



Roll Call Number

Agenda Item Number

44

Date October 19, 2020

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, as heretofore amended, by amending Chapter 30, Article VIII, Sections 30-250, 30-251, 30-252, 30-254, 30-261, 30-291, 30-293, 30-294, 30-295, 30-300, 30-301, 30-304, 30-331, 30-332, 30-333, 30-334, 30-335, 30-336, 30-336, 30-337, 30-338, 30-339, 30-340, 30-341, 30-342, 30-343, 30-344, 30-345, and adding Sections 30-332A, 30-346, 30-347, 30-348, 30-349, 30-350, 30-351, relating to secondhand goods",

presented.

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

FORM APPROVED:

(First of three required readings)

Douglas P. Philiph
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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.

MOTION CARRIED

APPROVED

Mayor

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, as heretofore amended, by amending Chapter 30, Article VIII, Sections 30-250, 30-251, 30-252, 30-254, 30-261, 30-291, 30-293, 30-294, 30-295, 30-300, 30-301, 30-304, 30-331, 30-332, 30-333, 30-334, 30-335, 30-336, 30-336, 30-337, 30-338, 30-339, 30-340, 30-341, 30-342, 30-343, 30-344, 30-345, and adding Sections 30-332A, 30-346, 30-347, 30-348, 30-349, 30-350, 30-351, 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 30-250, 30-251, 30-252, 30-254, 30-261, 30-291, 30-293, 30-294, 30-295, 30-300, 30-301, 30-304, 30-331, 30-332, 30-333, 30-334, 30-335, 30-336, 30-336, 30-337, 30-338, 30-339, 30-340, 30-341, 30-342, 30-343, 30-344, 30-345, and adding Sections 30-332A, 30-346, 30-347, 30-348, 30-349, 30-350, 30-351, relating to secondhand goods, as follows:

Sec. 30-250. Application for license.

Application for a salvage dealer's license under this division shall be made in writing by regular mail to the city clerk at least 30 days prior to the date of issuance of such license. Upon such application the city clerk shall request the building, zoning and fire departments to inspect the premises for which the applicant seeks a license and, if the premises comply with applicable statutes and ordinances, the building, zoning and fire departments shall send a certificate of compliance to notify the city clerk before the date for the issuance of the license.

Sec. 30-251. Issuance and contents of license.

Upon receiving the license fee and the ~~certificate~~ notification of compliance as required by this division, the city clerk shall issue a license to the applicant which shall state the name ~~and place of residence of the person licensed,~~ of the business to be transacted, the address of the premises covered by the license, the date when issued, and the date when it will expire.

Sec. 30-252. Numbering of licenses and retention of stub.

All licenses issued under this division will be numbered, and the city clerk shall keep a copy of the license on file. ~~duplicate thereof.~~

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 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, and
 - 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.
 - (4) A reasonably accurate inventory and description of the junk obtained.
 - (5) The value or amount paid for the junk material.
 - (6) The weight or other quantity of junk obtained.
 - (7) From whom and at what time and place the junk was obtained by the person from whom it was bought or received.
 - (8) The date and manner of disposition of the junk by each article or in bulk by the salvage dealer.
 - (9) The name and address of the person to whom the junk was sold or otherwise disposed.
 - (10) Catalytic converter purchases and receipts shall be recorded and kept per the requirements of Iowa Code section 714.27.
- (b) Such records shall be maintained and located at the business for at least one year from the date of purchase and may be maintained by entering such purchases or receipts into an automated web-based system utilized by the Police Department.

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 informal hearing before the chief of police or chief's designee or the community development department director or designee. ~~administrative hearing officer.~~ Such notice shall inform the licensee of the time, date and place of informal hearing; the purpose of the hearing; and shall set out briefly the reasons therefor.
- (b) If, after such informal hearing, the chief of police or chief's designee or the community development department director or designee ~~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 chief of police or chief's designee or the

~~community development department director or designee 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 administrative hearing officer and shall be dependent~~ depending upon the circumstances surrounding the violation and its severity. Upon a suspension, revocation, or denial of renewal, the city clerk shall be notified of such action.

