

FILED

FEB 11 2010

GENERAL ORDINANCE NO. 19, 2009
AS AMENDED

CITY CLERK

AN ORDINANCE AMENDING *TERRE HAUTE CITY CODE* CHAPTER 4, ARTICLES 11 AND 12 AS THEY RELATE TO PAWN SHOPS AND SECOND HAND DEALERS.

WHEREAS, the Uniform Crime Report published by the Federal Bureau of Investigation (FBI) ranks the City of Terre Haute as the highest in number of reported property crimes per capita of the nineteen first and second class cities in the State of Indiana; and

WHEREAS, the Terre Haute Police Department is seeking a method to better serve victims of property crimes; and

WHEREAS, the Terre Haute Police Department has identified technology that will assist in its efforts to track and locate stolen property.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, that the *Terre Haute City Code* is amended as provided herein.

Section 1. The *Terre Haute City Code*, Chapter 4, Article 11 is hereby amended by insertion of the underlined text and deletion of the stricken text as follows:

ARTICLE 11. PAWN SHOPS BROKER AND SECOND HAND DEALER PRECIOUS METALS AND COIN DEALERS REGULATIONS ~~—SECOND HAND DEALERS.~~

Sec. 4-120 Registration and Fee.

Each owner or operator of pawnshopsbrokers, as defined by Indiana Code 28-7-5-32, or secondhand ~~stores~~ dealers, as defined herein, ~~—dealers in precious metals, or coins and dealers in merchandise—~~ shall register with the City Controller and pay a fee of Twenty-Five Dollars (\$25.00) for each registration. If such owner or operator shall relocate his place of business, he shall re-register with the City Controller and pay the fee as herein provided. (Special Ord. No. 31, 1981, § 717.01, 3-12-81; *Journal of Common Council*, p. 94)

...
Sec. 4-121 ~~—~~Records To Be Kept.

Every pawnshop, pawnbroker, ~~dealer in precious metals or coins and secondhand dealer~~ shall keep a book in which shall be entered ~~at time of pledge or purchase, a description of the article, purchased or pledged from any person, the amount paid for the article, the date of the transaction, together with the name and address of the person from whom such article is~~

~~purchased or pledged, and every pawnshop, pawnbroker, secondhand dealer, or dealer in precious metals or coins shall, at the time of making a purchase, require the pledger or seller to write his signature and address on the record book required by this Article to be kept. Such book shall be opened for inspection by the police at any and all times. (Special Ord. No. 31, 1981, § 717.02, 3-12-81; Journal of Common Council, p. 94)~~

Sec. 4-121 Definitions.

Secondhand Dealer. A person, firm, or corporation engaged in the purchasing or exchanging of second hand property for the purposes of selling said second hand property for a profit. Second hand property to include the following items:

1. Jewelry and Precious Metals - Watches, bracelets, rings, necklaces and other articles that have real value and are generally used for personal adornment. Metals that in and of themselves, have a high intrinsic value such as gold, silver, and platinum are also included. Common metals such as iron, aluminum, and copper are not included for the purpose of this definition.

2. Clothing and Furs - All items of wearing apparel for human use, including pelts or skins to be used as wearing apparel. Accessories such as purses, hand bags, belts, wallets, shoes, scarves, and ties are also included.

3. Office Equipment - Typewriters, calculators, cash registers; copying machines, facsimile machines; computer hardware or software; computers, computer peripherals, e.g., tape and disk drives and printers; and storage media.

4. Household Goods - beds, sofas, chairs, washers, dryers, furnaces, desks, tables, bookcases, air conditioners, and other furniture.

5. Televisions, Radios, Stereos - all items for the specific purpose or reproducing photographic images or sound. Television cameras and receivers, still picture cameras, motion picture cameras and projectors, radios (receiving and sending), digital video disc players, camcorders, tape recorders, cassettes, videotape recorder, stereo equipment, compact disc players, and compact discs.

6. Tools - A device used to facilitate manual or mechanical work. Cutting tools, garden tools, hand tools, machine tools, and power tools.

