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4 **AN ORDINANCE AMENDING CHAPTER 115:**
5 **VALUABLE METALS, PRECIOUS METALS AND STONES,**
6 **PAWN SHOPS, SECOND-HAND STORES IN THE**
7 **CITY OF FORT WAYNE MUNICIPAL CODE OF ORDINANCES**
8

9 **WHEREAS,** pawn shop dealers and second-hand dealers are defined in Fort Wayne City
10 Code; and
11

12 **WHEREAS,** there are defined processes in place on how second-hand dealers should
13 retain property, what records should be kept, and what should be shared with the Fort Wayne
14 Police Department; and
15

16 **WHEREAS,** in working with Fort Wayne area businesses and law enforcement, there are
17 additional records that should be collected in order to ensure the legal transfer of property.
18

19 **WHEREAS,** in order to be designated a Residentially Distressed Area, and in accord
20 with §153.26 of the Fort Wayne Code, the following criteria must be met:
21

22 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE**
23 **CITY OF FORT WAYNE, INDIANA:**
24

25 **SECTION 1. Restate and** Amend Chapter 115.60-115.61 to add the following:
26

27 **§ 115.60 DEFINITIONS.**

28 For the purpose of this subchapter, the following definitions shall apply unless the context
29 clearly indicates or requires a different meaning.
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31 **SECOND-HAND DEALER.** Except for valuable metal dealer, precious metals and stones
32 dealer, pawn shop dealer as defined in this chapter, any organization which is exempt from
33 federal tax as provided under the Federal Tax Code, used automobile/vehicle dealer, used farm
34 equipment dealer, estate sales or real estate business, a SECOND-HAND DEALER is any
35 person who engages in the business of purchasing, selling, or exchanging of second-hand goods
36 or articles which includes, but not limited to:

(1) **COINS.** Small pieces of metal, usually flat and circular, authorized for use as money by the United States Department of Treasury or another governmental agency or department,

(2) **ELECTRONIC EQUIPMENT.** Televisions, video cameras and receivers, still picture cameras, motion picture cameras and projectors, radios (receiving and sending), digital video disc players, camcorders, tape recorders, cassettes, video tape recorders, stereo equipment, compact disc players, compact discs, video gaming systems, video games, digital video disc players, digital video discs (DVDs), blue-ray disc players, blue-ray discs, portable music devices such as MP3 player, iPods, iPads, and any other electronic equipment.

(3) **HOUSEHOLD GOODS.** Washers, dryers, furnaces, air conditioners, microwave ovens, kitchen appliances, china, crystal, silverware, flatware, pianos, organ, guitars, and other musical instruments.

(4) **OFFICE EQUIPMENT.** Typewriters, calculators, cash registers, copying machines, facsimile machines, telephones, cellular phones, computer hardware, software, computers, computer accessories, including tape and disc drives, printers and storage media.

(5) **TOOLS.** Any device used to facilitate manual or mechanical work, including but not limited to cutting, gardening, hand, machine, power tools and lawn mowers, scooters, 4-wheelers, and other conveyances not registered with the BMV.

(6) **SPORTING GOODS.** Golf clubs, sporting equipment, guns, bows, hunting rifles, and other hunting and personal protection equipment.

Seller. A person who delivers personal property by means of selling to a Second-Hand Dealer and/acts as a pledger as defined in 115.50.

§ 115.61 RECORDS OF PURCHASES, SALES AND EXCHANGES.

(A) Second-hand dealers shall submit to the Fort Wayne Police Department each business day, all required data set forth by Fort Wayne Police Department regarding all second-hand articles purchased, sold, or exchanged by that business during the preceding 24-hour period of operation. The data shall be submitted using the records management system used by the Fort Wayne Police Department to record said data.

(B) In addition to submitting the data required under division (A) to the Fort Wayne Police Department, second-hand dealers shall photograph all precious metals or stones received as part of any transaction, which photograph shall be of clear resolution, shall be retained and preserved on the business premises of such pawn shop owner or second-hand dealer for a period of one year from the date of the transaction and shall be made available to the Fort Wayne Police Department upon request.

(C) Proper documentation of the person pledging/pawning and/or selling materials. A person pledging/pawning or selling must provide identifying information including, but not limited to:

1 (1) Legal Name

2 (2) Date of Birth

3 (3) Physical Descriptors

4 (4) Legal Address

5 Said information shall be gathered by a state-issued driver license or identification card, and
6 shall be included in any transaction report uploaded to the Fort Wayne Police Department's
7 record management system used to record said data or provided to any law enforcement agency
8 as required herein.
9

10 **§ 115.62 SERIAL NUMBER REQUIRED.**
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12 No second-hand dealer shall accept as collateral security or for purchase any property of the
13 type given manufacturer's serial numbers or other identifying insignia unless such property shall
14 have plainly visible thereon the manufacturer's serial number or other identifying insignia.
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16 **§ 115.63 RETENTION OF ACQUIRED PERSONAL PROPERTY.**
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18 All personal property received by a second-hand dealer under this subchapter shall be held
19 intact by the licensee for at least seven business days after the licensee has mailed a copy of the
20 record required to be maintained under state law, which details the item of personal property
21 received, to the local law enforcement agency having jurisdiction over the location of his place
22 of business. Whenever any licensee receives written notice, either from the Fort Wayne Police
23 Department or from an individual, that someone is maintaining a claim of right to possession of
24 the personal property adverse to the licensee, the licensee shall keep the personal property in his
25 possession for 30 days or turn it over to the local law enforcement agency if so required by the
26 Fort Wayne Police Department. Once notice of an adverse claim to the article has been given
27 under this section, the article shall be held for 30 days, during which legal proceedings may be
28 commenced to determine who is entitled to the property. If the matter is not settled or legal
29 proceedings have not been commenced within 30 days, the property shall be returned to the
30 second-hand dealer by the Fort Wayne Police Department if held by them.
31

32 **§ 115.64 UNLAWFUL PURCHASES.**
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34 A second-hand dealer may not purchase item(s):

35 (A) From an individual less than 18 years of age;

36 (B) That the second-hand dealer believes or should have reason to believe item is stolen
37 property acquired as a result of a crime; or

1 (C) From an individual who appears to be or is intoxicated.
2

3 **§ 115.99 PENALTY.**
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5 Any person who violates or fails to comply with any provision of this chapter shall, upon
6 conviction thereof, be fined up to \$2,500. Each day such violation is committed or permitted to
7 continue shall constitute a separate offense.

8 **SECTION 2.** That this Resolution shall be in full force and effect from and after its
9 passage and any and all necessary approval by the Mayor.

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12

Martin Bender, Council Member

13
14 APPROVED AS TO FORM AND LEGALITY

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16

Joseph G. Bonahoom, City Council Attorney
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