- (c) The decision to suspend, revoke, or deny renewal of the license is appealable pursuant to chapter 3 of this code.
- (ed) 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. 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/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.

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/secondhand records system.

Negative zoning enforcement officer report means a ~~report or~~ a review compiled by the zoning enforcement officer or his or her designee which discloses non-compliance with zoning requirements contained in ~~Chapter 134 or site plan requirements or guidelines contained in Chapter 82 of the Des Moines Municipal Code.~~

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~~ 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.

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 and the zoning enforcement officer or their designees 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 and the zoning enforcement officer or their designees 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;
- (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 and internet access at the licensed premises that can ~~access the internet and utilize the Police Pawn/Secondhand Transaction website and automated pawn/secondhand records system.~~
- (5) The pawnbroker's business complies with zoning requirements contained in chapter 134 and all relevant site plan regulations and guidelines contained in Chapter 82 of the Des Moines Municipal Code.

Sec. 30-294. License issuance.

- (a) Upon receipt of a positive police report, positive zoning report and the appropriate fees, the city clerk shall approve the application if the applicant has fully complied with all of the requirements of this division, and the city clerk shall thereupon issue a pawnbroker license to the applicant and keep a copy on file. The license shall expire on December 31 next after the date of issuance. The license shall state the name ~~and place of residence of the person licensed,~~ of the business licensed, ~~to be transacted~~ and the place where it is to be carried on, and the date of issuance and expiration of the license.
- (b) If the city clerk determines that the applicant for a new or renewal license has not fully complied with all of the requirements of this division or that a negative police report is returned, or a negative zoning report is returned or that the applicant has falsified his or her application, the city clerk shall, ~~after consultation with the legal department,~~ advise the city council community development department and the chief of police of the basis for questioning the applicant's qualifications, and the procedures for notice and hearing as set forth in section 30-300 of this division shall apply.

Sec. 30-295. License fee.

An applicant for a pawnbroker license shall submit a fee to the city clerk at the time of filing the application. The license fee shall be reduced by 25% if the application is ~~filed~~ filed during the second quarter of the calendar year, 50% if the application is filed during the third quarter of the calendar year, and 75% if the application is filed during the last quarter of the calendar year. If the application is denied, \$50.00 of the total fee shall be retained to cover administrative costs. An applicant who makes a late application for renewal of a pawnbroker license shall pay a late fee. The license fee and late fee for a pawnbroker license shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

Sec. 30-300. Denial, suspension or revocation of license.

- (a) ~~*Grounds.* A pawnbroker license may be denied, suspended or revoked for any violation of this division, including but not limited to the failure to comply with new or renewal~~

~~application procedures, a negative police report, a negative zoning enforcement officer report, falsification of a new or renewal application, or for the failure to maintain records in conformity with the requirements enumerated under section 30-301 of this division.~~

