

**CITY OF DUBUQUE-BUSINESS LICENSE APPLICATION  
FOR SECONDHAND DEALER-PAWNBROKER-SALVAGE SALES  
(Attach additional sheets if necessary)**

DATE \_\_\_\_\_

TYPE OF LICENSE APPLYING FOR \_\_\_\_\_

NAME OF BUSINESS APPLICANT \_\_\_\_\_

D/B/A (DOING BUSINESS AS) \_\_\_\_\_

LOCAL BUSINESS ADDRESS \_\_\_\_\_

CITY – STATE – ZIP \_\_\_\_\_

ADDRESS WHERE LICENSE SHOULD BE MAILED \_\_\_\_\_

BUSINESS PHONE # \_\_\_\_\_ E-MAIL ADDRESS \_\_\_\_\_

**OWNER INFORMATION**

NAME OF OWNER \_\_\_\_\_

ADDRESS OF OWNER \_\_\_\_\_

CITY – STATE – ZIP \_\_\_\_\_

HOME PHONE # \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

HAVE YOU EVER BEEN CONVICTED OF ANY OFFENSE AGAINST THE LAWS OF THE UNITED STATES, OR ANY STATE OR TERRITORY THEREOF, OR ANY POLITICAL SUBDIVISION OF ANY SUCH STATE OR TERRITORY?

\_\_\_\_\_ YES \_\_\_\_\_ NO if yes, please list: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BUSINESS INFORMATION**

Type of Ownership: \_\_\_\_ Individual \_\_\_\_ Partnership \_\_\_\_ Corporation \_\_\_\_ Foreign

If Partnership or Corporation, is the company authorized to do business in Iowa? \_\_\_\_\_

EIN # \_\_\_\_\_

PARTNERS :(List all with a 10% interest or more in the business)

\_\_\_\_\_  
Name Address Phone

\_\_\_\_\_  
Name Address Phone

CORPORATION OFFICERS:

\_\_\_\_\_  
Name Address Phone

\_\_\_\_\_  
Name Address Phone

HAVE ANY OF THE CORPORATION OFFICERS OR PARTNERS LISTED BEEN CONVICTED OF ANY OFFENSE AGAINST THE LAWS OF THE UNITED STATES, OR ANY STATE OR TERRITORY THEREOF, OR ANY POLITICAL SUBDIVISION OF ANY SUCH STATE OR TERRITORY?

\_\_\_\_\_ YES \_\_\_\_\_ NO if yes, please list: \_\_\_\_\_

**PROOF OF FINANCIAL RESPONSIBILITY**

HAVE YOU ATTACHED A SURETY BOND AS PROOF OF FINANCIAL RESPONSIBILITY?

\_\_\_\_\_ YES \_\_\_\_\_ NO

**\*Applicants must file a surety bond in the amount of fifteen thousand dollars (\$15,000) with the City Clerk per City Ordinance (Title 4, Chapter 6A, Section 7 and Title 4, Chapter 6B, Section 7)**

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_  
APPLICANTS SIGNATURE

CITY CLERK'S OFFICE  
50 W. 13TH ST  
DUBUQUE, IA. 52001  
(563) 589-4122

**FOR OFFICE USE ONLY**

FEE PAID \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_ LICENSE NO \_\_\_\_\_

DEPARTMENT APPROVALS: ZONING \_\_\_\_\_ FIRE \_\_\_\_\_ POLICE \_\_\_\_\_

## CHAPTER 6

# PAWNBROKERS AND SECONDHAND DEALERS; JUNK AND AUTO SALVAGE DEALERS

## ARTICLE A. PAWNBROKERS AND SECONDHAND DEALERS

SECTION:

**4-6A-1: Definitions**

**4-6A-2: Penalties**

**4-6A-3: License**

**4-6A-4: Persons Eligible**

**4-6A-5: Application Contents**

**4-6A-6: Investigation Of Applicant And Premises**

**4-6A-7: Proof Of Financial Responsibility**

**4-6A-8: Display Of License**

**4-6A-9: Exemptions From Article**

**4-6A-10: Denial, Suspension, Or Revocation Of License**

**4-6A-11: Required Records**

**4-6A-12: Prohibited Acts**

**4-6A-13: Inspection**

**4-6A-1: DEFINITIONS:**

For the purposes of this article, the following definitions apply:

**CITY MANAGER:** The city manager or the city manager's designee.

**PAWNBROKER:** Any person who makes loans or advancements upon pawn, pledge, or deposit of personal property, who receives actual possession of personal property as security for a loan, with or without a mortgage or bill of sale, who receives actual possession of property for resale, or otherwise holds himself or herself out as a pawnbroker.

**PERSON OF GOOD MORAL CHARACTER:** A person who meets all of the following requirements:

- A. The person has such financial standing and good reputation as will satisfy the city council that the person will comply with all the laws, provisions of this code, other city ordinances, and regulations applicable to the person's operations under state law. However, the city council will not require the person to post a bond to meet the requirements of this subsection;
- B. The applicant is a citizen or legal resident of the United States; in the case of a corporation, is licensed to do business in the state of Iowa; or in the case of a partnership, only one general partner needs to be a citizen or legal resident;
- C. The person has not been convicted of a felony. However, if a conviction of a felony occurred more than five (5) years before the application for a license or permit and if the person's rights of citizenship have been restored, the city manager may determine that said person is a person of moral character notwithstanding the conviction; and
- D. The person has not been convicted of a crime involving robbery, burglary, theft, forgery, fraud, or deceptive practices, the possession, manufacture, or delivery of a controlled substance, possession with intent to manufacture or deliver a controlled substance, possession of drug paraphernalia, or nonpayment of excise taxes for a controlled substance, nonpayment of other taxes, or demonstrated insolvency.

The requirements of this definition apply to the following:

- A. Each of the officers, directors, and partners of such person.
- B. A person who directly or indirectly owns or controls ten percent (10%) or more of any class of stock of such person.
- C. A person who directly or indirectly has an interest of ten percent (10%) or more in the ownership or profits of such person.

**SECONDHAND DEALER:** Any person who purchases or receives used goods or materials for the purpose of resale including, but not limited to:

Bicycles.

Coins.

Collectibles.

Computers, software, and computer accessories.

Construction equipment.

Electronic equipment.

Firearms.

Glassware.

Household appliances.

Hunting and fishing equipment.

Jewelry.

Lawn and garden tools, equipment, and furnishings.

Motor vehicle parts and equipment.

Motor vehicles.

Musical instruments.

Photographic/video parts and equipment.

Precious and semiprecious stones.

Precious metals in the form of bullion or ingots.

Radio equipment.

Rare books.

Silver/silverware.

Sporting goods.

Stereo equipment.

Television equipment.

Tools.

Untitled motor vehicles.

Video game systems, originally manufactured with a serial number.

Works of art.

Nonprofit corporations and businesses which are not primarily engaged in the sale of secondhand goods are exempt from this article. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

#### **4-6A-2: PENALTIES:**

Failure to comply with this article is a violation of this code and is punishable as provided in title 1 of this code. Each day of noncompliance with this article is a separate offense. (Ord. 2-14, 1-6-2014)

#### **4-6A-3: LICENSE:**

A. License Required; Application: No person may engage in the business of pawnbroker or secondhand dealer without first obtaining a license therefor. Applications for such licenses must be filed with the city clerk and the license issued by the city clerk. (Ord. 2-14, 1-6-2014)

B. License Authorization: The license serves as authorization for a particular person to engage in business at a specific location.

