

1 **BILL NO. G-24-03-16**

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ORDINANCE NO. G-3-24

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

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

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

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

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

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

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§ 115.60 DEFINITIONS.

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

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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:

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(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,

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(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.

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

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

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

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

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

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16 **§ 115.61 RECORDS OF PURCHASES, SALES AND EXCHANGES.**

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

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

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

30 (1) Legal Name

31 (2) Date of Birth

32 (3) Physical Descriptors

33 (4) Legal Address

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

1 **§ 115.62 SERIAL NUMBER REQUIRED.**

2 No second-hand dealer shall accept as collateral security or for purchase any property of the
3 type given manufacturer's serial numbers or other identifying insignia unless such property shall
4 have plainly visible thereon the manufacturer's serial number or other identifying insignia.

5 **§ 115.63 RETENTION OF ACQUIRED PERSONAL PROPERTY.**

6 All personal property received by a second-hand dealer under this subchapter shall be held
7 intact by the licensee for at least seven business days after the licensee has mailed a copy of the
8 record required to be maintained under state law, which details the item of personal property
9 received, to the local law enforcement agency having jurisdiction over the location of his place
10 of business. Whenever any licensee receives written notice, either from the Fort Wayne Police
11 Department or from an individual, that someone is maintaining a claim of right to possession of
12 the personal property adverse to the licensee, the licensee shall keep the personal property in his
13 possession for 30 days or turn it over to the local law enforcement agency if so required by the
14 Fort Wayne Police Department. Once notice of an adverse claim to the article has been given
15 under this section, the article shall be held for 30 days, during which legal proceedings may be
16 commenced to determine who is entitled to the property. If the matter is not settled or legal
17 proceedings have not been commenced within 30 days, the property shall be returned to the
18 second-hand dealer by the Fort Wayne Police Department if held by them.

19 **§ 115.64 UNLAWFUL PURCHASES.**

20 A second-hand dealer may not purchase item(s):

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

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

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

25 **§ 115.99 PENALTY.**

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

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

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Martin Bender, Council Member