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BILL NO. G-15-03-24

GENERAL ORDINANCE NO. G- 3-15

**AN ORDINANCE REPEALING AND REPLACING  
CHAPTER 115: PRECIOUS METALS AND STONES IN  
ITS ENTIRETY.**

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON  
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:**

**SECTION 1.** That Chapter 115: PRECIOUS METALS AND  
STONES, of the City of Fort Wayne, Indiana Code of Ordinances, is  
repealed and replaced in its entirety as follows:

**CHAPTER 115: PRECIOUS METALS AND STONES**

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Section	<i>Valuable Metals</i>
115.01	Definitions
115.02	License required
115.03	Application for license
115.04	Investigation of applicant
115.05	License fee; issuance
115.06	Separate license for each establishment
115.07	Revocation or suspension; hearing
115.08	Records of purchases
115.09	Chief of Police required to provide list of stolen goods
115.10	Buying valuable metals
115.11	Retention before sale or disposition
115.12	Exceptions

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*Precious Metals and Stones*

- 115.25 Definitions
- 115.26 License required
- 115.27 Application for license
- 115.28 Investigation of applicant
- 115.29 License fee; issuance
- 115.30 Separate offense for each establishment; change of location
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- 115.34 Buying precious metals or stones
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*Pawn Shops and Second Hand Stores*

- 115.50 Definitions
- 115.51 Records of pawn, purchases, sales and exchanges
- 115.99 Penalty

**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.

**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

1 aluminum materials utilized for the purpose of plumbing, storm doors and windows,  
2 siding, or gutters of building structures or automotive parts.

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

9 **§ 115.02 LICENSE REQUIRED.**

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

12 **§ 115.03 APPLICATION FOR LICENSE.**

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

- 16 (A) Name and address of the applicant;
- 17 (B) The street address of the building in which that person intends  
18 to carry out the business of a valuable metal dealer;
- 19 (C) The business' telephone number.

20 **§ 115.04 INVESTIGATION OF APPLICANT.**

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

25 **§ 115.05 LICENSE FEE; ISSUANCE.**

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

30 **§ 115.06 SEPARATE LICENSES FOR EACH ESTABLISHMENT; CHANGE**

**OF LOCATION.**

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

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

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

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

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

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

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

**§ 115.08 RECORDS OF PURCHASES.**

Except as provided in § 115.12, every person licensed as a valuable metal dealer shall keep and preserve data on or through an electronic or computer data system

1 information which shall be transmitted on a daily basis for the preceding 24-hour  
2 period of operation, via electronic forms of transmission, to the Fort Wayne Police  
3 Department using the Records Management System being used by the Fort Wayne  
4 Police Department to record the following information:

- 5 (A) The date and time of each purchase;
- 6 (B) An accurate account and description of the valuable metal purchased,  
7 including the weight and whether it consists of bar, cable, rod, tubing, wire,  
8 wire scrap, clamp, connector or other appurtenances or some combination  
9 thereof; or the type of building material purchased;
- 10 (C) The price paid for the valuable metal;
- 11 (D) The dealer shall further require the seller be properly identified with one  
12 verifiable piece of current identification that shows name, address, sex,  
13 race and date of birth, which shall be government issued photographic  
14 identification.
- 15 (E) All information required by the Fort Wayne Police Department to be  
16 preserved on electronic or computer data system shall be open at all times  
17 during the business hours to the inspection of the Chief of Police or his/her  
18 agent to examine such records. Such electronic information shall be  
19 retained on the business premises of the valuable metal dealer for a period  
20 of one year from date of purchase.

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

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

25 **§ 115.10 BUYING VALUABLE METALS.**

26 A precious metal dealer may not purchase precious metal:

- 27 (A) from an individual less than 18 years of age; or
- 28 (B) that the precious metal dealer believes or should have reason to believe  
29 is stolen property acquired as a result of a crime.
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**§ 115.11 RETENTION BEFORE SALE OR DISPOSITION.**

All goods or articles containing valuable metal purchased or received by any proprietor, manager or employee of any licensed valuable metal 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 36 hours after its receipt before any such goods or articles may be disposed of or sold.

**§ 115.12 EXCEPTIONS.**

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

**PRECIOUS METALS AND STONES**

**§ 115.25 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.

***PRECIOUS METALS or STONES.*** Any items combining precious metals, including but not limited to silver, gold and platinum; or containing gems including, but not limited to, diamonds, rubies or emeralds.

