

THIS ORDINANCE IS TO REQUIRE THE DEALER OF JEWELRY AND SECONDARY PRECIOUS METALS TO MAINTAIN RELIABLE RECORDS IDENTIFYING THE SELLER OF JEWELRY AND SECONDARY PRECIOUS METALS AND TO FURTHER ASSIST THE POLICE IN INVESTIGATING AND LOCATING STOLEN PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

**SECTION 1. Definitions**

- A. "AUTHORIZED VENDOR" means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.
- B. "CHIEF" means the chief of police of the Town of Addison.
- C. "DEALER" means any person who purchases jewelry and/or secondary precious metals for resale or salvage use.
- D. "JEWELRY" means gems, jewels, and objects made of precious metals that are worn for adornment, including but not limited to stones removed from a mounting.
- E. "PERSON" means an individual, partnership, corporation, joint venture, trust, association, and any other legal entity.
- F. "PERSONAL IDENTIFICATION CERTIFICATE" means a certificate issued by the Texas Department of Public Safety under Article 6687b, Vernon's Texas Civil Statute or a similar certificate issued by another state.
- G. "PURCHASE" means a transaction in which a person takes title to regulated property in exchange for valuable consideration.
- H. "SELLER" means the person in a purchase transaction who is affirming the legal right of ownership and the right to sign over title to the property offered for sale.

- I. "SECONDARY JEWELRY" means previously owned or worn gems, jewels, and objects made of precious metals, including but not limited to stones removed from a mounting.
- J. "SECONDARY PRECIOUS METALS" means silverware, art objects, or any other thing or object crafted, in whole or in part, from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, but does not include coins, bullion, or bars of such metals.

**SECTION 2. Records**

**A. Purchase from Manufacturer or Authorized Dealer**

- 1. A dealer purchasing jewelry or secondary precious metals from a Manufacturer or Authorized Dealer shall be required to retain a purchase receipt for twelve months (one year) from date of purchase of jewelry or secondary precious metals which identifies:
  - a. the Manufacturers' or Authorized Vendors' name and place of business;
  - b. a complete description of the secondary jewelry and/or secondary precious metal purchased; and
  - c. date of purchase.

**B. Purchase from other than Manufacturer or Authorized Dealer**

- 1. A dealer that purchases jewelry or secondary precious metals from one other than a Manufacturer or Authorized Vendor shall be required to retain a purchase record for twelve months (one year) which identifies:
  - a. name, address, sex, and date of birth and physical description of the Seller;
  - b. date of purchase;
  - c. a photocopy of a current, valid identification containing a photograph of the Seller, including, but not limited to:
    - (1) driver's license; or

- (2) military identification; or
  - (3) passport; or
  - (4) personal identification certificate.
- d. the consideration exchanged for the jewelry or secondary precious metal.
  - e. a complete description of the secondary jewelry and/or secondary precious metal and date of purchase.

**2. List Identification**

On the first (1st) day of each calendar month, the Dealer shall compile a list which identifies each Seller of secondary jewelry and/or secondary precious metals from which such Dealer has made any purchase during the preceding calendar month and deliver or mail the list to the Chief of Police, the Town of Addison, 4799 Airport Parkway, Addison, Texas 75248 on or before the fifth (5) day of each month.

**3. Segregation/Retention of Property**

When purchasing secondary jewelry or secondary precious metals from other than a Manufacturer or Authorized Vendor, a Dealer shall:

- a. segregate the secondary jewelry or secondary precious metals from property purchased from other sellers;
- b. attach to the segregated property an identification tag which states:
  - c. name of the seller;
  - d. date of purchase;
- e. retain the jewelry or secondary precious metal for twenty-one (21) calendar days at Dealer's place of business and withhold the property from resale or salvage use; and

- f. permit any police officer to inspect the jewelry or secondary precious metals and the tags during regular business hours.

**SECTION 3. Suspect Property**

- A. When a police officer inspecting jewelry or secondary precious metals has probable cause to believe that the property being inspected is stolen, the police officer may issue a receipt to the Dealer for the property believed to be stolen.
- B. The police officer shall seize the property suspected to be stolen and immediately file an inventory of the property identifying the property and the property's value with the Court having jurisdiction of the case and certify to the Court that the property has been seized by the officer and state the grounds therefore.
- C. After sixty (60) calendar days without a disposition of the property, the suspect property shall be automatically released to the Dealer and the Dealer may dispose of the property.

**SECTION 4. Offense**

- A. A person commits an offense if he:
  - 1. fails to maintain the records required under Section 2(A) and (B) of this ordinance;
  - 2. fails or refuses to produce within a reasonable time for inspection the records required under Section 2(A) and (B) when requested by a police officer;
  - 3. fails or refuses to comply with a request from any police officer to release suspect property to a police office after the Dealer is issued a receipt for the property; and
  - 4. fails to send a list to the Chief of Police of the Town of Addison as required Section 2(B)(2) of this ordinance.

SECTION 5.       **Mental State**

Unless otherwise provided by a provision under this ordinance, a culpable mental state is not required for an offense under this ordinance.

SECTION 6.       **Penalty**

An offense under this ordinance is punishable by a fine not to exceed \$500.00. Each violation constitutes a separate offense.

SECTION 7.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 8.

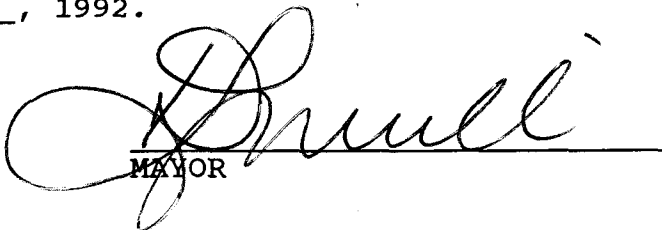
That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 9.

This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the charter of the Town of Addison, and it is accordingly so ordained.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS,

this 28th day of January, 1992.

  
MAYOR

ATTEST:

  
CITY SECRETARY

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