

★ **Roll Call Number**

Agenda Item Number

46

Date December 7, 2009

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, and amended by Ordinance No. 14,290 passed November 17, 2003 by amending Sections 30-291, 30-292, 30-293, 30-301 and 30-304, regarding an automated pawn records system to track pawn transactions by pawnbrokers",

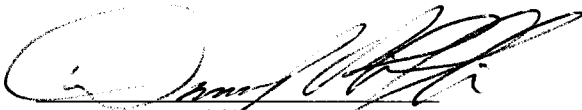
presented.

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

(Council Communication No. 09-841)

FORM APPROVED:

(First of three required readings)



Douglas P. Philiph
Assistant City Attorney

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

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, and amended by Ordinance No. 14,290 passed November 17, 2003 by amending Sections 30-291, 30-292, 30-293, 30-301 and 30-304, regarding an automated pawn records system to track pawn transactions by pawnbrokers.

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, and amended by Ordinance No. 14,290 passed November 17, 2003 is hereby amended by amending Sections 30-291, 30-292, 30-293, 30-301 and 30-304 regarding an automated pawn records system to track pawn transactions by pawnbrokers, as follows:

Sec. 30-291. 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 records system means the records system utilized by the police department to track pawn transactions by pawnbrokers.

Negative police report means a report or 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 records system.

Pawnbroker means every person who makes loans or advancements upon pawn, pledge or deposit of personal property or who receives actual possession of personal property as security for loans, with or without a mortgage or bill of sale thereon, or who by advertisement, sign or otherwise holds himself or herself out as a pawnbroker.

Positive police report means a report or 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.

Sec. 30-292. License required.

- (a) No person shall engage in the pawn business without first obtaining a pawnbroker 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, date of birth and social security number of the applicant and, where the applicant is a corporation or partnership, of the officers or partners;
 - (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) The arrest record of the applicant and whether the applicant has ever been convicted of any crime, except simple misdemeanor traffic violations. If any person mentioned in this subsection has been so convicted, a statement must be made giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction.
 - (5) Whether the applicant has a computer that can access the internet and utilize the automated pawn records system.

Sec. 30-293. License criteria.

Upon receipt of a pawnbroker license application, the city clerk shall forward a copy of the application to the chief of police or his or her designee who shall review the application. The applicant shall furnish such evidence as may reasonably be required in support of the statements set forth in the application. The chief of police or his or her designee shall report to the city clerk within 30 days of receipt of the application considering but not limited to the criteria of whether:

- (1) The applicant or his or her agent or employee charged with receiving or distributing property has been convicted of a felony. However, if the conviction of a felony occurred more than five years before the application for a pawnbroker license and if such person's rights of citizenship have been restored by the governor, such conviction shall not be a bar to obtaining a pawnbroker license;
- (2) The applicant has truthfully reported all relevant facts within the pawnbroker application; ~~and~~
- (3) The applicant has such financial standing and good reputation to indicate that he or she will comply with

- all the laws of the state and the city; and
- (4) The applicant has a computer that can access the internet and utilize the automated pawn records system.

Sec. 30-301. Records required.

- (a) The police department shall furnish the internet web address for the automated pawn records system ~~pawn log sheets~~ to every pawnbroker licensee who shall immediately upon completion of each individual transaction accurately and legibly enter into the system via the internet ~~in ink~~ in the English language the following ~~information at~~ information at ~~the time of purchase or receipt of any property:~~
- (1) The date and hour of the transaction;
 - (2) The amount paid, advanced or loaned for the article;
 - (3) A detailed and accurate description of the article;
 - (4) When applicable, the model number and/or serial number; and
 - (5) The name and address of the person from whom the property is purchased or received and his or her date of birth, Iowa driver's license number, or Iowa identification number, or social security number with photo identification, sex, age, height, race and type of photo identification presented.
- (b) It shall not be deemed compliance with this section if the licensee or the licensee's agent or employee lists his or her own name as the person selling or transferring the article.
- (c) Upon entry of the required information into the automated pawn records system, such information becomes a police department record a copy of which shall be maintained by licensee on the licensed premises. When pawn log sheets are required pursuant to subsection (d) of this section 30-301 at the time of completion or upon demand from the chief of police or his or her designee, the licensee shall surrender the original sheets to the police department and such originals shall remain the property of the city. A copy of the original will be provided to the licensee. When the pawn log sheets are complete or upon demand from chief of police or his or her designee, the licensee shall surrender the original sheets to the chief of police or his or her designee who shall provide a copy of the sheets to the licensee; the originals shall remain the property of the city. The licensee shall also maintain a record of the name and residential address of any person redeeming an article of property, the date of such transaction and a description of the article redeemed. If property is disposed of other than by redemption, the licensee shall record a description of the property, how disposed, and the name and address of the person to whom the article was transferred. Such redemption or sales records shall be maintained by the licensee for one year from the date of the

transaction and shall be at all times open to examination and recordation by the chief of police or his or her designee.

- (d) If the automated pawn records system fails, crashes, or becomes inaccessible by either the pawnbroker or the police department such that data entries can not be electronically captured or recorded, then in that event the pawnbroker shall use pawn log sheets furnished by the police department to accurately enter in ink in the English language the information required under subsection (a) of this section 30-301.
- (e) Licensee shall maintain a computer system that meets the system and connectivity requirements as set and kept on file by the police department.
- (f) The Chief of Police or his/her designee shall have access to licensee's computer system for purposes of inspection for compliance with Division 3 of Chapter 30 of the Des Moines Municipal Code.

Sec. 30-304. Prohibited acts.

No pawnbroker his or her agents, or employees purchasing or receiving any article of property shall:

- (1) Receive any property without first viewing a form of identification containing a photograph of the person identified.
- (2) Melt, alter, destroy, sell, redeem, remove from the licensed premises or otherwise dispose of such article, within 15 days after the receipt and report of any property is made as required by section 30-301 of this division, except upon written permission from the chief of police or his or her designee.
- (3) Purchase or receive any property from any person under the age of 18 without his or her parent or guardian being present at the time of the transaction and without receiving the parent's or guardian's written consent, a copy of which must be submitted along with the records required by section 30-301 of this division.
- (4) Purchase or receive any property or surrender any property from 6:00 p.m. to 8:00 a.m. Monday through Saturday, and 6:00 p.m. Saturday through 8:00 a.m. Monday.
- (5) Conceal, secrete, or destroy for the purpose of concealing any article purchased or received for the purpose of preventing identification.
- (6) Deface, alter or remove any serial number or identifying marks from an article in his or her possession.
- (7) Take possession of defaced or altered property as described in subsection (6) of this section.
- (8) Block or deny access to its computer system by the Des Moines Police Department.

(9) Fail to immediately enter or record the required information under section 30-301 of this chapter upon completion of each individual transaction.

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