7. Coins - a small piece of metal, usually flat and circular, authorized by a government for use as money.

b. The following are not "secondhand dealers" for the purpose of this Article:

1. Private residential sales commonly known as “garage sales” or “yard sales” as long as such sales take place at a residentially zoned property.

2. Any bona fide charity possessing a valid exemption under Section 501(c)(3) of the Internal Revenue Code.

3. Persons solely engaged in the business of buying, selling, trading in, or otherwise acquiring or disposing of motor vehicles and used parts of motor vehicles, and shall not apply to wreckers or dismantlers of motor vehicles who are licensed.

4. Auctioneers and auction houses are not considered secondhand dealers. The definition of each shall be the same as the definition in I.C. 25-6.1-1-3.

5. Those individuals, firms, corporations, limited liability companies, or partnerships defined by Indiana Code 25-37.5-1-1 as valuable metal dealers.

6. Individuals making an incidental purchase that made may be sold at a later date, but is not a regular or foreseen means of income.

...

Sec. 4-125 Record of Transactions.

a. Every pawnshopbroker, and secondhand dealer as defined in this article shall record the following information either electronically or in written form. The following information shall be made available to any law enforcement officer at anytime.

1. The date and time of each purchase;

2. An accurate account and description of the item(s) purchased or pledged from any person, to include make, model number and serial numbers;

3. The price paid for the item(s);

4. The name, address, physical description, and date of birth of the seller/pledger.

5. Require that the seller/pledger be properly identified with one verifiable piece of current identification, which shall be government issued photographic identification. The type of government identification and the government identification number shall be reported.

b. Every pawnshopbroker and secondhand dealer who deals in Jewelry and Precious Metals, Office Equipment, Televisions, Radios, Stereos, and Tools as defined in Section 4-121 subsections a1, a3, a5, and a6, shall file all daily records electronically to a law enforcement web site designated as an agent of the Terre Haute Police Department for the sole purpose of collecting such records, or in such other form as may be authorized by the Chief of Police. At no

time shall the City and/or Chief of Police select a provider which charges the reporting dealer a fee for such reporting service. The information required shall include the items listed above in Section 4-125 a1 thru a5.

Section 2. The *Terre Haute City Code*, Chapter 4, Article 12 is hereby amended by insertion of the underlined text and deletion of the stricken text as follows:

ARTICLE 12. JUNK VALUABLE METAL DEALER REGULATIONS.¹

Sec. 4-145 Definitions.

a. ~~**Junk Valuable Metal Dealer.** Shall have the same meaning and definition as provided in I.C. 25-37.5-1-1(b). Any person who engages in the business of buying or otherwise acquiring junk and of selling or otherwise disposing of junk and who, for the purpose of engaging in business, occupies a junk yard.~~

b. ~~**Junk.** Any waste or scrap material of any kind and in any form including without limitation metals, rags, rubber, glass, feathers, papers, and bottles.~~

b. **Valuable Metal.** Shall have the same meaning and definition as provided in I.C. 25-37.5-1-1(a).

c. **Valuable Metal/Junk Yard.** Real estate on which there are facilities for processing or sorting valuable metal/junk and on which valuable metal/junk is kept, processed or dealt in, in any way, by a person who is engaged in the business of acquiring and disposing of valuable metal/junk. (Gen. Ord. No. 10, 1999, 12-9-99)

Sec. 4-146 License Required.

No person shall engage in business as a ~~junk~~ valuable metal dealer at any particular valuable metal/junk yard without first procuring and having a license to do so. (Gen. Ord. No. 10, 1999, 12-9-99)

Sec. 4-147 License Application and Fee.

Any person who desires to engage in business as a valuable metal/junk dealer at any particular valuable metal/junk yard shall file an application in writing with the City Controller for a license to do so, which application shall specify the street address of the valuable metal/junk yard. A separate application for the separate license shall be filed for each valuable metal/junk yard at which any person desires to do business as a valuable metal/junk dealer. ~~Each application filed pursuant to this Section shall be accompanied by a certificate of at least three~~

¹ I.C. § 28-7-5-1, *et seq.*, address pawn brokers. I.C. § 25-37.5-1-1, *et seq.*, address valuable metal dealer regulations.

