

Christian County Commission

April 10, 2008

Convene

Presiding Commissioner John Grubaugh called the meeting of the County Commission to order at 8:30 a.m. on April 10, 2008 at the County Commission Office. Attendance: John Grubaugh, Present: Bill Barnett, Present: Tom Huff, Present.

8:30 a.m. Frank Mease RE: Minutes

Those present for the meeting Mr. Frank Mease, Lori Biery, Commission Secretary, Andy Arndt, Chris Cluck of the Christian County Headliner, and Donna Baxter from the Springfield Newsleader.

The Commission met with Mr. Frank Mease to discuss the way the County Commission conducts the business according to what he has read in the newspaper. The meeting adjourned at 8:45 a.m.

Ordinance - 04-10-08-01 -

Reno Springs Road -- 9:00 a.m. The Commission approved and signed the Right-of-Way Warranty Deed for Reno Springs Road to transfer to Common 2 Road District. The Grantors are Mark Edward Burden and Theresa I. Burden.

Motion/Vote - 9:30 a.m. Pawnbroker License Ordinance

Eastern Commissioner Tom Huff made a motion to approve the pawnbroker license ordinance. Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Yes).

Ordinance - 04-10-08-02 -

Pawn Broker's License ORDER OF THE CHRISTIAN COUNTY COMMISSION OZARK, MISSOURI

DATE ISSUED: April 10, 2008

SUBJECT: Adoption of Christian County Pawnbroker's Licensure and Regulations for all Pawnbrokers who are not lawfully operating a Pawn Shop on August 28, 1990.

WHEREAS, the Christian County Commission recognizes the need for licensing and regulating the operation of pawn shops as defined in Section 367.011 (4), RSMo in the unincorporated sections of Christian County, and the need for licensure of pawnbrokers as defined in Section 367.011(3) RSMo, in order to protect the citizens of Christian County;

and

WHEREAS, pursuant to Section 367.011 through 367.060, RSMo, and in particular, Section 367.043.1, RSMo, as last amended May 20, 1994, the governing body of Christian is authorized to enact regulations providing for the licensure and operational requirements of a pawnbroker's business in Christian County; and

WHEREAS, the provisions of the pawnbroker regulations shall be administered by the Christian County Collector.

NOW, THEREFORE, on this 10th day of April, 2008, at a duly called meeting of the Christian County Commission, after public notice, and in open session, upon motion made by Commissioner Tom Huff, seconded by Commissioner, Bill Barnett and concurred with by Presiding Commissioner Grubaugh, the Christian County Commission did vote unanimously to adopt an Order establishing the requirements of a pawnbroker's license for all pawnbrokers who were not lawfully operating a pawn shop in Christian County on August 28, 1990, for the purpose of regulating the operation of pawn shops in the unincorporated areas of Christian County and in any incorporated sections of Christian County where a city does not otherwise have its own pawnbroker's licensure regulations.

IT IS HEREBY ORDERED that the following regulations, to be known as the Christian County Pawnbroker's Regulations, are hereby adopted and enacted as follows:

SECTION 1: LICENSES REQUIRED

No person(s) shall engage or continue in a business as a pawnbroker as defined in Section 367.011(3), RSMo, or operate a pawnshop as defined in Section 367.011(4), RSMo, in the unincorporated sections of Christian County or any other incorporated area of Christian County which does not otherwise require a pawnshop license, unless such person(s) obtains a pawnshop license issued by the County Collector. A license is required for each place where a pawn broking business is transacted and no one shall act as an agent, employee or solicitor for any pawnbroker while such pawnbroker is engaged in such business at a place other than that specified in the license.

SECTION 2: APPLICATION FOR NEW PAWNSHOP LICENSE

An application for a new pawnshop license shall be under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted and other relevant information required by the County Collector. If the applicant is a partnership, the application shall state the full name and address of each partner and whether such partner is a general partner or a limited partner. If the applicant is a corporation, the application shall give the full name and address of each officer, shareholder and director. Further, a "Certificate of Good Standing" shall be filed with the County Collector. The application shall be accompanied by:

1. An investigation fee of Five Hundred and No/100 Dollars (\$ 500.00) if the applicant is unlicensed at the time applying for the pawnshop or Two Hundred Fifty and No/100 Dollars (\$250.00) if the application involves a second (2nd) or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location; and
2. Proof of a general liability insurance policy in the amount of Fifty Thousand and No/100 Dollars (\$ 50,000.00); and
3. An annual fee of Five Hundred and No/100 Dollars (\$ 500.00).

SECTION 3: TRANSFER OF EXISTING PAWNSHOP LICENSE -- CHANGE OF OWNERSHIP OF LICENSED PAWNSHOP

Transfer of an existing pawnshop license or the change of ownership of a licensed pawnshop is the same as an initial application of a new pawnshop license. Licenses are personal to the licensee.

