

1 **BOARD BILL NO. 259 INTRODUCED BY ALDERMAN GREGORY CARTER**

2 An ordinance pertaining to secondhand dealers and pawnbrokers; amending Section
3 Two of Ordinance 63478, codified in Part I of Section 8.82.040 of the Revised Code of the City
4 of St. Louis, and enacting in lieu thereof a new section pertaining to the same subject matter of
5 license applications; amending Section Two of Ordinance 64311, codified in Part I of Section
6 8.82.050 of the Revised Code of the City of St. Louis, and enacting in lieu thereof a new section
7 pertaining to the same subject matter of transaction forms; amending Section One of Ordinance
8 57502, codified in Section 8.72.030 of the Revised Code of the City of St. Louis, and enacting in
9 lieu thereof a new section pertaining to the same subject matter of license applications;
10 containing severability and emergency clauses.

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

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

14 8.82.040 License--Application.

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

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

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

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

22 C. That the applicant has a camera that will take a clear photograph of the seller and has

1 agreed to use such camera to photograph every person, except as herein provided, in connection
2 with all purchases and/or trade-in allowance of all articles by him, and to make such photographs
3 available to any law enforcement officer or License Collector upon request.

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

6 8.82.050 Photograph and transaction forms.

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

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

21 C. The photograph and transaction form shall be maintained by the secondhand dealer for a
22 period of one year from the date of the transaction. No secondhand dealer shall refuse to deliver

1 such photograph or transaction form to any law enforcement officer upon request in connection
2 with a specific item of stolen property within one year following the date of the transaction.
3 Every secondhand dealer shall display a notice to his customers in a prominent place to the effect
4 that he is required to photograph and fingerprint every person selling or offering as full or part
5 payment an item to him, by city ordinance.

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

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

13 8.72.030 License--Application.

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

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

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

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

7 D. That the place where the business is to be carried on is shown by a plat prepared by the
8 applicant to be not less than five hundred feet from the nearest point of the building wherein
9 such place is located to any elementary school, public, parochial or private, unless the business
10 has the written approval of school and/or church.

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

19 **SECTION FIVE.** This being an ordinance for the preservation of public peace, health, and
20 safety, it is hereby declared to be an emergency measure within the meanings of Sections 19 and
21 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective
22 immediately upon its passage and approval by the mayor.