

★ Roll Call Number

Agenda Item Number

49

Date July 9, 2007

An Ordinance entitled, "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, by amending Sections 30-254 and 30-261 thereof, relating to Chapter 30 - Businesses, Article VII - Secondhand Good, regarding records and suspension or revocation of licenses",

which was considered and voted upon under Roll Call No. 07-1211 of June 18, 2007; again presented.

Moved by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk



**Council
Communication**
Office of the City Manager

Date June 18, 2007

Agenda Item No. 58
Roll Call No. 07-1211
Communication No. 07-356
Submitted by: Dale P. Patch, Chief of Police

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AGENDA HEADING:

Modification of Article VIII of the City Ordinance - Second Hand Goods.

SYNOPSIS:

Modify the Second Hand Goods Ordinance to require salvage dealers to acquire additional information on their clientele concerning all ferrous and non-ferrous metal transactions and to increase the annual salvage license fee from \$325 to \$1,122. At present there are 27 licensed salvage dealers in the City of Des Moines. After a one-year period, staff will assess the effectiveness of these measures and provide a report to Council with recommendation for changes or continuance.

FISCAL IMPACT:

Amount: Annual Licensing Fee to increase from \$325 to \$1,122 per dealership beginning July 1, 2008. The increase in the license fee will cover the \$21,000 expense of a new part-time position, with the Detective Bureau.

Funding Source: FY07 Operating Budget GE001, POL070100, page 177.

ADDITIONAL INFORMATION:

In recent years, the dramatic increase in the value of ferrous and non-ferrous metal has fostered an increase in theft of copper and aluminum from a variety of sources. Many of these sources have a direct effect on community safety and service. A number of residential and commercial burglaries have been committed for acquisition of copper and aluminum. Thieves tamper with electrical substations, telephone equipment, water systems, transportation systems, and agricultural irrigation systems in order to obtain the copper utilized by these infrastructures. These thefts have at times resulted in severe injury or death to the suspect. Copper thefts have almost doubled in the last twelve months and the Police Department anticipates such crimes will increase in 2007. In an effort to help curtail this type of criminal activity and reduce the safety hazards associated, the Police Department, Community Development Department, and the Finance Department have met and identified several proactive measures that can be taken by the Council.

City Ordinance Article VIII "Secondhand Goods" will require scrap and salvage dealers in the Des Moines area to gather additional identification records on those persons and or vehicles that deliver junk material for sale to the dealership. The annual licensing fee for scrap and salvage dealerships will increase in part to fund a police employee to work with the Community Development Department to more accurately monitor scrap and salvage dealership transactions. The new annual fee will be \$1,122. (The current annual fee is \$325 and has not been changed since 1981.) The Police Department Operating

Budget will fund the new part-time position beginning July 1, 2008. In addition, it is also recommended that all scrap and salvage dealerships requesting a hearing on their annual license status be brought before an Administrative Hearing Officer instead of the City Council.

The Police Department met on several occasions with a number of scrap and salvage dealerships to review this problem. The Police Department's intention is to address the theft issue and identify an approach conducive to the efficient operation of their business. Those dealers in attendance agreed they would prefer an increase to the annual licensing fee as opposed to a transaction fee.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

It is anticipated that before the license fee be changed in the future, a fee study would be conducted.

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ORDINANCE NO. _____

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, by amending Sections 30-254 and 30-261 thereof, relating to Chapter 30 - Businesses, Article VII - Secondhand Good, regarding records and suspension or revocation of licenses.

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, is hereby amended by amending Section relating to Chapter 30 - Businesses, Article VII - Secondhand Good, regarding records and suspension or revocation of licenses, as follows:

Sec. 30-254. Records.

- (a) Each salvage dealer shall keep complete, accurate, and legible records in the English language of all purchases, and receipt of all junk, such records to include the following:
 - (1) ~~The name and residence~~ identity of the person from whom received or purchased. Including:
 - a. Name and address,
 - b. Date of birth,
 - c. Iowa drivers license number or Iowa identification number, or social security number with photo identification indicating the type of photo identification provided,
 - d. Sex,
 - e. Age,
 - f. Height, and
 - g. Race.
 - (2) The vehicle license plate number of the vehicle that delivered the junk material.
 - (3) The date and hour of the purchase or receipt of the junk material.
 - (~~24~~) A reasonably accurate inventory and description of the junk obtained each article.
 - (~~35~~) The value or amount paid for each article the junk material.
 - (~~46~~) The weight or other quantity of each article junk obtained.
 - (~~57~~) From whom and at what time and place the article junk was obtained by the person from whom it was bought or received.

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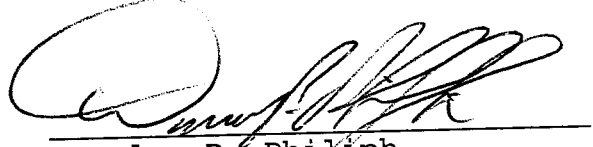
- (68) The date and manner of disposition of the junk by each article or in bulk by the salvage dealer.
- (79) The name and address of the person to whom the junk each article was sold or otherwise disposed.
- (b) Such records shall be maintained and located at the business for at least one year from the date of purchase.

Sec. 30-261. Suspension or revocation of license.

- (a) Any license issued pursuant to this division may be suspended or revoked or its renewal denied for violation of this division or any other chapter of this Code. No such suspension, revocation or denial shall issue except upon notice delivered to the licensee by mailing the notice in the regular mail addressed to the licensee at the licensed premises a minimum of ten days prior to the date set for hearing before the council administrative hearing officer. Such notice shall inform the licensee of the time, date and place of hearing; the purpose of the hearing; and shall set out briefly the reasons therefor.
- (b) If, after such hearing, the city council administrative hearing officer makes a finding based on substantial evidence that a violation of this division or another chapter of this Code did in fact take place as alleged, the city council administrative hearing officer may suspend or revoke the license or deny its renewal; the determination of whether to suspend or revoke such license or deny its renewal shall be in the discretion of the city council administrative hearing officer and shall be dependent upon the circumstances surrounding the violation and its severity.
- (c) A licensee whose license has been revoked or its renewal denied shall not be eligible for another such license for a period of 180 days after such revocation or denial.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



 Douglas P. Philip
 Assistant City Attorney