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

**§ 115.26 LICENSE REQUIRED.**

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

1 (B) In the event several precious metals or stones dealers are located at a  
2 coin or antique show which is ten days or fewer of duration, only the  
3 organizer/ manager of the coin or antique show shall be required to  
4 purchase a license. However, if the antique show or coin show has  
5 duration in excess of ten days, each precious stones or metals dealer at the  
6 show shall be required to purchase a separate license.

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**§ 115.27 APPLICATION FOR LICENSE.**

Application for such license shall be filed with the Chief of Police or his/her agent. 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 precious metals or stones dealer;
- (C) The business's telephone number.

**§ 115.28 INVESTIGATION OF APPLICANT.**

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

**§ 115.29 LICENSE FEE; ISSUANCE.**

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

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

A separate license shall be obtained for each location at which a person conducts the business of a precious metals or stones dealer. In the case of a flea market only one license need be obtained for the whole flea market, and not for each participant at

1 such flea market. If the holder of a license of a precious metals or stones dealership  
2 wishes to change the location of the operation of that person's business, that person  
3 shall make written notification for a transfer of location to the Chief of Police or  
4 his/her agent, which notification shall contain the new business's address and business  
5 telephone number of the person.

6 **§ 115.31 REVOCATION OR SUSPENSION; HEARING.**

- 7 (A) Any license issued under this subchapter may be revoked or suspended by  
8 the Chief of Police or his/her agent by reason of a violation of any of the  
9 provisions of this subchapter.
- 10 (B) When a hearing is set by the Chief of Police or his/her agent in a revocation  
11 or suspension procedure, the licensee shall receive not less than 20 days  
12 written notice, which notice shall contain charges made, as well as the time  
13 and place when the hearing will be held.
- 14 (C) At a hearing conducted pursuant to this subchapter, the licensee shall have  
15 the right to be represented by counsel, to present witnesses, to testify and  
16 cross-examine any other witnesses and to subpoena witnesses. Proceedings  
17 shall be conducted under oath.
- 18 (D) The Chief of Police or his/her agent shall preside at the hearing and shall  
19 make the final determination.
- 20 (E) If any decision adverse to the licensee is made by the Chief of Police or  
21 his/her agent after a hearing as provided above, the Chief of Police or his/her  
22 agent shall provide the licensee with a written reason for such decision, as  
23 well as a notice of the licensee's right to appeal to the courts of the state.

24 **§ 115.32 RECORDS OF PURCHASES.**

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

precious metals and stones:

- (A) The date and time of each purchase;
- (B) An accurate account and description of the precious metals or stones purchased including the weight and type of item purchased;
- (C) The price paid for the item containing precious metals or stones;
- (D) The dealers shall further require the seller be properly identified with one verifiable current government issued photographic identification. The dealer shall make a legible photographic copy of such identification and shall retain such photographic copy on the dealer's business premises for a period of one year from the date of purchase and shall be available to the Fort Wayne Police Department upon request.
- (E) All information required by the Fort Wayne Police Department to be preserved on electronic or computer data system, shall be open at all times during the business hours to the inspection of the Chief of Police or his/her agent to examine such records. Such electronic information shall be retained on the business premises for the precious metals or stones dealer for a period of one year from the date of purchase.
- (F) In addition to obtaining, recording and preserving the information described in divisions (A) through (D), the dealer shall photograph the precious metals or stones purchased which photograph shall be of clear resolution and preserved on the business premises of dealer for a period of one year from the date of purchase and shall be made available to the Chief of Police or his/her agent authorized to receive such picture.

**§ 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 BUYING PRECIOUS METALS OR STONES.**

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

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- (A) from an individual less than 18 years of age; or
- (B) that the precious metals or stones dealer believes or should have reason to believe is stolen property acquired as a result of a crime.

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**§ 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 business days after its receipt before any such goods or articles may be disposed of or sold.

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**§ 115.36 EXCEPTIONS.**

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

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**PAWN SHOPS AND SECOND HAND STORES**

**§ 115.50 DEFINITIONS.**

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

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

***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, or real estate business, any person who engages in the business of purchasing, selling, or exchanging second hand

goods or articles which includes, but not limited to:

- (1) Audio-visual equipment;
- (2) Bicycles;
- (3) China;
- (4) Computers, printers, software, and computer supplies;
- (5) Crystal;
- (6) Electronic toys and games, and related equipment;
- (7) Electronic equipment other than electronic toys and games;
- (8) Fur coats and other fur clothing;
- (9) Microwave oven and other kitchen appliances;
- (10) Mopeds, motor-scooters or similar devices;
- (11) Office equipment;
- (12) Pianos, organs, guitars, and all other musical instruments;
- (13) Silverware and flatware;
- (14) Small electrical appliances;
- (15) Telephones, including cellular phones;
- (16) Tools;
- (17) Videotapes, digital video discs, compact discs, records, audio tapes, or similar audio or audio-visual recording devices.

**§ 115.51 RECORDS OF PAWN, PURCHASES, SALES AND EXCHANGES.**

- (A) Pawn shop dealers shall submit to the Fort Wayne Police Department each business day, all required data set forth by the Fort Wayne Police Department regarding items pawned at that business during the preceding 24-hour period of operation. 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, pawn shop dealers and secondhand 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 secondhand 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.

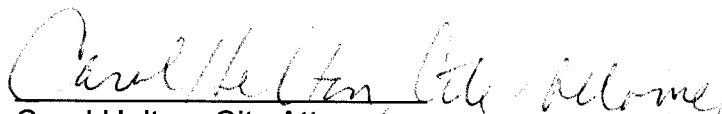
**§ 115.99 PENALTY.**

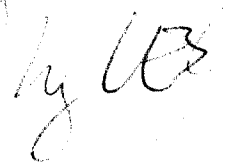
Any person who violates or fails to comply with any provision of this chapter shall, upon conviction thereof, be fined \$2,500. Each day such violation is committed or permitted to continue shall constitute a separate offense.

**SECTION 2.** That this Ordinance is in full force and effect from and after its passage and any and all necessary approval by the Mayor.

  
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Council Member

APPROVED AS TO FORM AND LEGALITY

  
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Carol Helton, City Attorney



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**CHAPTER 115: PRECIOUS METALS AND STONES**

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*Valuable Metals*

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- 115.02 License required
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- ~~115.0607~~ Revocation or suspension; hearing
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- ~~115.0910~~ Buying valuable metals ~~from minors~~
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*Pawn Shops and Second Hand Stores*

- 115.50 Definitions
- 115.51 Records of pawn, purchases, sales and exchanges
- 115.99 Penalty

**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.

**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.

('74 Code, § 7-20) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-36-07, passed 10-23-07)

### § 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.

('74 Code, § 7-25) (Ord. G-22-89, passed 10-10-89)

### § 115.03 APPLICATION FOR LICENSE.

Application for such license shall be filed with the ~~Fort Wayne Police Department City Controller. The Controller shall furnish a copy of the application to the Chief of Police.~~ The application shall be on forms furnished by the ~~Controller 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 metals dealer;
- (C) The business' telephone number.

('74 Code, § 7-26) (Ord. G-22-89, passed 10-10-89)

### § 115.04 INVESTIGATION OF APPLICANT

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

### § 115.054 LICENSE FEE; ISSUANCE.

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

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('74 Code, § 7-27) (Ord. G-22-89, passed 10-10-89)

**§ 115.065 SEPARATE LICENSES FOR EACH ESTABLISHMENT; CHANGE OF LOCATION.**

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

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('74 Code, § 7-28) (Ord. G-22-89, passed 10-10-89)

**§ 115.076 REVOCATION OR SUSPENSION; HEARING.**

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

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

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

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

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

('74 Code, § 7-29) (Ord. G-22-89, passed 10-10-89)

**§ 115.087 RECORDS OF PURCHASES.**

Except as provided in § 115.124, every person licensed as a valuable metal dealer shall keep and preserve data on or through an electronic or computer data system information which shall be transmitted on a daily basis for the preceding 24-hour period of operation, via electronic forms of transmission, to the Fort Wayne Police Department using the Records Management System being used by the Fort Wayne Police Department to record the following information:

(A) The date and time of each purchase;

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

(C) The price paid for the valuable metal;

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

(E) All information required by the Fort Wayne Police Department to be preserved on electronic or computer data system shall be open at all times during the business hours to the inspection of the Chief of Police or his/her agent ~~of the city or any member of the police force authorized by the Chief of Police~~ to examine such records. Such electronic information shall be retained on the business premises ~~for~~ of the valuable metals dealer for a period of one year from date of purchase.

('74 Code, § 7-21) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-38-92, passed 7-30-92; Am. Ord. G-36-07, passed 10-23-07)

**§ 115.098 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 valuable metals, to all valuable metal dealers.

('74 Code, § 7-22) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-36-07, passed 10-23-07)

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§ 115.1009 BUYING VALUABLE METALS.

A precious metal dealer may not purchase precious metal:

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

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

~~It shall be unlawful for any valuable metal dealer to take, purchase or receive any goods or articles containing any valuable metals, from any person who is under the age of 18 years.~~

('74 Code, § 7-23) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-36-07, passed 10-23-07)

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§ 115.1140 RETENTION BEFORE SALE OR DISPOSITION.

All goods or articles containing valuable metals purchased or received by any proprietor, manager or employee of any licensed valuable metal 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 36 hours after its receipt before any such goods or articles may be disposed of or sold.

('74 Code, § 7-24) (Ord. G-22-89, passed 10-10-89)

§ 115.1244 EXCEPTIONS.

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

('74 Code, § 7-30) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-38-92, passed 7-30-92)

PRECIOUS METALS AND STONES

§ 115.25 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.

**PRECIOUS METALS or STONES.** Any items combining precious metals, including but not limited to silver, gold and platinum; or containing gems including, but not limited to, diamonds, rubies or emeralds.

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

('74 Code, § 7-31) (Ord. G-22-89, passed 10-10-89)

§ 115.26 LICENSE REQUIRED.

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

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

('74 Code, § 7-36) (Ord. G-22-89, passed 10-10-89)

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**§ 115.27 APPLICATION FOR LICENSE.**

Application for such license shall be filed with the ~~City Controller~~ Chief of Police, or his/her agent. ~~The Controller shall furnish a copy of the application to the Chief of Police.~~ The application shall be on forms furnished by the ~~Controller~~ 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 precious metals or stones dealer;

(C) The business's telephone number. ('74 Code, § 7-37)

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**§ 115.28 INVESTIGATION OF APPLICANT**

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

**§ 115.298 LICENSE FEE; ISSUANCE.**

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

('74 Code, § 7-38) (Ord. G-22-89, passed 10-10-89)

**§ 115.3029 SEPARATE LICENSE FOR EACH ESTABLISHMENT; CHANGE OF LOCATION.**

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

('74 Code, § 7-39) (Ord. G-22-89, passed 10-10-89)

**§ 115.3130 REVOCATION OR SUSPENSION; HEARING.**

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

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

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

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

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

('74 Code, § 7-40) (Ord. G-22-89, passed 10-10-89)

**§ 115.3234 RECORDS OF PURCHASES.**

Except as provided in § 115.310, every person licensed as a precious metals or stones dealer shall keep and preserve data on or through an electronic or computer data system information which shall be transmitted on a daily basis for the preceding 24-hour period of operation, via electronic forms of transmission, to the Fort Wayne Police Department using the Records Management System being used by the Fort Wayne Police Department to record the following information for each purchase of precious metals and stones:

- (A) The date and time of each purchase;
- (B) An accurate account and description of the precious metals or stones purchased including the weight and type of item purchased;
- (C) The price paid for the item containing precious metals or stones;
- (D) The dealers shall further require the seller be properly identified with one verifiable current government issued photographic identification. The dealer shall make a legible photographic copy of such identification and shall retain such photographic copy on the

dealer's business premises for a period of one year from the date of purchase and shall be available to the Fort Wayne Police Department upon request.

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

(F) In addition to obtaining, recording and preserving the information described in divisions (A) through (D), the dealer shall photograph the precious metals or stones purchased which photograph shall be of clear resolution and preserved on the business premises of dealer for a period of one year from the date of purchase and shall be made available to the Chief of Police or his/her agent of the city or any member of the police force authorized to receive such picture.

('74 Code, § 7-32) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-36-07, passed 10-23-07; Am. Ord. G-14-12, passed 5-22-12)

#### § 115.3332 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.

('74 Code, § 7-33) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-36-07, passed 10-23-07)

#### § 115.3433 BUYING PRECIOUS METALS OR STONES.

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

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

(B) that the precious metals or stones dealer believes or should have reason to believe is stolen property acquired as a result of a crime.

~~It shall be unlawful for any precious metals or stones dealer to take, purchase or receive any goods or articles containing any precious metals or stones, from any person who is under the age of 18 years.~~

('74 Code, § 7-34) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-36-07, passed 10-23-07)

#### § 115.3534 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 business days after its receipt before any such goods or articles may be disposed of or sold.

