

AN ORDINANCE AMENDING CHAPTER 115: VALUABLE METALS, PRECIOUS METALS AND STONES, PAWN SHOPS, SECOND HAND STORES IN THE FORT WAYNE MUNICIPAL CODE OF ORDINANCES

WHEREAS, in consultation with the Fort Wayne Police Department, it has become evident that there are several items in Chapter 115 of the Fort Wayne Municipal Code of Ordinances that merits review and revision; and

WHEREAS, in that review, it has been determined that there are modernization aspects that should be addressed in Code to ensure that residents and business owners have realistic expectations of what is expected of them in regards to transactions covered herein and the Fort Wayne Police Department is provided the appropriate codified tools to complete their mission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FOR WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. Restate and amend CHAPTER 115: VALUABLE METALS, PRECIOUS METALS AND STONES, PAWN SHOPS, SECOND HAND STORES as follows:

CHAPTER 115: VALUABLE METALS, PRECIOUS METALS AND STONES, PAWN SHOPS, SECOND HAND STORES

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VALUABLE METALS

§ 115.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

PERSON. Any individual, firm, corporation or partnership.

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.

VALUABLE METAL. Copper, lead, titanium, stainless steel, copper alloy or brass, formed as a bar, cable, rod, tubing, wire, wire scrap, clamp, connector, bushing or bearing or other appurtenances utilized or that can be utilized by persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy, in telephone, telegraph or other communications, or by railroads; or any copper, copper alloy or brass, or aluminum materials utilized for the purpose of plumbing, storm doors and windows, siding, or gutters of building structures or automotive parts.

VALUABLE METAL DEALER. Any person engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junkyards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk and junk cars or trucks, or the seller of any valuable metals originating from a building structure.

§ 115.02 LICENSE REQUIRED.

No person shall engage in the business of a valuable metal dealer in the city without complying with this subchapter and obtaining a license therefor.

§ 115.03 APPLICATION FOR LICENSE.

Application for such license shall be filed with the Fort Wayne Police Department. The application shall be on forms furnished by the Chief of Police or his/her agent and shall contain the following information:

(A) Name and address of the applicant;

(B) The street address of the building in which that person intends to carry out the business of a valuable metal dealer;

(C) The business's telephone number.

1 **§ 115.04 INVESTIGATION OF APPLICANT.**

2 Upon receipt of each application, the Fort Wayne Police Department shall conduct a
3 background investigation into the business and moral character of the applicant. If upon
4 investigation, the applicant's character is found to be unsatisfactory, no license shall be issued.

5
6 **§ 115.05 LICENSE FEE; ISSUANCE.**

7 Every applicant for a valuable metal dealer's license shall pay a non-refundable annual license
8 fee of \$10. The license shall expire on December 31 of the year in which the license shall be
9 issued. No reduction shall be made for any part of the year elapsed at the time of making such
10 application for such license.

11
12 **§ 115.06 SEPARATE LICENSE FOR EACH ESTABLISHMENT; CHANGE OF**
13 **LOCATION.**

14 A separate license shall be obtained for each location at which a person conducts the business
15 of a valuable metal dealer. If the holder of a license of a valuable metal dealership wishes to
16 change the location of the operation of that person's business, that person shall make written
17 notification for a transfer of location to the Fort Wayne Police Department, which notification
18 shall contain the new business address and business telephone number of the person.

19 Penalty, see § 115.99

20
21 **§ 115.07 REVOCATION OR SUSPENSION; HEARING.**

22 (A) Any license issued under this subchapter may be revoked or suspended by the Chief of
23 Police or his/her agent by reason of a violation of any of the provisions of this subchapter.

24 (B) When a hearing is set by the Chief of Police or his/her agent in a revocation or suspension
25 procedure, the licensee shall receive not less than 20 days written notice, which notice shall
26 contain charges made, as well as the time and place when the hearing will be held.

27 (C) At a hearing conducted pursuant to this subchapter, the licensee shall have the right to be
28 represented by counsel, to present witnesses, to testify and cross-examine any other witnesses
29 and to subpoena witnesses. Proceedings shall be conducted under oath.

30 (D) The Chief of Police or his/her agent shall preside at the hearing and shall make the final
31 determination.

32 (E) If any decision adverse to the licensee is made by the Chief of Police or his/her agent after
33 a hearing as provided above, the Chief of Police or his/her agent shall provide the licensee with a
34 written reason for such decision, as well as a notice of the licensee's right to appeal to the courts
35 of the state.

1 **§ 115.08 RECORDS OF PURCHASES.**

2 Except as provided in § 115.12, every person licensed as a valuable metal dealer shall keep and
3 preserve data on or through an electronic or computer data system information which shall be
4 transmitted on a daily basis for the preceding 24-hour period of operation, via electronic forms of
5 transmission, to the Fort Wayne Police Department using the Records Management System
6 being used by the Fort Wayne Police Department to record the following information:

7 (A) The date and time of each purchase.

8 (B) An accurate account and description of the valuable metal purchased, including the
9 weight and whether it consists of bar, cable, rod, tubing, wire, wire scrap, clamp, connector or
10 other appurtenances or some combination thereof; or the type of building material purchased.

11 (C) The price paid for the valuable metal.

12 (D) The dealer shall further require the seller be properly identified with one verifiable piece
13 of current identification that shows name, address, sex, race and date of birth, which shall be
14 government issued photographic identification.

15 (E) All information required by the Fort Wayne Police Department to be preserved on
16 electronic or computer data system shall be open at all times during the business hours to the
17 inspection of the Chief of Police or his/her agent to examine such records. Such electronic
18 information shall be retained on the business premises of the valuable metal dealer for a period
19 of one year from date of purchase.

20 Penalty, see § 115.99

21
22 **§ 115.09 CHIEF OF POLICE REQUIRED TO PROVIDE LIST OF STOLEN GOODS.**

23 The Chief of Police or his/her agent shall, at their discretion, provide a list ("hot sheet") of
24 stolen goods containing valuable metals, to all valuable metal dealers.

25
26 **§ 115.10 UNLAWFUL PURCHASES.**

27 A valuable metals dealer may not purchase valuable metals:

28 (A) From an individual less than 18 years of age:

29 (B) That the precious metal dealer believes or should have reason to believe is stolen property
30 acquired as a result of a crime; or

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

32 Penalty, see § 115.99

1 **§ 115.11 RETENTION BEFORE SALE OR DISPOSITION.**

2 All goods or articles containing valuable metal purchased or received by any proprietor,
3 manager or employee of any licensed valuable metal dealer, shall be retained at the place of
4 business of the licensed dealer, by the proprietor, manager, or employee for a period of not less
5 than 36 hours after its receipt before any such goods or articles may be disposed of or sold.

6
7 **§ 115.12 EXCEPTIONS.**

8 This subchapter does not apply to purchases from persons, firms or corporations regularly
9 engaged in the business of manufacturing valuable metals, the business of selling valuable metals
10 at retail or wholesale, to the purchase of one dealer from another or the purchase from persons,
11 firms or corporations engaged in either the generation, transmission or distribution of electric
12 energy or in telephone, telegraph and other communications.

13
14 **PRECIOUS METALS AND STONES**

15 **§ 115.25 DEFINITIONS.**

16 For the purpose of this subchapter, the following definitions shall apply unless the context
17 clearly indicates or requires a different meaning.

18 **PERSON.** Any individual, firm, corporation or partnership engaged in the buying and selling
19 of precious metals or gemstones.

20 **PRECIOUS METALS or STONES.** Any items, to include, but not limited to, items formed
21 into jewelry, coins, bars, utensils, or bullion, composed of precious metals, to include, but not
22 limited to gold of any kind, silver, platinum, or any other rare, precious metal; or containing
23 gems to include, but not limited to diamond, emerald, sapphire, ruby, opal, pearl, or amethyst.

24 **PRECIOUS METALS or STONES DEALER.** Any person engaged in the business of
25 purchasing and reselling valuable items containing precious metals or stones, either at a
26 permanently established place of business or in connection with a business of an itinerant nature,
27 including junk shops, junk stores, antique dealers, secondhand stores or flea markets.

28
29 **§ 115.26 LICENSE REQUIRED.**

30 (A) No person shall engage in the business of precious metals or stones dealer in the city
31 without complying with this subchapter and obtaining a license therefor.

32 (B) In the event several precious metals or stones dealers are located at a coin or antique show
33 which is ten (10) days or fewer of duration, only the organizer/manager of the coin or antique
34 show shall be required to purchase a license. However, if the antique show or coin show has
35 duration in excess of ten (10) days, each precious stones or metals dealer at the show shall be
36 required to purchase a separate license.

1 **§ 115.27 APPLICATION FOR LICENSE.**

2 Application for such license shall be filed with the Chief of Police or his/her agent. The
3 application shall be on forms furnished by the Chief of Police or his/her agent and shall contain
4 the following information:

5 Upon receipt of each application, the Fort Wayne Police Department shall conduct a
6 background investigation into the business and moral character of the applicant. If upon
7 investigation, the applicant's character is found to be unsatisfactory, no license shall be issued.

8 Upon receipt of each application, the Fort Wayne Police Department shall conduct a background
9 investigation into the business and moral character of the applicant. If upon investigation, the
10 applicant's character is found to be unsatisfactory, no license shall be issued.

11
12 **§ 115.28 INVESTIGATION OF APPLICANT.**

13 Upon receipt of each application, the Fort Wayne Police Department shall conduct a
14 background investigation into the business and moral character of the applicant. If upon
15 investigation, the applicant's character is found to be unsatisfactory, no license shall be issued.

16
17 **§ 115.29 LICENSE FEE; ISSUANCE.**

18 Every applicant for a precious metals or stones dealer's license shall pay a nonrefundable
19 annual license fee in the sum of \$10. The license shall expire on December 31 of the year in
20 which the license shall be issued. No reduction shall be made for any part of the year elapsed at
21 the time of making such application for such license.

22
23 **§ 115.30 SEPARATE LICENSE FOR EACH ESTABLISHMENT; CHANGE OF**
24 **LOCATION.**

25 A separate license shall be obtained for each location at which a person conducts the business
26 of a precious metals or stones dealer. In the case of a flea market only one license need be
27 obtained for the whole flea market, and not for each participant at such flea market. If the holder
28 of a license of a precious metals or stones dealership wishes to change the location of the
29 operation of that person's business, that person shall make written notification for a transfer of
30 location to the Chief of Police or his/her agent, which notification shall contain the new
31 business's address and business telephone number of the person.

32 Penalty, see § 115.99
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1 **§ 115.31 REVOCATION OR SUSPENSION; HEARING.**

2 (A) Any license issued under this subchapter may be revoked or suspended by the Chief of
3 Police or his/her agent by reason of a violation of any of the provisions of this subchapter.

4 (B) When a hearing is set by the Chief of Police or his/her agent in a revocation or suspension
5 procedure, the licensee shall receive not less than 20 days written notice, which notice shall
6 contain charges made, as well as the time and place when the hearing will be held.

7 (C) At a hearing conducted pursuant to this subchapter, the licensee shall have the right to be
8 represented by counsel, to present witnesses, to testify and cross-examine any other witnesses
9 and to subpoena witnesses. Proceedings shall be conducted under oath.

10 (D) The Chief of Police or his/her agent shall preside at the hearing and shall make the final
11 determination.

12 (E) If any decision adverse to the licensee is made by the Chief of Police or his/her agent after
13 a hearing as provided above, the Chief of Police or his/her agent shall provide the licensee with a
14 written reason for such decision, as well as a notice of the licensee's right to appeal to the courts
15 of the state.

16
17 **§ 115.32 RECORDS OF PURCHASES.**

18 Except as provided in § 115.36, every person licensed as a precious metals or stones dealer
19 shall keep and preserve data on or through an electronic or computer data system information
20 which shall be transmitted on a daily basis for the preceding 24-hour period of operation, via
21 electronic forms of transmission, to the Fort Wayne Police Department using the Records
22 Management System being used by the Fort Wayne Police Department to record the following
23 information for each purchase of precious metals and stones:

24 (A) The date and time of each purchase.

25 (B) An accurate account and description of the precious metals or stones purchased including
26 the weight and type of item purchased.

27 (C) The price paid for the item containing precious metals or stones.

28 (D) The dealers shall further require the seller be properly identified with one verifiable
29 current government issued photographic identification. The dealer shall make a legible
30 photographic copy of such identification and shall retain such photographic copy on the dealer's
31 business premises for a period of one year from the date of purchase and shall be available to the
32 Fort Wayne Police Department upon request.

33 (E) All information required by the Fort Wayne Police Department to be preserved on
34 electronic or computer data system, shall be open at all times during the business hours to the
35 inspection of the Chief of Police or his/her agent to examine such records. Such electronic
36 information shall be retained on the business premises for the precious metals or stones dealer
37 for a period of one year from the date of purchase.

(F) In addition to submitting the data required under division (A-D) to the Fort Wayne Police Department, pawn shop dealers shall photograph all precious metals or stones received as part of any transaction. Said photograph(s) shall be of clear resolution, shall be retained and preserved on the business premises of such pawn shop owner, secondhand dealer, or precious metal dealer for a period of one (1) year from the date of purchase, the transaction, or, shall be included in the transaction information submitted to the Fort Wayne Police Department using the Records Management System used by the Fort Wayne Police Department to record said data. Any data stored on-site at a pawn shop, second hard dealer, or precious metal dealer shall be made available to the Fort Wayne Police Department upon request.