C. Annual Renewal; Nonrefundable Fee; License Term:

1. The license for pawnbrokers or secondhand dealers must be renewed annually.
2. A nonrefundable fee established by the city manager will be collected at the time of renewal.
3. All licenses expire on February 1 of each year. (Ord. 14-13, 3-4-2013)

#### **4-6A-4: PERSONS ELIGIBLE:**

Subject to the requirements of this article, a person who is of good moral character may apply for a license. In the case of a club, corporation, or partnership, the officers of the club or corporation and the partners of a partnership must be persons of good moral character as defined by state law and this article. (Ord. 2-14, 1-6-2014)

#### **4-6A-5: APPLICATION CONTENTS:**

Applications for the original issuance or the renewal of licenses must be filed at the time and in the number of copies as the city manager prescribes, on forms prescribed by the city manager, and must set forth under oath the following information:

- A. The name and address of the applicant;
- B. The precise location of the premises for which a license is sought;
- C. The names and addresses of all persons, or in the case of a corporation, the officers, directors, and persons owning or controlling ten percent (10%) or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise in the business;
- D. A statement whether any person specified in subsection C of this section has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory; and (Ord. 2-14, 1-6-2014)
- E. Such other information as the city manager requires. (Ord. 14-13, 3-4-2013)

**4-6A-6: INVESTIGATION OF APPLICANT AND PREMISES:**

Upon receipt of an original application for a license, the city clerk will forward the application to the chief of police, who will conduct an investigation and submit a written report on the applicant as to the truth of the facts averred in the application and a recommendation to the city manager as to the approval of the license or permit. (Ord. 14-13, 3-4-2013)

**4-6A-7: PROOF OF FINANCIAL RESPONSIBILITY:**

Pawnbrokers and secondhand dealers who receive actual possession of property for resale with an agreement to return the property to the owner within a specified period of time must furnish proof of financial responsibility by posting bond in such amount as determined by the city manager. (Ord. 2-14, 1-6-2014)

**4-6A-8: DISPLAY OF LICENSE:**

The license provided for herein is valid only for the location designated in the application and must be prominently displayed therein at all times. (Ord. 14-13, 3-4-2013)

**4-6A-9: EXEMPTIONS FROM ARTICLE:**

This article does not apply to or include the following:

- A. Solicitors governed by chapter 5 of this title, except for purchasers of gold, bullion, ingots, precious metals, and jewelry who are subject to the provisions of these pawnbroker and secondhand dealer regulations.
- B. The sale of secondhand goods as follows: (Ord. 2-14, 1-6-2014)
  - 1. The sale is held on property occupied as a dwelling by the seller or owned, rented, or leased by a charitable or political organization;
  - 2. The items offered for sale are owned by the occupant or seller; that no sale exceeds a period of seventy two (72) consecutive hours; and that no more than three (3) sales are held in any twelve (12) month period;
  - 3. The sale of goods at an auction held by a licensed auctioneer;
  - 4. A bulk sale of property from a merchant, manufacturer, or wholesaler having an established place of business or open sale from bankrupt stock; (Ord. 14-13, 3-4-2013)
  - 5. Goods sold at a public market, such as farmers' market; or (Ord. 2-14, 1-6-2014)
  - 6. CDs, DVDs, videotapes, and other similar mediums of transmitting images or sounds, video games, and gaming systems that are not originally manufactured with a serial number.
- C. Items bought, sold, or traded under a federal firearms license.
- D. The return of secondhand items for credit, exchange or refund to the person from whom said items were originally obtained, provided that the items were not secondhand items when originally obtained. (Ord. 14-13, 3-4-2013)
- E. Beverage containers.
- F. Scrap paper. (Ord. 2-14, 1-6-2014)

**4-6A-10: DENIAL, SUSPENSION, OR REVOCATION OF LICENSE:**

A. Reasons For Denial, Suspension, Or Revocation: The city manager may, upon good cause, deny issuance or renewal of a license or suspend or revoke any license issued under this article for a period not to exceed one year for any of the following:

