NO CHANGE FROM PREVIOUS READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: January 21, 2020

ITEM: Amendment to City Code – Amend Title 3 (Business and Licensing), Chapter 8 (Pawnbrokers) to modify the procedures and requirements for reporting pawned items by Pawnbrokers.

Ordinance: Approval of Second Reading, Waive Third Reading and Adopt in Final Form

FINANCIAL IMPACT: Undetermined.

BACKGROUND: The City of West Des Moines requests an amendment to the noted chapter and sections of Title 3 (Business and Licensing) to amend regulations pertaining to Pawnbrokers.

- Title 3 (Business and Licensing)
  - Chapter 8 (Pawnbrokers), Section 10 (Reports and Records Required), Section 11 (Prohibited Acts) and Section 12 (Pawned Articles; Requirements For)

This amendment requires the use of technology for current reporting requirements. The amendment also reduces the time which action can be taken on a pawned item from 15 days to 10 days and removes the restriction for days of business.

OUTSTANDING ISSUES: There are no outstanding issues.

RECOMMENDATION: City Staff recommends the City Council approve the second reading, waive the third reading and adopt in final form the amendment to City Code, Title 3 (Business and Licensing), Chapter 8 (Pawnbrokers).

Lead Staff Member: Chief Chris Scott, West Des Moines Police Department

STAFF REVIEWS:

Department Director	Chief Chris Scott, Chief of Police
Appropriations/Finance	Tim Stiles, Finance Director
Legal	Richard Scieszinski, City Attorney HDS
Agenda Acceptance	KM

PUBLICATION(S) (if applicable)

Published In	Des Moines Register
Date(s) Published	
Letter sent to surrounding property owners	

SUBCOMMITTEE REVIEW (if applicable)

Committee	Public Safety Subcommittee		
Date Reviewed	12/06/19		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I Proposed Ordinance

Prepared by: Jessica Spoden, Assistant City Attorney, City of West Des Moines, West Des Moines, IA 50265 (515) 222-3613
Return To: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265

ORDINANCE #_____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2019, BY AMENDING TITLE 3 (BUSINESS AND LICENSING), CHAPTER 8 (PAWNBROKERS) TO MODIFY THE REPORTING PROCEDURES AND REQUIREMENTS FOR PAWNED ITEMS BY PAWNBROKERS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Title 3 (Business and Licensing), Chapter 8 (Pawnbrokers), Section 10 (Reports and Records Required) is hereby amended by deleting the provisions of Section 10 in their entirety and replacing the provisions in Section with the following:

A. The Chief of Police shall designate an Internet-based property tracking service. Every pawnbroker shall report each transaction of secondhand goods and tangible personal property within twenty-four (24) hours of the transaction to the Internet-based tracking service. The record of each transaction shall include:

1. A description of the person selling, purchasing, pawning, trading, or exchanging the item, which description shall include the person's first and last name, address of residence, date of birth, sex, and driver's license or state issued identification card number including the state;

2. Serial and model numbers, a transcription of any engraving or other identifying labels, markings, or writings located on the item, the brand name and model name;

3. An estimated value of each article;

4. The amount paid, advanced, or loaned for each item;

5. The date and time of the transaction;

6. The titles of any movie cassette tapes or discs and computer software;

7. The titles and artist names of any musical cassette tapes, discs, and albums;

8. The number and description of any decorative precious or semiprecious gems, stones, or jewelry;

9. Any mortgage or bill of sale taken, or receipt or pawn ticket given;

10. When, and by whom, the article was bought back or redeemed;

11. When, to whom, and how, an article was disposed of, if not redeemed; and

12. A clear and recognizable digital photograph of each item, which shall only be required if the item lacks a serial or model number.

B. The records required in paragraph A above shall be the property of the City, and the pawnbroker shall be the custodial keeper of such records and make the same available to the City or its designee at any time so that the records may be examined or upon demand by the City or its designee, the pawnbroker shall immediately surrender possession of such records to the City or its designee. Such records shall be retained for at least a three (3) year period.

SECTION 2. AMENDMENT. Title 3 (Business and Licensing), Chapter 8 (Pawnbrokers), Section 11 (Prohibited Acts) is hereby amended by deleting the provisions of Section 11 in their entirety and replacing the provisions in

Section with the following:

A. No pawnbroker, nor any agent or employee thereof, shall purchase or receive any personal property from any person under eighteen (18) years of age.

B. No pawnbroker shall conceal, secrete, or destroy for the purpose of concealing, any article purchased or received by him for the purpose of preventing identification thereof by a police officer of any person claiming to own the same.

C. No pawnbroker shall sell or otherwise dispose of any article during the time any person has the right to buy back or redeem the same.

D. No pawnbroker shall clean, repair, dye, or alter in any manner whatsoever any article of clothing taken in pawn or purchased outright for a period of ten (10) days following receipt thereof.

E. No pawnbroker nor any agent or employee thereof, shall purchase or receive on deposit any item from a person of unsound mind or an intoxicated person.

F. No pawnbroker, nor any agent or employee thereof, shall acquire, by purchase, barter, exchange or pawn, items bearing evidence of a serial number which has been tampered with or scratch or obliterated in any manner unless such person immediately contacts the West Des Moines Police Department.

G. No pawnbroker shall sell, or permit to be redeemed or otherwise disposed of any article which he has reason to believe has been stolen, or which is adversely claimed by any person, or which he has been notified in writing by a police officer not to sell, release, or otherwise dispose of by a police officer. The pawnbroker shall acknowledge receipt of notification by the police officer, and such notification not to sell, release or dispose of any article shall not exceed thirty (30) days from acknowledgment of notice by pawnbroker.

H. Any pawnbroker, agent or employee thereof who shall fail to keep records as required under this Chapter, or fail to make the required record entries, or shall intentionally or knowingly make any false or unintelligible record entry, or make any record entry which he or she has reason to believe is untrue, or who shall fail to make the reasonable inquiries necessary to enable him or her to make bona fide record entries, or who shall fail to produce records upon request by an officer having authority to examine the records, or who shall destroy or negligently permit the records to be destroyed or lost, shall be guilty of a prohibited act under this Chapter.

SECTION 3. AMENDMENT. Title 3 (Business and Licensing), Chapter 8 (Pawnbrokers), Section 12 (Pawned Articles; Requirements For) is hereby amended by adding the text in bold lettering and deleting the text in strikethrough and shaded text;

A. Destroying, Disposing, or Dismantling Articles for ~~Fifteen~~ **Ten** Days: No person purchasing or receiving any article described in the preceding Section shall melt, alter, mutilate, destroy, **sell** or dispose of the same within ~~fifteen~~ ten ~~(15)~~ **(10)** days after the report is made to the Police Department except upon written consent from the Chief of Police or his designee. Every bicycle, motorcycle, or automobile purchased or received shall be kept intact for a period of ~~fifteen (15)~~ **ten (10)** days unless permission to dismantle the same has been obtained in writing from the Chief of Police.

B. Change or Mutilation of Jewelry: No article of jewelry shall be changed in its form or altered, dismantled, or mutilated in any way within the time fixed for sale or redemption.

SECTION 4. REPEALER: All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

SECTION 5. SAVINGS CLAUSE: If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 6. VIOLATIONS AND PENALTIES: Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 and 2 of the City Code of the City of West Des Moines, Iowa.

SECTION 7. OTHER REMEDIES: In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 8. EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on this 21st day January, 2020.

_____
Steven K Gaer, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2020, and was published in the Des Moines Register on _____, 2020.

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Ryan Jacobson, City Clerk