- (b) ~~*Proceedings.* The city clerk shall, upon receipt of information alleging that grounds exist to deny, suspend or revoke the pawnbroker license of any applicant or licensee under this division and after consultation with the legal department, report the circumstances to the city council, which in such case shall cause a notice to be sent by ordinary mail to the applicant or licensee. The notice shall state that a denial, suspension, or revocation hearing has been set before the city council; the grounds for the proposed denial, suspension or revocation; the date and time of the hearing; and the place where the hearing will be conducted. Upon such hearing, if the city council shall determine that one or more of such grounds do exist, it may deny an application or suspend or revoke an existing license. A suspension shall constitute a minimum period of 14 calendar days to a maximum period of 30 calendar days during which period the licensee may not conduct any business except for redemptions and shall conspicuously post a sign stating the terms of the suspension at the entrance of the licensed premises. Such a sign shall be supplied by and posted by the chief of police or his or her designee. If the license is revoked, no pawnbroker license shall issue to that licensee for a period of one year.~~
- (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, including but not limited to failure to comply with new or renewal application procedures, a negative police report, a negative zoning enforcement officer report, falsification of a new or renewal application, or for the failure to maintain records in conformity with the requirements enumerated under section 30-301 of this division. No such suspension, revocation or denial shall be effective 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 informal hearing before the community development department director or director's designee, or before the chief of police or chief's designee. The city clerk shall determine the appropriate department to preside over the informal hearing after consulting with the legal department. Such notice shall inform the licensee of the time, date and place of informal hearing, the purpose of the hearing, and shall set out briefly the reasons therefor.
- (b) If, after such informal hearing, a finding based on substantial evidence is made that a violation of this division or another chapter of this Code did in fact take place as alleged, the Community Development Department director or director's designee, or chief of police or chief's designee may suspend or revoke the license or deny its renewal depending upon the circumstances surrounding the violation and its severity. Upon a suspension, revocation, or denial of renewal, the city clerk shall be notified of such action.
- (c) The decision to suspend, revoke, or deny renewal of the license is appealable pursuant to Chapter 3 of this Code.
- (d) A licensee whose license has been revoked or its renewal denied shall not be eligible for another such license for a period of one year after such revocation or denial.

Sec. 30-301. Records required.

- (a) The police department shall furnish the internet web address for the automated pawn/secondhand records system to every pawnbroker licensee who shall immediately upon completion of each individual transaction accurately enter into the system via the internet in the English language the following information at 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 accurate model number and/or serial number; ~~and~~
 - (5) A digital photograph of the item; and
 - (~~5~~6) 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, ~~rae~~ 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/secondhand 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. 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/secondhand records system fails, crashes, or becomes inaccessible by either the pawnbroker or the police department such that data entries cannot 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~~ 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 calendar 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.
- (10) Knowingly purchase or receive property from an individual conducting the transaction for someone else.

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.

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 junk salvage dealer, who operates a business open to the public and purchases, collects, trades, sells, or deals in any secondhand goods, antiques, or used articles whatsoever from the public.

Sec. 30-332. Exemption.

This division shall not apply to the following:

- (1) Any person selling new, unused articles and receiving or taking in used articles or trade from the purchasers of the new articles against the purchase price of such new articles, where such new articles are sold for their market value. Any person selling new or used motor trucks or motor vehicles and regulated by the Iowa Department of Transportation.
- (2) Any person collecting secondhand goods, antiques, or used articles items for personal use only.
- (3) Casual and occasional sales of used household goods by the owner thereof to the public, on a nonreceiving basis, if the seller, at the time of sale, is not engaged for profit in the business of selling goods of that or a similar nature; this category includes those sales commonly referred to as "garage sales", "tag sales" or "estate sales" so long as such sales are not conducted in excess of four consecutive days and no more than two times annually.
- (4) Articles received by a secondhand goods dealer for which no consideration is given or promised charitable organization which is exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code.
- (5) Any person conducting a consignment business where a fee is collected for the sale of another's personal property, estate auctions, multi-booth flea markets or antique malls.
- (6) Any person conducting a business having more than 50 percent of gross receipts from the sale of used clothing.

Sec. 30-332A. Proof required of gross receipts from sale of used clothing.

Upon reasonable suspicion that any business does not derive more than 50 percent of its gross receipts from the sale of used clothing and is not otherwise exempt under section 30-332 of this division, the chief of police, or the zoning enforcement officer or their designees may require that the owner or operator of the business demonstrate within 45 days that during the prior six months more than 50 percent of its gross receipts were derived from the sale of used clothing. In such event it shall be presumed that 50 percent or less of the gross receipts are derived from the sale of used clothing, which presumption may be overcome by the business timely furnishing a report of findings showing compliance with the percentage requirements of this section, prepared and verified by a certified public accountant as the result of an agreed-upon procedures engagement, identifying the total dollar volume of all receipts, and separately identifying the total dollar volume of gross

receipts derived from the sale of used clothing, and from the sales exclusive of used clothing, from the business in the preceding six months.