- 1. Violation of any federal, state, or local law; (Ord. 2-14, 1-6-2014)
  - 2. Misrepresentation of any material fact in the application for a license; (Ord. 14-13, 3-4-2013)
  - 3. Failure to cooperate with law enforcement; or (Ord. 2-14, 1-6-2014)
  - 4. The licensee, owner, manager, partner, corporate officer, or director has been convicted of a crime involving robbery, burglary, theft, forgery, fraud, or deceptive practices, the possession, manufacture, or delivery of a controlled substance, possession with intent to manufacture or deliver a controlled substance, possession of drug paraphernalia, or nonpayment of excise taxes for a controlled substance, nonpayment of other taxes, or demonstrated insolvency.
- B. Holding Other Licenses During License Suspension: Any licensee whose license is suspended may not, during said suspension, hold any other license under this chapter.
- C. License Revocation; Time Period For Reapplication: Any licensee whose license is revoked may not apply for any license under this article for one year following the revocation.

D. Issuance To Relatives Or Financially Interested Persons During License Suspension: No new license will be issued to the spouse, relative within the first degree of consanguinity as defined by the Iowa Code, or any person holding a financial interest in the licensed premises during the period the license has been suspended. (Ord. 14-13, 3-4-2013)

E. Notice Of License Suspension Or Revocation: The city manager will cause to be issued a notice that said license is suspended or revoked and therein set forth the reason(s) therefor. Said notice must be sent to the licensee by certified United States mail to the registered business address on file with the city clerk or by personal service as provided by Iowa law. (Ord. 2-14, 1-6-2014)

F. Appeal City Manager Decision To City Council: A written notice of appeal to the city council from a decision of the city manager must be filed with the city clerk by the licensee within ten (10) days from the receipt of the notice of suspension or revocation. (Ord. 14-13, 3-4-2013)

#### **4-6A-11: REQUIRED RECORDS:**

A. Pawnbrokers and secondhand dealers must provide an electronic transaction of all articles of any kind purchased or received using the city's electronic reporting system as approved by the city manager. Businesses that sell, deal, or trade in electronic media/gaming systems must report all merchandise originally manufactured with a serial number.

The report must be a full, true, and complete report of all goods, wares, merchandise, or items obtained on deposit, pledge, or purchase, or otherwise received, and must contain the following: (Ord. 2-14, 1-6-2014)

1. A description of the person from whom the goods were acquired, including:
  - a. Name, address, phone number, height, weight, date of birth, race, gender, hair color, eye color, and any other identifying marks; and
  - b. Means of identification used including the type exhibited, the issuing agency, and the number thereon;
2. Date, time, and place of the transaction;
3. A detailed and accurate description of each article received including make, model, serial number, or identifying mark(s); (Ord. 14-13, 3-4-2013)
4. A record of whether the transaction was a purchase, security, consignment transaction, or donation; and
5. A record of monies paid or loaned and which may be maintained separately but which must be available for inspection in the course of examination of individual transactions.

The electronic reporting system will provide for an upload of a complete electronic report. Each "pawnbroker" and "secondhand dealer" as defined by this article must at the end of each day provide an electronic upload to the electronic reporting system of all transactions that occurred during that business day. (Ord. 2-14, 1-6-2014)

#### **4-6A-12: PROHIBITED ACTS:**

A. Purchases From Minors Restricted: No pawnbroker or secondhand dealer, and no clerk, agent, or employee thereof may purchase or receive property from any person under the age of eighteen (18) years without first obtaining and receiving the written consent of the parent or guardian of such person. Such written consent must be made a part of the required records and subject to all provisions of this article.

B. Altered Or Tampered With Serial Numbers: No pawnbroker or secondhand dealer, and no clerk, agent, or employee thereof may receive any goods or materials presented with an altered or tampered with serial number. (Ord. 14-13, 3-4-2013)

C. Identification Required: No pawnbroker or secondhand dealer may receive any goods or materials unless the seller presents one picture identification or two (2) other forms of identification. Proper identification consists of, but is not limited to, driver's license, picture identification, birth certificate, draft card, military identification card, and/or major credit card. (Ord. 2-14, 1-6-2014)

D. Display Of Goods: No goods or merchandise may be stored or displayed on any public right of way, public street, sidewalk, alley, or public parking area. (Ord. 14-13, 3-4-2013)

E. Jewelry: Antique, new, used, or scrap jewelry, and precious metals may not be changed in form by melting, remounting, cutting up, or otherwise changing the form of said items for a period of five (5) days from the time of purchase of said items. (Ord. 2-14, 1-6-2014)

#### **4-6A-13: INSPECTION:**

A. The licensee must, during business hours, permit a duly authorized police officer to inspect the entire premises covered by the license, including all records that may have any relationship to the operation of the business.