(3) resident freeholders, certifying that the applicant is a person of good moral character. Each application shall also be accompanied by payment of a license fee of Twenty-Five Dollars(\$25.00). (Gen. Ord. No. 7, 1958, § 4, 6-19-58; *Journal of Common Council*, pp. 147-148)

Sec. 4-148 Change of Business Address.

Notwithstanding anything to the contrary in Sections 4-146 through 4-147, any person possessing a license to engage in business as a valuable metal/junk dealer at a particular valuable metal/junk yard may remove his place of business from such valuable metal/junk yard to another valuable metal/junk yard and engage in business under such license upon notifying the City Controller in writing of the change of his business address. (Gen. Ord. No. 10, 1999, 12-9-99)

Sec. 4-149 — Record Book Required; Police Inspection.

~~Every holder of a license authorizing him to do business as a junk dealer at any junk yard shall keep and maintain at such yard a book in which there shall be legibly written in ink, at the time of purchase or receiving of any junk, an accurate description, in English, of the junk so purchased or received; the amount of money paid therefore; the time of purchasing or receiving the junk, and the name, residence and age of the person selling or delivering the junk. The book shall at all reasonable times be open to the inspection of the Chief of Police or any member of the police force authorized by the Chief to examine same. (Gen. Ord. No. 10, 1999, 12-9-99)~~

Sec. 4-149 Records of Transaction.

a. Every holder of a license authorizing him/her to do a business as a valuable metal/junk dealer at any valuable metal/junk yard shall file all daily records electronically to a law enforcement web site designated as an agent of the Terre Haute Police Department for the sole purpose of collecting such records, or in such other form as may be authorized by the Chief of Police. At no time shall the City and/or Chief of Police select a provider which charges the reporting dealer Valuable Metal Dealer a fee for such reporting service. The information required shall include, but not be limited, to the following:

1. The date and time of each purchase
2. An accurate account and description of the article purchased or pledged from any person.
3. The name, address, date of birth of the seller/pledger.
4. A copy of one (1) verifiable piece of current identification of the seller/pledger. Such identification must be government issued and include a photograph of the seller/pledger.

All information required by IC 25-37.5-1 and not listed in items 1 through 4 above are not required to be sent electronically. However, pursuant to IC 25-37.5-1-2 they must be retained for a period of two (2) years. These records shall be made available for inspection by any law enforcement official at any time.

b. The following shall be exempt transactions for the purpose of electronic filing as described above:

1. Purchases by a licensed valuable metal dealer from a licensed valuable metal dealer.
2. Purchases by a licensed valuable metal dealer from persons, firms or companies regularly engaged in the commercial or industrial business of manufacturing valuable metals or the business of selling valuable metals at retail or wholesale; and
3. Purchases by a licensed valuable metal dealer from persons, firms, or companies that produce valuable metals as a by-product of their primary operations, which purchases are for the sole purpose of recycling such valuable metals.

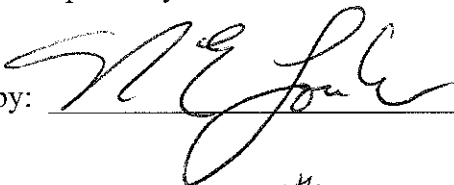
...

~~Sec. 4-150 — Purchase from Intoxicated Persons Prohibited.~~

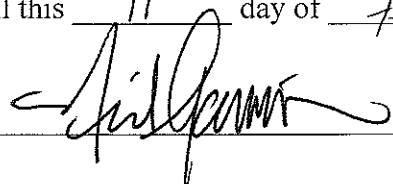
~~No valuable metal/junk dealer shall purchase, take or otherwise acquire valuable metals/junk from any person when such person is in an intoxicated condition. (Gen. Ord. No. 10, 1999, 12-9-99)~~

~~Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.~~

WHEREAS, this ordinance shall be in full force and effect from April 1, 2010, after its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and publication as required by law.

Introduced by:  Norman Loudermilk, Councilman

Passed in open Council this 11th day of February, 2010.

 Neil Garrison, President

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk

Presented by me to the Mayor this 12th day of February, 2010.

Charles P. Hanley Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 12th day of FEBRUARY, 2010.

Duke A. Bennett Duke A. Bennett, Mayor

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk