

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 001-029

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 22 (BUSINESSES) OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING ARTICLE II (JEWELRY AND SECONDHAND PRECIOUS METAL DEALERS); PROVIDING REGULATIONS AND STANDARDS FOR REGULATED PROPERTY AS DEFINED HEREIN; PROVIDING DEFINITIONS; PROVIDING CERTAIN RECORD-KEEPING, RETENTION, INSPECTION, AND OTHER REQUIREMENTS IN CONNECTION WITH THE PURCHASE OF REGULATED PROPERTY; PROVIDING THAT A VIOLATION OF THIS ARTICLE CONSTITUTES AN OFFENSE PUNISHABLE BY A FINE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amendment. The Code of Ordinances (“Code”) of the Town of Addison, Texas (the “City”) is hereby amended by amending Chapter 22 (“Businesses”) of the Code as follows:

A. Article II (“Jewelry and Secondary Precious Metal Dealers”) of Chapter 22 is hereby amended so that it shall hereafter read as set forth in Exhibit A attached hereto and incorporated herein for all purposes.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3 Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as may be required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 11th day of September, 2001.



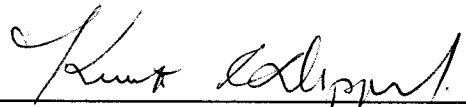
R. Scott Wheeler, Mayor

ATTEST:

By: 

Carmen Moran, City Secretary

APPROVED AS TO FORM:

By: 

Ken Dippel, City Attorney

EXHIBIT A

ARTICLE II. REGULATED PROPERTY

Section 22-30. Purpose.

The purpose of this article is to discourage an increasingly prolific and socially deplorable business activity of dealing in stolen property by requiring, among other regulations, the purchaser of certain regulated property to maintain a record identifying the authorized vendor or to record and maintain a reliable form of identification of the seller, if the seller is other than a manufacturer or authorized vendor. Further, the article should provide the police department with more adequate tools for investigations concerning stolen property. Items of property to be included in the regulations are limited to those items most frequently stolen and for which there is a ready market.

Sec. 22-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized vendor means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.

Automobile Parts and Accessories means hubcaps, wheel covers, radar detectors, tape decks and tape players, removable automobile tops, and like items that are crafted or designed for use in or on automobiles as accessory items, and automobile parts such as, without limitation, automobile rear ends and engines or engine parts. The term does not include completely assembled automobiles.

Business day means any calendar day or portion thereof during which a dealer has the business open and is conducting business with the public.

Business machines means a machine such as, but not limited to, a typewriter, computer, printer, adding machine, check-writing device, cash register, calculator, addressing machine, facsimile machine, letter-sorting or folding device, and an item of recording, copying, or accounting equipment. The term does not include office furniture or fixtures.

Chief means the chief of police of the town or the Chief's designated representative.

Crafted precious metals means jewelry, silverware, art objects, or any other thing or object made, in whole or in part, from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins, bullion, or bars of such metals. The term does not include crafted precious metals when used by licensed dental and/or medical professionals.

Dealer means any person who buys regulated property for the purpose of resale or salvage use.

Electronic Equipment means any electrical device including, but not limited to, a radio, television, video recorder, computer, video camera, stereo, tape, or record, and any hardware or peripheral devices used in connection with such items.

Hold Notice means notification by the chief that a person may not sell, redeem, or dispose of regulated property that has been identified as potentially stolen.

Jewelry means gems, jewels, and objects made of precious metals that are worn for adornment, including, but not limited to, gems removed from a mounting.

Person means an individual, partnership, corporation, joint venture, trust, association, or any other legal entity.

Personal identification certificate means a certificate issued by the Texas Department of Public Safety under V.T.C.A., Transportation Code ch. 521 or a similar certificate issued by another state.

Power tool means any tool that is powered by electricity, batteries, or fuel of any kind, including, but not limited to, pneumatic equipment.

Purchase means a transaction in which a person takes title to regulated property in exchange for valuable consideration.

Regulated Property means any new or used:

- (1) Electronic equipment;
- (2) Business machines;
- (3) Photographic equipment;
- (4) Power tools;
- (5) Musical instruments;
- (6) Firearms as defined by state law;
- (7) Jewelry;
- (8) Crafted precious metals;
- (9) Compact discs and cassette tapes;
- (10) Sporting goods;
- (11) automobile accessories;
- (12) household appliances; or
- (13) motorcycle accessories.

Salvage use means the extracting or isolating of one or more of the component parts of regulated property for later use. The term includes the melting, pulverizing, compacting, or similar alteration of an item of crafted precious metals.

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.

