Staff Summary Report

Tempe

Council Meeting Date: 10/02/2008 **Agenda Item Number:** _____

SUBJECT: This is the introduction and first public hearing to amend Chapter 16A, Article I of the Tempe City Code, relating to Dealers in Used Goods by amending Section 16A-3 relating to Reports of Transactions Required. The second public hearing is set for October 16, 2008.

DOCUMENT NAME: 20081002pdsj01 **TCC 16 – LICENSES, TAXATION & MISC BUS REGS, ETC.** Ordinance No. 2008.53

SUPPORTING DOCS: No

COMMENTS: This ordinance amends Chapter 16A-3, schedule of fees and charges authorized by the City Code to include a fee for each report filed for certain dealers in used goods.

PREPARED BY: Shannon Johnson, Management Assistant II, 480.858.2023

REVIEWED BY: Tom Ryff, Chief of Police, 480.350.8214

LEGAL REVIEW BY: Bill Amato, Police Legal Advisor, 480.350.8610

FISCAL NOTE: None

RECOMMENDATION: Recommend adoption of Ordinance No. 2008.53

ADDITIONAL INFO: N/A

ORDINANCE NO. 2008.53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 16A, ARTICLE I OF THE TEMPE CITY CODE, RELATING TO DEALERS IN USED GOODS BY AMENDING SECTION 16A-3 RELATING TO REPORTS OF TRANSACTIONS REQUIRED.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 16A-3 of the Tempe City Code is hereby amended to read as follows:

Sec. 16A-3. Reports of transactions required; exceptions.

(a) Every person engaged in the business of auction house, scrap dealer, pawnbroker or secondhand dealer shall make out and deliver to the chief of police a true, complete and legible report of all goods and articles received on deposit, in pawn, pledge, trade or exchange, or by purchase. The report shall be made upon sheets furnished by the police department, and shall be delivered within twenty-four (24) hours after receipt of the property concerned. Each sheet shall contain for each item received:

(1) A complete description of the property, including brand name and serial number, if any. If more than one of any item, the number of the like-type items received;

(2) The date and time when the property was received;

(3) The signature of the person from whom the property was received;

(4) The name (printed), address and date of birth of such person. The reporting party shall require each person to show proof of his name, address and age by exhibiting a valid driver's license, State of Arizona identification card, armed forces identification card or selective service registration certificate, and the number of such identification certificate shall be recorded;

(5) The dealers name and the name of person receiving the property; and

(6) A description of such person, consisting of height, sex, weight, race, complexion, hair color and identifying marks, scars or tattoos.

(B) EVERY PERSON REQUIRED TO FILE A REPORT AS DESCRIBED IN SUBSECTION (A) SHALL PAY AN ADMINISTRATIVE FEE AS ESTABLISHED BY THE CITY COUNCIL FOR EACH REPORT FILED.

(~~b~~ C) Notwithstanding the provisions of subsection (a), the report described therein need not be filed if a transaction in used goods constitutes a partial trade for new or used merchandise of like kind. This exemption applies only if the dealer maintains accurate records including a complete description of the property (brand name, serial number and any other identifying data) of the new or used merchandise sold and similar identifying information insofar as the used good constituting the partial trade for such new or used merchandise of like kind. These records shall be open for inspection to members of the Tempe police department during all business hours.

(~~c~~ D) Notwithstanding the provisions of subsection (a), the report described therein need not be filed with respect to transactions solely between merchants licensed under this article or between merchants who would be required by this article to secure licenses if their establishment were located in the city.

(~~d~~ E) Notwithstanding the provisions of subsection (a), the report described therein need not be filed for certain antique dealers if the following conditions are met:

(1) More than five (5) secondhand dealers rent or share common or contiguous space at the same business location; and

(2) For goods and articles received on deposit, in pawn, pledge, trade or exchange, or by purchase excepting jewelry, precious and semiprecious metals (including articles composed of or plated with precious or semiprecious metals), precious and semiprecious stones and all on-site pawns, pledges, trades, exchanges or purchases for which the normal reporting requirements must be met.

(~~e~~ F) Notwithstanding the provisions of subsection (a), the report described therein need not be filed for antique dealers if the following condition is met: For goods and articles received on deposit, in pawn, pledge, trade or exchange, or by purchase excepting jewelry, precious and semiprecious metals (including articles composed of or plated with precious or semiprecious metals) and precious and semiprecious stones for which the normal reporting requirements must be met.

Section 2. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____day of _____, 2008.

_____
MAYOR

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney