a corporate licensee to transfer any stock in said corporation to any person who would be ineligible to receive a license as an individual, and any such transfer shall be null and void; provided, that if any such stockholder of a corporate licensee shall become deceased, and his heirs or devisees to whom said stock descends by descent and distribution or by will shall be ineligible to receive a license hereunder, then the legal representatives of said deceased stockholder's estate, his heirs and devisees shall have fourteen months from the date of the death of said stockholder within which to sell said stock to a person eligible to receive a license hereunder, with such sale to be made in accordance with the provisions of the Probate Code and any amendments thereto. If said legal representatives, heirs and devisees shall fail, refuse or neglect to so convey said stock within the time hereinbefore prescribed, then said stock shall revert to and become the property of the corporation, for which the corporation shall pay to said legal

representatives, heirs or devisees the book value of such stock. If the stock in any corporation shall be subject of any trust heretofore or hereafter created, the trustee or trustees and the beneficiaries of each trustee and beneficiary of said trust who is twenty-one years of age or older must be a person who would be eligible to receive a license, or the trustee shall be and he is hereby authorized and required, within fourteen months after the effective date of the trust, to sell said stock to a person eligible to receive a license under this act, and he shall hold and disburse the proceeds thereof in accordance with the terms of the trust, or the license of the corporation shall be forfeited. During the fourteen-month periods hereinbefore mentioned, a corporation shall not be denied a license or have its license revoked if it meets all of the other requirements necessary to have a license as provided in this chapter.

License Requirements.

The document or other instrument evidencing the license of a pawnbroker or precious metal dealer shall state the address at which the business is to be conducted and shall state fully the name of the licensee. If the licensee is a partnership, the license shall state the names of the members thereof, and, if a corporation, the date and place of its incorporation, and the names of all shareholders thereof. Such license shall be kept conspicuously posted in the place of business of the licensee and shall not be transferable or assignable. Not more than one place of business shall be maintained under the same license, but more than one license may be issued to the same licensee upon compliance with all the provisions of this act governing the issuance of an initial license. Additionally, should the structure of the business change in form (e.g., partnership to corporation, etc.) then a new license will be required and it may be obtained through the application process contained from the City Clerk office.

Nonuse of License.

If a pawnbroker shall not conduct said business for a period of ninety days, the license shall be null and void.

Change in Location of Place of Business.

Whenever a licensee shall change the place of business to another location within the city, he immediately shall give written notice thereof to the city clerk who then shall issue a duplicate license which shall show, in addition to all of the information appearing on the old license, a record of the change of location and the date thereof, which new license shall be authority for the operation of such business under such license at such location. The licensee shall return the old license to the city clerk as soon as the new license has been received and the change in location has taken place. No change in the place of business of a licensee to a location outside of the city shall be permitted under the same license. Additionally, if such change of location involves the acquisition of a new lease, such lease must meet the requirements of the M-1 zoning in the City Code and a copy must be submitted to the city clerk along with the written notice provided for above.

Examination of Books, Accounts and Records.

Each licensee shall keep and use in the licensee's business such books, accounts and records as will enable the city to determine whether such licensee is complying with the provisions of this chapter. The city shall have the right to examine or cause to be examined the books, accounts, records and files used by any licensee or by any other person engaged in the business of pawnbroking or dealing in precious metals, irrespective of whether such person acts or claims to act as principal, agent or broker, or under or without authority of this chapter. The duly designated representatives of the city shall have and be given free access to all such books, accounts, papers, records, files, safes and vaults.

Suspension or Revocation of License – Notice and Hearing.

Any license issued under this act may be suspended or revoked, after due notice and public hearing, if the licensee:

- (A) Has failed to pay the annual license fee;
 - (B) Has violated any provision of this act; or
-

(C) Has been convicted of or has pleaded guilty to a felony under the laws of this state, or any other state, or of the United States, or shall have forfeited his bond to appear in court to answer charges for any such offense, if such conviction or plea occurred subsequent to or within the ten years immediately prior to the date of the licensee's application for the license. Said hearing herein provided shall be held within thirty days after notice thereof, and the alleged violation determined by written order of the city or county issuing the license within sixty days after such hearing is concluded; but no revocation or suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

**Loans Secured by Pledged Goods--Written Contract Required,
Contents--Retention, Disposition and Redemption of Pledged
Articles.**

Every loan made by a pawnbroker for which goods are received in pledge as security shall be evidenced by a written contract, in ink, a copy of which shall be furnished to the borrower. The loan contract shall set forth the loan period, which shall be one month; the date on which the load is due and payable; the charges; and it shall clearly inform the borrower of his right to redeem the pledge during the redemption period of two months after due date. Except as otherwise provided herein, the holder of any such contract shall be presumed to be the person entitled to redeem the pledge, and the pawnbroker shall deliver the pledge to the person presenting the contract, upon payment of the principal and charges. Every pawnbroker shall retain in his possession, after the date on which the loan became due and payable, every article pledged to him for a redemption period of two months. During such period, the borrower may redeem the pledged articles, upon payment of the principal and charges. It shall be unlawful for any pawnbroker to sell or transfer title or possession of any pledged property until the expiration of such period of redemption. If any pledged article is not redeemed within such redemption period, the pawnbroker shall become vested with all right, title and interest of the pledgor, or his assigns, to such pledged article, to hold and dispose of as his own property. Any other provision of law relating to the foreclosure and sale of pledges shall not be applicable to any pledge, the title to which is transferred in accordance with this section.