SECTION 4: CHANGE OF BUSINESS LOCATION

Whenever a pawnshop licensee shall change his place of business to another location within the County, he shall immediately give notice thereof to the County Collector, who shall then issue a duplicate license which shall show in addition to all the information appearing on the old license a record of a change of location and the date thereof, which such 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 County Collector as soon as the new license has been received and the change in the location has taken place.

SECTION 5: APPLICATION FOR LICENSE

The application for a new license, a renewal license, transfer of an existing license or change of ownership of a licensed pawnshop shall be on forms prescribed and provided by the County Collector and shall contain information sufficient to inform the County Collector regarding the qualifications of the applicant of a license or renewal license.

SECTION 6: INVESTIGATION BY SHERIFF

If the County Collector upon review of the information contained in the application is unable to determine the qualification of the applicant for a new pawnshop license or the renewal of an existing license, then in that even, the application shall be forwarded by the Collector to the Christian County Sheriff's Department which shall investigate the facts and report to the Collector its findings as to the qualifications of the application for a new license or renewal license.

SECTION 7: STANDARDS FOR ISSUANCE

A. No license shall be issued for any person who:

1. Is not of good moral character or to any pawnshop employing persons who are not of good moral character;
2. Makes a false statement of material facts in the application for a license or renewal license;
3. Does not have new assets of at least Fifty Thousand and No/100 dollars (\$50,000.00) readily available for use in conducting business as a pawnshop for reach licensed pawnshop; or
4. Does not file with the County Collector a bond satisfactory to the County Collector in the amount of Five Thousand and No/100 Dollars (\$5,000.00) with a surety company qualified to do business in this County. The aggregate liability of such surety shall not exceed the amount stated in the bond. The bond shall run to the County for the use of the County and any person(s) who may be a cause of action against the obligor of such bond under the provisions of this Order. Such bond shall be conditioned that the obligor will comply with the provisions of this Order, by statute, and by all rules and regulations adopted by the County Collector and will pay to the County and any such person(s) from such obligor under and by virtue of the provisions of this Chapter or any rules adopted by the County Collector to this Chapter during the time such bond is in effect.

B. If the County Collector is unable to verify that the applicant meets the net assets requirement for a licensed pawnshop, the County Collector may require a finding, including the presentation of a current balance sheet, by an independent certified public accountant, that the accountant has reviewed the books and records of the applicant and that the applicant meets the net assets requirement of this Order.

SECTION 8: SUBSEQUENT LICENSE APPLICATIONS

Subsequent to the first (1st) year for which a license is issued to a pawnbroker, each pawnbroker shall make a renewal application to the County Collector. The application shall be filed by the thirty-first (31st) day of July of the current licensing year and shall be on the forms and shall contain such information as the County Collector shall require. The forms shall contain such information as will assist the County Collector in determining whether conditions have changed and whether a renewal license should be issued for the subsequent licensing year. The County Collector may request the assistance of the Sheriff or any County employee or person having knowledge of the truth or falsity of the matters contained in the application or who is able to investigate those matters. The annual fee for the issuance of a renewal license is Five Hundred and No/100 dollars (\$500.00).

SECTION 9: SUSPENSION OR REVOCATION OF LICENSE

- A. If the Licensee has failed to pay the annual license fee
- B. If the licensee has violated any provision of this Order.
- C. If the Licensee has been convicted of or has plead guilty to a felony under the laws of this state, or any other state, or the United States, or shall have forfeited his bond to appear in court to answer charges to any such offense, if such conviction or plea occurred subsequent to or within the ten (10) years immediately prior to the date of the licensee's application for the license.
- D. If the County Collector or Sheriff believe that conditions have changed such that the holder of a pawnshop license would not still be eligible to receive a pawnbroker's license or that the holder of the pawnshop license is in violation of this Order or State law pertaining to pawnshops, the County Collector or Sheriff may suspend the license.
- E. If the County Collector or Sheriff believe that the holder of a pawnshop license may remedy the situation, giving rise to the County Collector's belief that conditions have changed, and licensee has not previously been in violation of this Order or State law pertaining to pawnshops, the County Collector or Sheriff may suspend the license. If the County Collector or Sheriff believes that the changed conditions are such that, if true, the licensee would not be able to remedy the situation in a reasonable time or if the holder of the pawnshop license has previously been in violations of this Order or State law pertaining to pawnshops, then the County Collector or Sheriff may revoke the pawnshop license.
- F. If the County Collector or Sheriff believe that the safety, morals or peace of residents of the County of Christian, State of Missouri, is immediately affected by the change in conditions, the County Collector or Sheriff may suspend or revoke the license prior to a hearing but he/she shall afford the licensee a hearing within five (5) days of the suspension or revocation if the licensee so desires such a hearing. If the County Collector or Sheriff believe that the changed condition is not of such imminent hazard to the safety, morals or peace of the residents of the County of Christian, he/she may have a hearing prior to his/her action. He/she shall give the licensee at least ten (10) days' notice of the hearing.
- G. Any party aggrieved by a decision of the County Collector shall have the right of appeal to the Circuit Court

of Christian County.