Sec. 30-333. ~~Screening requirements for secondhand dealers.~~ License required.

~~All secondhand dealers storing any goods or articles outside or in any yard or lot, other than used operable motor vehicles or other large mobile machinery, shall completely surround such outside storage area, yard or lot with a solid opaque fence of uniform design and color not less than six feet in height which substantially screens the area in which such goods or articles are stored. Such fence shall be kept in good repair and not used for any advertising, signs or displays and shall have a suitable gate, likewise opaque, which shall be closed and locked when the owner or his or her agent is not in attendance. All such fences shall be set back two feet from all property lines and shall comply with section 114-14 of this Code. No goods or articles shall be stacked higher than the height of the fence nor shall they be stored or deposited outside the fence. The building department shall inspect annually the screening of secondhand dealer storage yards to determine that the screening is in compliance with this section.~~

- ~~(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, 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/secondhand records system.~~~~

Sec. 30-334. ~~Screening requirements for used merchandise collection centers.~~ License criteria.

- ~~(a) Any business or other organization which engages in distributing and/or selling used merchandise, including but not limited to used clothing, furniture, machinery, garden equipment or tools, resulting in deliveries of such merchandise during closed business hours, whether such deliveries are permitted or not permitted by the manager or owner of the business, shall provide an area enclosed on all sides by:
 - ~~(1) Using existing building walls in conjunction with a solid opaque fence not less than six feet high of uniform design and uniform color with a self-closing gate; or~~
 - ~~(2) A freestanding opaque fence designed as described in this subsection, including the gate.~~~~

(b) — ~~Such fence shall substantially screen the area used for delivery of used merchandise from public view and shall conform to zoning and all other applicable state and local statutes, ordinances and rules and regulations. However, any ordinance, rule or regulation in conflict with this section shall be waived to the extent necessary to permit the erection of the fence when the planning director and the city engineer authorize in writing that the location of the fence does not interfere with pedestrian and vehicular circulation on the property or adjoining property and on public streets and does not create a public safety hazard. This section shall not apply if the place of delivery cannot be directly viewed by the occupants of any residence or by the patrons of a business or professional establishment.~~

Upon receipt of a secondhand goods dealer license application, the city clerk shall forward a copy of the application to the chief of police and the zoning enforcement officer or their designees 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 and the zoning enforcement officer or their designees 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 secondhand goods dealer 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 secondhand goods dealer license;
- (2) The applicant has truthfully reported all relevant facts within the secondhand goods dealer application;
- (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/secondhand records system.
- (5) The secondhand goods dealer's business complies with zoning requirements contained in the Des Moines Municipal Code.

Sec. 30-335. Records. License issuance.

(a) — ~~Every secondhand goods dealer, except professional numismatists and philatelists, shall keep records in which he or she shall accurately, intelligently and legibly enter, in the English language, at the time of purchasing or receiving any article or item, the following:~~

- ~~(1) — The value of the article.~~
- ~~(2) — The amount paid for the article.~~
- ~~(3) — The description of the article.~~
- ~~(4) — The article's serial number and model number, if any.~~
- ~~(5) — The name of the person from whom the article is purchased or received, his or her residence address, social security number, height, age, and race.~~
- ~~(6) — The date, time, and place of the transaction.~~

(b) — ~~Every secondhand goods dealer, except professional numismatists and philatelists, shall also record the date of disposition of such article or any part or portion thereof and to whom it was disposed or redeemed, including such person's address. Such disposition report shall be located in the same book and at the same place where the receiving records for such article are located.~~