**Report of Description of Property Received in Pawn or
Purchased as Secondhand Merchandise or as a Precious Metal
Dealer.**

(A) On or before Tuesday of each week, every pawnbroker or precious metal dealer shall report the description of all property received in pledge or purchased as a pawnbroker or precious metal dealer during the preceding calendar week, in whatever quantity received. Such report shall include all property purchased as secondhand merchandise at wholesale, secondhand merchandise taken in for sale or possessed on consignment for sale, and secondhand merchandise taken in trade. No such report need be made concerning property or merchandise acquired from another pawnbroker or precious metal dealer licensed in this state in a transaction involving the purchase or other acquisition from the other pawnbroker or precious metal dealer of the other pawnbroker's or dealer's stock in trade, or a substantial part thereof in bulk, where the other pawnbroker has made the reports required by this section with respect to such property or merchandise.

(B) A transaction required to be reported under this section shall be submitted to the chief of police.

(C) All reports made pursuant to this section shall comply with and be submitted in a format approved by the chief of police. Reports shall be submitted in a computer software format that meets the hardware and software specifications of the Spring Hill Police Department. If the pawnbroker or precious metal dealer is unable to submit reports, chooses not to submit their reports through the approved computer software, or in a way that does not meet the Police Department specifications, then the reports will be entered and/or modified by the Department and a fee shall be charged to the pawnbroker or precious metal dealer.

(D) Every precious metal dealer shall retain in the dealer's possession for a period of fifteen days all precious metal purchased as a precious metal dealer, and such metal shall remain in the condition in which it was purchased. The fifteen-day period shall commence on the date that the police chief receives the report of its acquisition in compliance with this section. If the police chief has probable cause to believe that any precious metal reported by a dealer has been stolen, the police chief may give written notice to the dealer to retain such metal for an additional period of fifteen days. Upon such notice, the dealer shall retain such metal in an unaltered condition for the additional fifteen-day period unless the police chief notifies the dealer in writing that the waiting period is terminated at an earlier time.

(E) Reports made pursuant to this section shall be available for inspection only by law enforcement officers and county and district attorneys and their employees, for law enforcement purposes.

Prohibited Acts.

(A) It shall be unlawful for any pawnbroker to receive in pledge, or as security for any loan, transfer, service, undertaking or advantage, anything of value from any person under the age of eighteen years.

(B) It shall be unlawful for any precious metal dealer to purchase any precious metal from any person under the age of eighteen years.

Inspection and Examination by Law Enforcement Officers.

Every pawnbroker or precious metal dealer, and every person employed by a pawnbroker or precious metal dealer in the conduct of the pawnbroker's or dealer's business, shall admit to any and every part of the premises designated in the license, at any time, any law enforcement officer of the city, to examine any goods, articles, things, pledges, pawns, books or other records on the premises; and to search for and to take into possession any article known or believed by such officer to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this section, and property so seized shall be receipted for by such officer who shall adequately describe the seized property and sign the receipt.

Interest and Charges on Pawnbroker

Transactions--Applicability of Other Loans--Maximum

Charges--Terms of Loans.

(A) No pawnbroker shall contract for, charge, or receive directly or indirectly on or in connection with any pawnbroker transaction any charges, whether for interest, storage, insurance, service fee, handling, compensation, consideration or expense which in the aggregate are greater than the charges provided and authorized by this act. Any other provisions of law relating to interest, storage and such charges shall not be applicable to any pawnbroker transaction made in accordance with this act.

(B) Whenever any loan is made by a pawnbroker for which goods are received in pledge:

(1) A charge may be added in an amount not to exceed ten percent (10%) per month or one hundred twenty percent (120%) per annum of the amount advanced to the borrower; and

(2) The amount of the loan shall not exceed Five Thousand Dollars (\$5,000.00).

(C) The term of any loan made under the provisions of this act shall be one (1) month. Loans may be extended or renewed by the payment of the charges herein provided monthly. The charges authorized herein shall be deemed to be earned at the time the loan is made and shall not be subject to refund. On loans under this act, no insurance charges or any other charges of any nature whatsoever shall be permitted.

Requirements of Precious Metal Dealers.

A precious metal dealer shall require of every person from whom the dealer purchases precious metal for resale:

(1) Proof of identification; and

(2) A signed statement saying that the seller is the legal owner of the precious metal or is an agent of the legal owner who is authorized to sell such metal and stating when, where and in what manner such metal was acquired by the seller.

Effect of Refusal to Redeliver Converted or Stolen Property.

When converted or stolen property has been pawned or sold to a precious metal dealer and the pawnbroker or dealer refuses to redeliver such property to the rightful owner upon demand and presentation of a bill of sale or other proper evidence of ownership by the owner, and legal action by the rightful owner to recover the property becomes necessary, the court may assess the pawnbroker or dealer for reasonable attorneys' fees incurred by the rightful owner, if the court finds that the pawnbroker or dealer wrongfully withheld the converted or stolen property.

Persons From Whom Pledges May Not Be Taken or Precious Metals Purchased.

(A) It shall be unlawful for any pawnbroker, his servant or employee to receive any goods, articles or things in pledge from a person knowingly intoxicated, under the influence of drugs or mentally incapacitated.

(B) It shall be unlawful for any precious metal dealer to purchase precious metal from any person who is knowingly intoxicated, under the influence of drugs or mentally incapacitated.

Acts of Employees.

The holder of a pawnbroker's or precious metal dealer's license shall be responsible for any and all acts of his employees, and for any violation by them of the provisions of this chapter.

Safekeeping of Pledges.

Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire.

Employee Registration.

All employee's information must be kept in a registration section with the companies Human Resource Department and supplied to the Police Department for review.

City Codes.

No pawnbroker's or precious metal dealer's license shall be issued if the place of business does not comply with the provisions of the city's zoning in the M-1 district, building or fire codes.

Penalty.

Any person violating any provision of this chapter, upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or shall be imprisoned for a period not to exceed sixty days, or shall be both fined and imprisoned. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