Penalty, see § 115.99

§ 115.33 CHIEF OF POLICE REQUIRED TO PROVIDE LIST OF STOLEN GOODS.

The Chief of Police or his/her agent shall, at their discretion, provide a list ("hot sheet") of stolen goods containing precious metals or stones, to all precious metal or stone dealers.

§ 115.34 UNLAWFUL PURCHASES.

A precious metals or stones dealer may not purchase precious metals or stones:

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

(B) That the precious metal dealer believes or should have reason to believe is stolen property acquired as a result of a crime; or

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

Penalty, see § 115.99

§ 115.35 RETENTION BEFORE SALE OR DISPOSITION.

All goods or articles containing precious metals or stones purchased or received by any proprietor, manager or employee of any licensed precious metals or stones dealer, shall be retained at the place of business of the licensed dealer, by the proprietor, manager or employee for a period of not less than five (5) business days after its receipt before any such goods or articles may be disposed of or sold.

Penalty, see § 115.99

1 **§ 115.36 EXCEPTIONS.**

2 This subchapter does not apply to purchases from persons, firms or corporations regularly
3 engaged in the business of manufacturing valuable metals, the business of selling valuable metals
4 at retail or wholesale, to the purchase of one dealer from another or the purchase from persons,
5 firms or corporations engaged in either the generation, transmission or distribution of electric
6 energy or in telephone, telegraph and other communications.

7
8 **PAWN SHOPS**

9
10 **§ 115.50 DEFINITIONS.**

11 For purposes of this subchapter the following definitions shall apply unless the context clearly
12 indicates or requires a different meaning.

13 **PAWN SHOP DEALER.** Any person, partnership, association, or corporation lending money
14 on the deposit or pledge of personal property, or who deals in the purchase of personal property
15 on the condition of selling the property back again at a stipulated price, other than chooses in
16 action, securities, or printed evidence of indebtedness.

17 **PERSON.** An individual, a firm, an association, a limited liability company, a partnership, a
18 joint stock association, a trust, or a corporation or any other entity capable of suing or being
19 sued.

20 **PLEDGE.** Personal property deposited with a pawnbroker as security for a loan.

21 **PLEDGER.** The person who delivers personal property into the possession of a pawnbroker as
22 security for a loan unless such person discloses that the person is or was acting for another; and
23 in such event "pledger" means the disclosed principal.

24
25 **§ 115.51 RETENTION OF ACQUIRED PERSONAL PROPERTY.**

26 All personal property received by a pawn shop dealer under this subchapter shall be held intact
27 by the licensee for at least seven (7) business days after the licensee has submitted the required
28 data set forth by the Fort Wayne Police Department using the Records Data Management System
29 used by the Fort Wayne Police Department to record said data. Whenever any licensee receives
30 notice, by electronic means, telephone, or in-person means, from a law enforcement agency or
31 officer, or from an individual, that a claim of right to possession of the personal property adverse
32 to the licensee, the licensee shall keep the personal property in his possession for thirty (30) days
33 or turn it over to the local law enforcement agency if so required by the local law enforcement
34 agency, or unless a civil-agreement between the licensee and the person(s) claiming right to
35 possession is reached.

1 If, after the required time period, property is not seized by law enforcement, or a civil agreement
2 has not been reached, said property shall be released to the licensee by the law enforcement
3 agency, if held by them.

4
5 **§ 115.52 RECORDS OF PAWN, PURCHASES, SALES AND EXCHANGES.**

6 (A) Pawn shop dealers shall submit to the Fort Wayne Police Department each business day.
7 All required data set forth by the Fort Wayne Police Department regarding items pawned at that
8 business during the preceding 24-hour period of operation. The data shall be submitted using the
9 Records Management System used by the Fort Wayne Police Department to record said data.

10 (B) In addition to submitting the data required under division (A) to the Fort Wayne Police
11 Department, pawn shop dealers shall photograph all precious metals or stones received as part of
12 any transaction. Said photograph(s) shall be of clear resolution, shall be retained and preserved
13 on the business premises of such pawn shop owner, secondhand dealer, or precious metal dealer
14 for a period of one (1) year from the date of the transaction, or, shall be included in the
15 transaction information submitted to the Fort Wayne Police Department using the Records
16 Management System used by the Fort Wayne Police Department to record said data. Any data
17 stored on-site at a pawn shop, second hard dealer, or precious metal dealer shall be made
18 available to the Fort Wayne Police Department upon request.

19
20 **§ 115.53 SERIAL NUMBER REQUIRED.**

21 No pawn shop dealer shall accept as collateral security or for purchase any property of the type
22 given manufacturer's serial numbers or other identifying insignia unless such property shall have
23 plainly visible thereon the manufacturer's serial number or other identifying insignia.