- ~~(c) — The records shall, at all times, be open to examination by any police officer and shall be kept on file for 120 days.~~
- ~~(d) — Any person who shall fail to keep such records or fail to make the required entries therein, who shall intentionally or knowingly make any false or unintelligible entry or any entry which he or she has reason to believe is untrue, who shall fail to make the inquiries necessary to enable him or her to make such entries or any of them, who shall fail to produce his or her records when requested by an officer having authority to examine it, or who shall destroy or negligently permit records to be destroyed or lost shall be guilty of a misdemeanor.~~
- ~~(e) — The following shall apply to professional numismatists and philatelists:
 - ~~(1) — Whenever any peace officer has knowledge of stolen coins or stamps, he or she shall provide a list of such coins and stamps to professional numismatists and philatelists. If such coins or stamps are presented for sale to any numismatists or philatelists having such list, he or she shall attempt to obtain the identity of the seller and notify the chief of police or his or her designee.~~
 - ~~(2) — Any professional numismatist or philatelist having reason to suspect the authenticity of an attempted sale of coins or stamps shall promptly notify the chief of police or his or her designee and shall attempt to obtain the identity of the seller.~~~~
- (a) Upon receipt of a positive police report, positive zoning report and the appropriate fees, the city clerk shall approve the application if the applicant has fully complied with all the requirements of this division, and the city clerk shall thereupon issue a secondhand goods dealer license to the applicant and keep a copy of file. The license shall expire on December 31 next after the date of issuance. The license shall state the name and place of the business to be transacted and the place where it is to be carried on, and the date of issuance and expiration of the license.
- (b) If the city clerk determines that the applicant for a new or renewal license has not fully complied with all of the requirements of this division or that a negative police report is returned or that the applicant has falsified his or her application, the city clerk shall advise the community development department and the chief of police of the basis for questioning the applicant's qualifications, and the procedures for notice and hearing as set forth in section 30-342 of this division shall apply.

Sec. 30-336. Examination of premises by police officers. License fee.

~~No secondhand goods dealer shall refuse, resist or attempt to prevent any police officer from making examinations, with or without warrant, of the premises occupied by such secondhand goods dealer, for the purpose of discovering stolen property.~~

An applicant for a secondhand goods dealer license shall submit a fee to the city clerk at the time of filing the application. The license fee shall be reduced by 25% if the application is filed during the second quarter of the calendar year, 50% if the application is filed during the third quarter of the calendar year, and 75% if the application is filed during the last quarter of the calendar year. If the application is denied, \$50.00 of the total fee shall be retained to cover administrative costs. An applicant who makes a late application for renewal of a secondhand goods dealer license shall pay a late fee. The license fee and late fee for a secondhand goods dealer license shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

Sec. 30-337. Segregation of suspected stolen goods. Secondhand goods dealer transaction fee.

~~Each secondhand goods dealer shall, upon the request of a police officer, segregate items or categories of items which such officer reasonably suspects may be stolen goods. All segregated items shall be so held for 30 days unless sooner released from segregation by the officer ordering such segregation or his or her designee.~~

- ~~(a) A secondhand goods dealer shall collect a transaction fee in an amount set in the schedule of fees adopted by the city council by resolution. The transaction fee shall be collected from each customer per visit for secondhand goods transactions for secondhand goods received by a dealer.~~
- ~~(b) The secondhand goods dealer shall pay to the city of Des Moines all transaction fees collected. The secondhand goods dealer shall pay such fees within thirty (30) days of the date the city of Des Moines finance department mails a quarterly bill to the dealer~~

Sec. 30-338. Release of stolen property to police department. Separate license for each place of business.

~~Secondhand goods dealers shall release to the police department any property determined by the chief of police or his or her designee to be stolen property. The chief of police or his or her designee, upon receiving such stolen items, shall issue to the secondhand goods dealer in possession of the items a receipt particularly describing the item, the date and time it was released to the police department and the name and signature of the person making receipt therefor.~~

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

Sec. 30-339. Search for stolen property generally. Display of license.

~~Whenever the chief of police or his or her designee shall have substantial reason to believe that any secondhand goods dealer has in his or her possession or on his or her premises any stolen property, he or she shall have the right and it shall be his or her duty to enter and make search and examination of the premises of such dealer for the purpose of discovering such stolen property.~~

~~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.~~

Sec. 30-340. Interfering in search for stolen property. Sale or transfer of license.