SECTION 10: OBLIGATION OF PAWNBROKER TO FOLLOW STATE STATUTE

All person(s) licensed to be a pawnbroker under this Order shall follow all obligations as set forth by State Statute including but not limited to 367-031 and 367.031.8, RSMo.

SECTION 11: EXCEPTIONS TO LICENSING ORDERS

No person who was lawfully operating a pawnshop on the twenty-eighth (28th) day of August, 1990, shall be required to obtain a license under this Order or under State law to continue operating such pawnshop, so long as such person does not violate any other provision of Sections 367.011 through 367.060, RSMo. However, all person(s) who operate such pawnshop shall be required to pay the five-hundred-dollar (\$500.00) annual fee prescribed in this Order in lieu of the County occupational license fee.

Section 11: EXCEPTIONS TO LICENSING ORDERS

No person who was lawfully operating a pawnshop on the twenty-eighth (28th) day of August, 1990, shall be required to obtain a license under this Order or under State law to continue operating such pawnshop, so long as such person does not violate any other provision of Sections 367.011 through 367.060, RSMo. However, all person(s) who operate such pawnshop shall be required to pay the five-hundred-dollar (\$500.00) annual fee prescribed in this Order in lieu of the County occupational license fee.

IT IS FURTHER ORDERED that the provisions of the Christian County Pawnbroker's Regulations shall be administered by the Christian County Collector who shall have the authority to issue pawnbroker licenses and to enforce said regulations.

IT IS FURTHER ORDERED that any person who violates any requirement or provision of the Christian County Pawnbroker's Regulations may have their license suspended or revoked by the County Collector as provided in Section 9 hereof.

IT IS FURTHER ORDERED that the pawnbroker licensure and regulations as set forth in this Order shall become effective upon passage by the Christian County Commission, and a copy of this Order shall be filed in the Office of the County Clerk before 5:00 p.m. this date.

Done this 10th day of April, 2008, at 9:30 o'clock, a.m.

CHRISTIAN COUNTY COMMISSION

John Grubaugh, Presiding Commissioner	YES	4-10-08
William Barnett, Western Commissioner	YES	4-10-08
Tom Huff, Eastern Commissioner	YES	4-10-08

ATTEST: Kay Brown, Christian County Clerk

Ordinance - 04-10--08-03 -

Vacating Martins Branch Road Christian County, Missouri On this 7th day of April, 2008, the Christian County Commission takes up petitioners' Petition to Vacated Martins Branch Road east of Hiawatha Road to the Webster County line, pursuant to the provisions of Section 228.110 RSMo. Hearing held and evidence heard. Commissioner Tom Huff moves to vacate Martins Branch Road per the Petition. Commissioner, Bill Barnett abstains. Motion seconded by Commissioner John Grubaugh. Whereupon Commissioners Huff and Grubaugh vote to vacate Martins Branch Road east of Hiawatha Road to the Webster County line. The County Commission finds that said Martins Branch Road east of Hiawatha Road to the Webster County line is useless to residents and the repairing

and maintenance of same creates an unreasonable burden upon the county.

The Court finds that proper notice was given to the persons presiding in the district whose land is crossed or touched by the road and that same were served with a copy of the Petition.

Said portion of Martins Branch Road east of Hiawatha Road to the Webster County line is hereby vacated, abandoned, and at no time after the date of this Order open to public use as a public road.

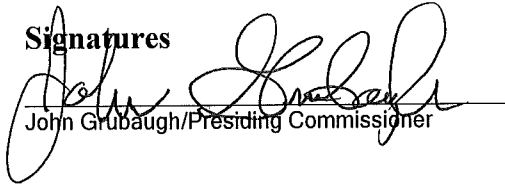
Dated this 10th day of April, 2008.

John Grubaugh, Presiding Commissioner,
Tom Huff, Eastern Commissioner
Kay Brown, County Clerk
Approved as to form County Counselor

Motion/Vote - Approve Minutes

Eastern Commissioner Tom Huff made a motion to approve the minutes for March 24, March 31, April 3, 2008 and April 14, 2008. Bill Barnett seconded the motion. The motion passed by vote: John Grubaugh (Yes), Bill Barnett (Yes), Tom Huff (Yes).

Signatures



John Grubaugh/Presiding Commissioner