Sec. 22-32. Mental state.

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

Sec. 22-33. Records generally.

(a) *Purchase from manufacturer or authorized dealer.* A dealer purchasing regulated property from a manufacturer or authorized vendor shall retain a purchase record which identifies:

- (1) The manufacturers' or authorized vendors' name and place of business;
- (2) A description of the regulated property purchased (including a serial number or other identifying marks, if any); and
- (3) Date of purchase.

(b) *Purchase from other than manufacturer or authorized dealer.* A dealer that purchases regulated property from a person other than a manufacturer or authorized vendor shall:

(1) keep a written purchase record for one year from the date of purchase of the regulated property which clearly identifies:

- (i) the name, address, sex, date of birth, height, and address, and the driver's license number, military identification number, passport number, or personal identification certificate number, of the seller of the regulated property;
- (ii) the date and place of purchase;
- (iii) the price paid or other consideration exchanged for the regulated property;
- (iv) a complete description of the regulated property purchased, including but not limited to the (w) type of property, (x) the brand name or manufacturer's name, (y) any serial number, identifying number, or initials inscribed in or attached to the property, and (z) any other identifying marks or features of the property.

(2) At the time of purchase, (i) obtain the original of the seller's driver's license, military identification, passport, or personal identification certificate, (ii) determine that the photograph on the driver's license, military identification, passport, or personal identification certificate is a photograph of the seller, and (iii) make and retain a photocopy of the driver's license, military identification, passport or personal identification certificate;

(3) At the time of purchase, have the seller sign a written statement provided by the dealer that states that the seller is the legal owner of, or is lawfully entitled to sell, the regulated property offered for sale; and

(4) Make the purchased regulated property available for inspection at the dealer's place of business within the Town by any police officer during regular business hours while the regulated property is in the dealer's possession.

(c) A dealer shall maintain on file the information required by subparagraphs (a) and (b) of this Section for one (1) year from the date of purchase or until the item is sold, whichever occurs later.

Sec. 22-34. List identification.

On the first day of each calendar month, a dealer shall compile a list of each seller (other than a manufacturer or authorized vendor) from whom the dealer purchased regulated property during the preceding month which identifies the seller and shall deliver or mail the list to the chief at 4799 Airport Parkway, Addison, Texas 75001 on or before the fifth day of that month.

Sec. 22-35. Segregation and retention of regulated property.

When purchasing regulated property from other than a manufacturer or authorized vendor, a dealer shall:

- (a) Segregate the regulated property from property purchased from other sellers;
- (b) Attach to the segregated regulated property an identification tag which states:
 - (1) Name of the seller; and
 - (2) Date of purchase;
- (c) Retain the regulated property for at least 60 consecutive calendar days from the date of purchase at the dealer's place of business within the Town and withhold the property from resale or salvage use during that period of time; and
- (d) Permit any police officer to inspect the regulated property and the identification tags during the dealer's regular business hours.

Sec. 22-36. Suspect property.

- (a) When a police officer inspecting regulated property has reasonable suspicion to believe that the regulated property being inspected is stolen, the chief may place a hold notice upon the property. The hold notice must specifically identify the regulated property alleged to be stolen and subject to the hold and inform the dealer of the requirements imposed under subsection (b) of this Section.
- (b) On receipt of a hold notice under this Section, a dealer may not process or remove from the dealer's premises the items subject to the hold, or any part of those items, until the expiration of the

60th day after the date on which the notice is issued, unless the hold is released at an earlier time in writing by the chief or an order of a court of competent jurisdiction.

(c) After 60 calendar days without a disposition of the property, the hold set forth in the hold notice shall be automatically released and the dealer may dispose of the property.

Sec. 22-37. Offense; defense.

(a) A person commits an offense if he:

(1) Fails to comply with the requirements set forth in sections 22-33, 22-34, 22-35, or 22-36 of this article;

(2) Fails or refuses to produce within a reasonable time for inspection the records required under section 22-33, with respect to a particular item of regulated property, when requested by a police officer;

(3) Purchases for resale or salvage use, offers for sale, or sells regulated property that has had the manufacturer's identification number or any other identifying mark removed, defaced, or altered; or

(4) Purchases regulated property for resale or salvage use from a seller, other than a manufacturer or authorized vendor, who does not present a valid driver's license, military identification card, passport, or personal identification certificate.

(b) It is a defense to prosecution under this chapter that the transaction in question is a "pawn transaction" as defined in the Texas Pawnshop Act (Chapter 371, Texas Finance Code) by a pawnbroker, pawnshop, or other business licensed under that Act.

Published
N.W. Morning News
9-28-01