~~It shall be unlawful for any person to knowingly hinder, obstruct, prevent or attempt to prevent the chief of police or his or her designee operating pursuant to section 30-339 of this division from entering upon or making examination of the premises of any secondhand dealer for the purpose of discovering stolen property.~~

~~No secondhand goods dealer license shall be sold or transferred. The purchaser of any secondhand goods dealer business or of the majority of the stock of any corporation operating a secondhand goods dealer business shall make application for and obtain a new license before operating such business at the location for which the license has been issued.~~

Sec. 30-341. Concealing articles to prevent identification. License renewals.

No secondhand goods dealer shall conceal, secrete or destroy for the purpose of concealing any article purchased or received by him or her for the purpose of preventing identification thereof by any officer or any person claiming the article.

Every licensed secondhand goods dealer shall apply for a license annually by application as if for an original license. There shall be no automatic renewal. Such application shall be filed and the fee paid not less than 45 days prior to the expiration of the current license.

Sec. 30-342. Disposing of stolen goods or goods for which there is adverse claim. Denial, suspension or revocation of license.

No secondhand goods dealer shall sell, melt, break up or otherwise dispose of any article which he or she has reason to believe has been stolen or which is adversely claimed by any person or which he or she has been notified not to sell or otherwise dispose of by the chief of police or his or her designee without first obtaining a permit, in writing, from the police department.

- (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, including but not limited to failure to comply with new or renewal application procedures, a negative police report, a negative zoning enforcement officer report, falsification of a new or renewal application, or for the failure to maintain records in conformity with the requirements enumerated under section 30-343 of this division. No such suspension, revocation or denial shall be effective 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 informal hearing before the community development department director or director's designee, or before the chief of police or chief's designee. The city clerk shall determine the appropriate department to preside over the informal hearing after consulting with the legal department. Such notice shall inform the licensee of the time, date and place of informal hearing, the purpose of the hearing, and shall set out briefly the reasons therefor.
- (b) If, after such informal hearing, a finding based on substantial evidence is made that a violation of this division or another chapter of this Code did in fact take place as alleged, the community development department director or director's designee, or chief of police or chief's designee may suspend or revoke the license or deny its renewal depending upon the circumstances surrounding the violation and its severity. Upon a suspension, revocation, or denial of renewal, the city clerk shall be notified of such action.
- (c) The decision to suspend, revoke, or deny renewal of the license is appealable pursuant to Chapter 3 of this Code.
- (d) A licensee whose license has been revoked or its renewal denied shall not be eligible for another such license for a period of one year after such revocation or denial.

Sec. 30-343. Changing or mutilating jewelry. Records required.

No article of jewelry of any type shall be changed in its form or color or altered or mutilated in any way prior to the time fixed by section 30-344 of this division for disposition.

- (a) The police department shall furnish the internet web address for the automated pawn/secondhand records system to every secondhand goods dealer who shall immediately upon completion of each individual transaction accurately enter into the system via the internet in the English language the following information at time of purchase or receipt of any property:
- (1) The date and hour of the transaction;
 - (2) The amount paid for the article;
 - (3) A detailed and accurate description of the article;
 - (4) When applicable, the accurate model number and/or serial number;
 - (5) A digital photograph of the item; and
 - (6) 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, and type of photo identification presented.
- (b) It shall not be deemed compliance with this section if the dealer or the dealer'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/secondhand records system, such information becomes a police department record a copy of which shall be maintained by licensee on the licensed premises. When property log sheets are required pursuant to subsection (d) of this section 30-343 at the time of completion or upon demand from the chief of police or his or her designee, the dealer 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 dealer. The dealer shall also maintain a record of the name and residential address of any person purchasing a secondhand good, the date of such transaction and a description of the article purchased. If property is disposed of other than by sale, the dealer shall record a description of the property, how disposed, and the name and address of the person to whom the article was transferred. Such transfer or sales records shall be maintained by the dealer 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/secondhand records system fails, crashes, or becomes inaccessible by either the dealer or the police department such that data entries cannot be electronically captured or recorded, then in that event the dealer shall use property 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 30-343.
- (e) Dealer 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 dealer's computer system for purposes of inspection for compliance with Division 4 of Chapter 30 of the Des Moines Municipal Code.
- (g) Professional numismatists and philatelists are exempt from the requirements under this section only to the extent of the part of a business dealing in coins and stamps and for coins and stamps are subject to the following:
- (1) Whenever any peace officer has knowledge of stolen coins or stamps, he or she shall provide a list of such coins and stamps to professional numismatists and philatelists. If such coins or stamps are presented for sale to any numismatists or