('74 Code, § 7-35) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-14-12, passed 5-22-12)

#### § 115.3635 EXCEPTIONS.

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

('74 Code, § 7-41) (Ord. G-22-89, passed 10-10-89; Am. Ord. G-38-92, passed 7-30-92)

**PAWN SHOPS AND SECOND HAND  
STORES**

**§ 115.50 DEFINITIONS.**

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

***PAWN SHOP DEALER.*** Any person, partnership, association, or corporation lending money on the deposit or pledge of personal

property, or who deals in the purchase of personal property on the condition of selling the property back again at a stipulated price, other than chooses in action, securities, or printed evidence of indebtedness.

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**SECOND HAND DEALER.** Except for valuable metals 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, or real estate business, any person who engages in the business of purchasing, selling, or exchanging second hand goods or articles which includes, but not limited to:

- (1) Audio-visual equipment;
- (2) Bicycles;
- (3) China;
- (4) Computers, printers, software, and computer supplies;
- (5) Crystal;
- (6) Electronic toys and games, and related equipment;
- (7) Electronic equipment other than electronic toys and games;
- (8) Fur coats and other fur clothing;
- (9) Microwave oven and other kitchen appliances;
- (10) Mopeds, motor-scooters or similar devices;
- (11) Office equipment;
- (12) Pianos, organs, guitars, and all other musical instruments;
- (13) Silverware and flatware;
- (14) Small electrical appliances;
- (15) Telephones, including cellular phones;
- (16) Tools;
- (17) Videotapes, digital video discs, compact discs, records, audio tapes, or similar audio or audio-visual recording

devices. (Ord. G-36-07, passed 10-23-07)

#### § 115.51 RECORDS OF PAWN, PURCHASES, SALES AND EXCHANGES.

(A) Pawn shop dealers shall submit to the Fort Wayne Police Department each business day, all required data set forth by Fort Wayne Police Department regarding items pawned at that business during the preceding 24-hour period of operation. 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, pawn shop dealers and secondhand 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 secondhand 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.

(Ord. G-36-07, passed 10-23-07; Am. Ord. G-14-12, passed 5-22-12)

§ 115.99 PENALTY.

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

('74 Code, §§ 7-29, 7-40) (Ord. G-22-89, passed 10-10-89)

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Public Hearing Date, if applicable \_\_\_\_\_

Read the first time in full and on motion by Councilman Mitch Harper  
Read the second time by title and referred to the Regulations  
Committee. Read the third time in full and on motion by Councilman  
Mitch Harper, placed on passage by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>
BENDER	<u>✓</u>	_____	_____	_____
CRAWFORD	<u>✓</u>	_____	_____	_____
DIDIER	<u>✓</u>	_____	_____	_____
HARPER	<u>✓</u>	_____	_____	_____
HINES	<u>✓</u>	_____	_____	_____
JEHL	<u>✓</u>	_____	_____	_____
PADDOCK	<u>✓</u>	_____	_____	_____
SHOAF	<u>✓</u>	_____	_____	_____
SMITH	_____	_____	_____	<u>✓</u>

DATED: 4-14-15 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (~~SPECIAL~~) (~~ZONING~~) ORDINANCE  
(~~RESOLUTION~~) NO. G-3-15 on the 14<sup>th</sup> day of  
April, 2015

Sandra E. Kennedy ATTEST:  
SANDRA E. KENNEDY,  
CITY CLERK

John N. Crawford  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15<sup>th</sup> day  
of April, 2015, at the hour of 3:00 O'clock P.M. E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 17<sup>th</sup> day of APRIL  
2015, at the hour of 4:00 O'clock PM E.S.T.

Thomas C. Henry  
THOMAS C. HENRY, MAYOR

**BILL NO. G-15-03-24**

**REPORT OF COMMITTEE ON REGULATIONS**

**APRIL 7, 2015**

*Mitch Harper, Chair  
Glynn Hines, Co-Chair  
All Council Members*

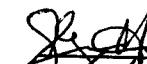
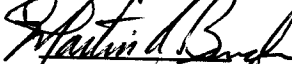





**AN ORDINANCE** repealing and replacing Chapter 115: Precious Metals and Stones in its entirety. **COMMITTEE ON REGULATIONS HAVE HAD SAID** Ordinance under consideration and beg leave to report back to the Common Council that said ordinance

**DO PASS**

**DO NOT PASS**

**ABSTAIN**

**NO REC**

	_____	_____	_____
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**SANDRA E. KENNEDY  
CITY CLERK**