24 Penalty, see § 115.99

25
26 **§ 115.54 UNLAWFUL PURCHASES.**

27 A pawn shop dealer shall not purchase item(s):

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

29 (B) That the pawn shop dealer believes or should have reason to believe item is stolen
30 property acquired as a result of a crime; or

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

32 Penalty, see § 115.99

SECOND HAND DEALERS

§ 115.60 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SECOND HAND DEALER. Except for valuable metal dealer, precious metals and stones dealer, pawn shop dealer as defined in this chapter, any organization which is exempt from federal tax as provided under the Federal Tax Code, used automobile/vehicle dealer, used farm equipment dealer, estate sales or real estate business, a SECOND HAND DEALER is any person who engages in the business of purchasing, selling, or exchanging of second hand goods 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, or flatware

(4) MUSICAL EQUIPMENT. Musical instruments including, but not limited to, guitars, drums, brass instruments, stringed instruments, or other musical instrument; equipment used in playing musical instruments to include pedals, amplifiers, microphones or other piece of equipment.

(5) 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.

(6) 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.

(7) SPORTING GOODS. Implements or tools commonly recognized as being used in sports, hobbies or other recreational activity to include but not limited to, golf clubs, firearms of any type or guns powered by compressed air, bow hunting equipment of any type, knives or other types of sharp-edged weapons.

1 **§ 115.61 RECORDS OF PURCHASES, SALES AND EXCHANGES.**

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

7 (B) In addition to submitting the data required under division (A) to the Fort Wayne Police
8 Department, secondhand dealers shall photograph all precious metals or stones received as part
9 of any transaction. Said photograph(s) shall be of clear resolution, and shall either be retained
10 and preserved on the business premises of such pawn shop owner, secondhand dealer, or
11 precious metal dealer for a period of one (1) year from the date of the transaction, or, shall be
12 included in the transaction information submitted to the Fort Wayne Police Department using the
13 Records Management System used by the Fort Wayne Police Department to record said data.
14 Any data stored on-site at a pawn shop, second hard dealer, or precious metal dealer shall be
15 made available to the Fort Wayne Police Department upon request.

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

18 (1) Legal Name

19 (2) Date of Birth

20 (3) Physical Descriptors

21 (4) Legal Address

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

26
27 **§ 115.62 SERIAL NUMBER REQUIRED.**

28 No Second Hand Dealer shall accept as collateral security or for purchase any property of the
29 type given manufacturer's serial numbers or other identifying insignia unless such property shall
30 have plainly visible thereon the manufacturer's serial number or other identifying insignia.

31 Penalty, see § 115.99

32
33 **§ 115.63 RETENTION OF ACQUIRED PERSONAL PROPERTY.**

34 All personal property received by a Second Hand Dealer under this subchapter shall be held
35 intact by the dealer/licensee for at least seven (7) business days after the dealer/licensee has
36 submitted the required data set forth by the Fort Wayne Police Department using the Records
37 Data Management System used by the Fort Wayne Police Department to record said data.

1 Whenever any dealer/licensee receives notice, by electronic means, telephone, or in-person
2 means, from a law enforcement agency/officer, or from an individual, that a claim of right to
3 possession of the personal property adverse to the dealer/licensee, the dealer/licensee shall
4 maintain custody of the property for 30 days or turn it over to the local law enforcement agency
5 if so required by the law enforcement agency, or unless a civil-agreement between the
6 dealer/licensee and the person(s) claiming right to possession is reached. If, after that required
7 time period, property is not seized by Law Enforcement, or a civil agreement has not been
8 reached, said property shall be released to the dealer/licensee by the Law Enforcement Agency,
9 if held by them.

10 **§ 115.64 UNLAWFUL PURCHASES.**

11 A secondhand dealer may not purchase item(s):

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

13 (B) That the secondhand dealer believes or should have reason to believe item is stolen
14 property acquired as a result of a crime; or

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

16 Penalty, see § 115.99

17
18 **§ 115.99 PENALTY.**

19 Any person who violates or fails to comply with any provision of this chapter shall, upon
20 conviction thereof, be fined up to \$2,500. Each day such violation is committed or permitted to
21 continue shall constitute a separate offense.

22 **SECTION 2.** That this ordinance shall be in full force and effect after any and all
23 necessary approval by the Mayor.

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26

Martin Bender, Council Member

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Nathan Hartman, Council Member

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31 **APPROVED AS TO FORM AND LEGALITY**

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Joseph G. Bonahoom, City Council Attorney