philatelists having such list, he or she shall attempt to obtain the identity of the seller and notify the chief of police or his or her designee.

- (2) Any professional numismatist or philatelist having reason to suspect the authenticity of an attempted sale of coins or stamps shall promptly notify the chief of police or his or her designee and shall attempt to obtain the identity of the seller.

Sec. 30-344. Disposal of articles. Failure to maintain records.

~~No secondhand goods dealer, except professional numismatists and philatelists, shall sell or otherwise dispose of, dismantle, destroy, or melt any article until after seven days after receiving such property.~~

No secondhand goods dealer or his or her agents or employees shall fail to maintain, shall fail to surrender or shall falsify, delete, alter, destroy or otherwise destroy any records required by this division.

Sec. 30-345. Purchases from minors. Identification tags.

~~No secondhand goods dealer shall purchase or receive any personal property from a person under 18 years of age without first receiving legible written consent of the parents or guardian of such minor.~~

A secondhand goods dealer, his or her agents or employees, shall also legibly record the date and hour the property was purchased or received on the property, or such information shall be securely affixed to the property. Such information must conform to the information recorded pursuant to section 30-343 of this division.

Sec. 30-346. Prohibited acts.

No secondhand goods dealer or 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 calendar days after the receipt and report of any property is made as required by section 30-343 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 30-343 of this division.
- (4) Purchase or receive any property or sell 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 30-343 of this chapter upon completion of each individual transaction.
- (10) Knowingly purchase or receive property from an individual conducting the transaction for someone else.

Sec. 30-347. Examination of premises and records.

It shall be unlawful for any secondhand goods dealer or any other person to refuse, resist, or attempt to prevent any city employee or any authorized city agent from making a reasonable examination of the area in which secondhand goods are stored or deposited or the records required by section 30-343 of this division.

Sec. 30-348. Segregation of suspected stolen goods.

Each secondhand goods dealer shall, upon the request of a police officer, segregate items or categories of items which such officer reasonably suspects may be stolen goods. All segregated items shall be so held for 30 days unless sooner released from segregation by the officer ordering such segregation or his or her designee.

Sec. 30-349. Release of stolen property to police department.

Secondhand goods dealers shall release to the police department any property determined by the chief of police or his or her designee to be stolen property. The chief of police or his or her designee, upon receiving such stolen items, shall issue to the secondhand goods dealer in possession of the items a receipt particularly describing the item, the date and time it was released to the police department and the name and signature of the person making receipt therefor.

Sec. 30-350. Search for stolen property generally.

Whenever the chief of police or his or her designee shall have substantial reason to believe that any secondhand goods dealer has in his or her possession or on his or her premises any stolen property, he or she shall have the right and it shall be his or her duty to enter and make search and examination of the premises of such dealer for the purpose of discovering such stolen property.

Sec. 30-351. Interfering in search for stolen property.

It shall be unlawful for any person to knowingly hinder, obstruct, prevent or attempt to prevent the chief of police or his or her designee operating pursuant to section 30-350~~339~~ of this division from entering upon or making examination of the premises of any secondhand goods dealer for the purpose of discovering stolen property.

Secs. 30-346~~352~~-30-369. Reserved.

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

FORM APPROVED:

A handwritten signature in black ink, appearing to read "Douglas P. Philip", written over a horizontal line.

Douglas P. Philip
Assistant City Attorney