

ORDINANCE #69096
Board Bill No. 259

An ordinance pertaining to secondhand dealers and pawnbrokers; amending Section Two of Ordinance 63478, codified in Part I of Section 8.82.040 of the Revised Code of the City of St. Louis, and enacting in lieu thereof a new section pertaining to the same subject matter of license applications; amending Section Two of Ordinance 64311, codified in Part I of Section 8.82.050 of the Revised Code of the City of St. Louis, and enacting in lieu thereof a new section pertaining to the same subject matter of transaction forms; amending Section One of Ordinance 57502, codified in Section 8.72.030 of the Revised Code of the City of St. Louis, and enacting in lieu thereof a new section pertaining to the same subject matter of license applications; containing severability and emergency clauses.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Section Two of Ordinance 63478, codified in Part I, Section 8.82.040 of the Revised Code of the City of St. Louis is hereby amended as follows:

8.82.040 License--Application.

Every application for a license shall be made in writing to the License Collector and shall state where the business is to be carried on. Before any license shall be issued, the License Collector shall procure from **a police officer designated by the Chief of Police to review such application**, an endorsement on the back of the application therefor:

A. That in their opinion the applicant has a good moral character and shall not have been convicted within the ten years preceding the date of application for license or for renewal of license or be on parole or a fugitive from justice for any federal, state or municipal offense involving:

1. Drugs or narcotics;
2. Robbery;
3. Burglary;
4. Auto theft;
5. Stealing;
6. Receiving stolen property;
7. Embezzlement;
8. Extortion;
9. Forgery;
10. Gambling;
11. Bribery;
12. Perjury;
13. Any weapons offense; or
14. Any crime of violence.

B. That the applicant has agreed not to purchase any camera, radio, television set, lawn mower, typewriter, addition machine, calculating machine, copying machine, duplicating machine, tape recorder, tape player, cash register, still or moving picture projector or offset projector, dictating machine, record player, electric buffer, electric polisher, electric floor waxer, computer equipment, fax or any item that is manufactured with a serial number or other identifying insignia, unless the item shall have plainly

visible thereon the manufacturer's serial number or other identifying insignia.

C. That the applicant has a camera that will take a clear photograph of the seller and has agreed to use such camera to photograph every person, except as herein provided, in connection with all purchases and/or trade-in allowance of all articles by him, and to make such photographs available to any law enforcement officer or License Collector upon request.

SECTION TWO. Section Two of Ordinance 64311, codified in Part I of Section 8.82.050 of the Revised Code of the City of St. Louis is hereby amended as follows:

8.82.050 Photograph and transaction forms.

A. No secondhand dealer shall accept any article or property as full or part payment, or purchase any article or property unless he shall make a photograph of the person from whom such article is being received and attach such photograph to a transaction form which shall be completed at the time of the transaction.

B. The transaction form shall include, but not limited to, the date and time of sale, place of sale, name, address, date of birth, social security number, driver's license number, if different from social security number of seller, description of seller, home and business telephone number of seller, employee handling the transaction and description of property sold to licensee, and right thumb print of person selling property and any other information required by the police department. If right thumb print cannot be obtained, the left thumb print shall be obtained and the reason why the right thumb print was not available shall be listed on the form. The requirement that the seller be photographed and thumb-printed shall not apply to any purchase or trade-in transaction which occurs at an auction or in the private house or office of the person selling said items but all other requirements as aforesaid shall remain in effect.

C. The photograph and transaction form shall be maintained by the secondhand dealer for a period of one year from the date of the transaction. No secondhand dealer shall refuse to deliver such photograph or transaction form to any law enforcement officer upon request in connection with a specific item of stolen property within one year following the date of the transaction. Every secondhand dealer shall display a notice to his customers in a prominent place to the effect that he is required to photograph and fingerprint every person selling or offering as full or part payment an item to him, by city ordinance.

D. At least sixty days prior to the destruction of a photograph or transaction form, the licensee shall notify, in writing, the police department of his intent to destroy such documents. The police department, at its option, shall request the licensee to turn over all said documents to the police department, and the licensee, upon said request, shall turn over all documents to the police department.

SECTION THREE. Section One of Ordinance 57502, codified in Section 8.72.030 of the Revised Code of the City of St. Louis is hereby amended as follows:

8.72.030 License--Application.

Every application for a license hereunder shall be made in writing to the License Collector and shall state where the business is to be carried on. Before any license shall be issued, the License Collector shall procure from **a police officer designated by the Chief of Police to review such application**, an endorsement on the back of the application therefor:

A. That in their opinion the applicant has a good moral character;

B. That the applicant has installed a proper camera and agreed to use the equipment to photograph every person and receipt or pawn ticket given to such person in connection with all loans and purchases of all articles effected or made by him, and to make the photographs available to any law enforcement officer upon request;

C. That the applicant has agreed not to accept as collateral security or to purchase any camera, radio, television set, lawn mower, typewriter, adding machine, calculating machine, copying machine, duplicating machine, tape recorder, tape player, cash register, still or moving picture projector or offset projector, dictating machine, record player, electric buffer, electric polisher, electric floor waxer, unless the item shall have plainly visible thereon the manufacturer's serial number or other identifying insignia;

D. That the place where the business is to be carried on is shown by a plat prepared by the applicant to be not less than five hundred feet from the nearest point of the building wherein such place is located to any elementary school, public, parochial or

private, unless the business has the written approval of school and/or church.

SECTION FOUR. The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION FIVE. This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meanings of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: February 23, 2012