

ORDINANCE NO. 15,956

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Chapter 30, Article VIII, Sections 30-331, 30-333, 30-338, 30-339 and adding Section 30-332B, relating to secondhand goods.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, amending Chapter 30, Article VIII, Sections 30-331, 30-333, 30-338, 30-339 and adding Section 30-332B, relating to secondhand goods, as follows:

**Sec. 30-331. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Automated pawn/secondhand records system* means the records system utilized by the police department to track pawn and/or secondhand goods transactions by pawnbrokers and/or secondhand goods dealers.

*Automated kiosk* means an interactive device that is installed within a retail space at which only used consumer electronic devices are purchased or otherwise received by a secondhand goods dealer and which performs the following functions:

- (1) Uses a live representative to remotely monitor receipts of devices, and
- (2) Records identifying information from the device and identification of the customer who makes the transaction or deposit of the device, consistent with the records required under section 30-343(a) of this division, and
- (3) Electronically reports all transactions using the automated pawn/secondhand records system, and
- (4) Is capable of remotely releasing to the police department any device determined to be stolen property.

*Consumer electronic device or device* means a portable electronic or digital device designed to be purchased and used by end users or consumers for daily, non-commercial purposes; examples of consumer electronic devices include, but are not limited to, cellular telephones, touch screen tablets, laptop computers, smart watches, and digital media players.

*Negative police report* means a review compiled by the chief of police or his or her designee which discloses a criminal record of a felony or any conviction under this division two or more times in a calendar year or a conviction under I.C. ch. 714 or failure to have a computer that has internet access and the capability to utilize the automated pawn/secondhand records system.

*Negative zoning enforcement officer report* means a review compiled by the zoning enforcement officer or his or her designee which discloses non-compliance with zoning requirements contained in the Des Moines Municipal Code.

*Positive police report* means a review compiled by the chief of police or his or her designee which does not disclose a criminal record of a felony or any conviction under this division two or more times, in a calendar year, or a conviction under I.C. ch. 714.

*Secondhand goods dealer or dealer* means any person, other than a pawnbroker or a salvage dealer, who operates a business open to the public and purchases secondhand goods, antiques, or used articles whatsoever from the public.

### **Sec. 30-332B. Exemptions for automated kiosks.**

A dealer that uses automated kiosks for remote purchase or receipt of consumer electronic devices is exempt from sections 30-337 (transaction fee); 30-345 (identification tags); and 30-346(4)(hours of operation), and, notwithstanding section 30-346(2), may remove consumer electronic devices from the licensed premises, provided such article is not sold or disposed of within 15 calendar days after the receipt and report is made as required by section 30-343 of this division.

### **Sec. 30-333. License required.**

- (a) No person shall engage in the secondhand goods business without first obtaining a secondhand goods dealer license.
- (b) All applicants for such licenses shall apply in writing to the city clerk.
- (c) All license applications shall contain the following information:
  - (1) The full name, residential address, business address, a copy of the state issued identification card or driver's license for the applicant and, where the applicant is a corporation or partnership, for each officer or partner;
  - (2) The name and address of the owner of the business' premises;
  - (3) The business, occupation or employment of the applicant, including location thereof, for the two years immediately preceding the date of application; and
  - (4) A copy of the criminal history background check for the applicant and, where the applicant is a corporation or partnership, for each officer or partner.
  - (5) Whether the applicant has a computer that can access the internet and utilize the automated pawn/secondhand records system.

### **Sec. 30-338. Separate license for each place of business.**

Any person conducting several or separate secondhand goods businesses or automated kiosks shall pay the license fee and procure a license for each business location or for each automated kiosk, and any violations in one licensed premises or location shall be deemed violations in all business premises and all automated kiosk locations licensed by that dealer.

### **Sec. 30-339. Display of license.**

Every licensed secondhand goods dealer shall display his or her license conspicuously in the business so that it may be readily observed by all persons entering the premises, or in the case of automated kiosks the license shall be readily available for viewing upon request.

Section 2. This ordinance shall be in full force and effect on January 1, 2021.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest: I, P. Kay Cmelik, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 20- 2132), passed by the City Council of said City at a meeting held on December 21, 2020 and signed by the Mayor on December 21, 2020 and published and provided by law in the Business Record on January 8, 2021. Authorized by Publication Order No. 11365.

P. Kay Cmelik, City Clerk