B. The police may seize, with proper seizure notice, or require the licensee to hold property which the police have probable cause to believe is stolen property. A receipt will be given to the licensee for all property seized. If the police have not seized or picked up the property within thirty (30) days from the date of notification to the licensee, said licensee may dispose of the property. Said licensee may petition the court at the conclusion of any criminal investigation and/or proceeding for return of any unclaimed merchandise confiscated from their possession related to the investigation or prosecution. Said licensee may also be eligible for assistance from the state of Iowa crime victim compensation fund. (Ord. 2-14, 1-6-2014)

## **ARTICLE B. JUNK DEALERS AND AUTO SALVAGE DEALERS**

SECTION:

**4-6B-1: Definitions**

**4-6B-2: Penalties**

**4-6B-3: License**

**4-6B-4: Persons Eligible**

**4-6B-5: Application Contents**

**4-6B-6: Investigation Of Applicant And Premises**

**4-6B-7: Display Of License**

**4-6B-8: Exemptions From Article**

**4-6B-9: Denial, Suspension Or Revocation Of License**

**4-6B-10: Required Records**

**4-6B-11: Prohibited Acts**

**4-6B-12: Purchases Or Donation Transactions**

**4-6B-13: Inspection**

**4-6B-14: Screening Requirements For Junk And Salvage Operations**

**4-6B-1: DEFINITIONS:**

For the purposes of this article, the following definitions apply:

**AUTO SALVAGE DEALER:** Any person who engages in the business of buying or receiving motor vehicles, motorcycles, motorized bicycles, or parts thereof, or tires for resale in whole or in part as junk or as used parts.

**CITY MANAGER:** The city manager or the city manager's designee.

**JUNK:** Old or scrap copper, aluminum, brass, iron, steel, old or scrap ferrous or nonferrous material, wire, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, wrecked, or parts of motor vehicles, motorcycles, or motorized bicycles.

**JUNK DEALER:** Any person who purchases or receives any of the items listed in subsection 4-6B-12A of this article for the purpose of resale and who possesses a state of Iowa retail sales tax permit.

**PERSON OF GOOD MORAL CHARACTER:** Any person who meets all of the following requirements:

- A. The person has such financial standing and good reputation as will satisfy the city council that the person will comply with all the laws, provisions of this code, other city ordinances, and regulations applicable to the person's operations under state law. However, the city council will not require the person to post a bond to meet the requirements of this subsection;
- B. The applicant is a citizen or legal resident of the United States; in the case of a corporation, is licensed to do business in the state of Iowa; or in the case of a partnership, only one general partner needs to be a citizen or legal resident;
- C. The person has not been convicted of a felony. However, if a conviction of a felony occurred more than five (5) years before the application for a license or permit and if the person's rights of citizenship have been restored, the city manager may determine that said person is a person of moral character notwithstanding the conviction; and
- D. The person has not been convicted of a crime involving robbery, burglary, theft, forgery, fraud, or deceptive practices, the possession, manufacture, or delivery of a controlled substance, possession with intent to manufacture or deliver a controlled substance, possession of drug paraphernalia, or nonpayment of excise taxes for a controlled substance, nonpayment of other taxes, or demonstrated insolvency.

The requirements of this definition apply to the following:

- A. Each of the officers, directors, and partners of such person.
- B. A person who directly or indirectly owns or controls ten percent (10%) or more of any class of stock of such person.
- C. A person who directly or indirectly has an interest of ten percent (10%) or more in the ownership or profits of such person. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

**4-6B-2: PENALTIES:**

Failure to comply with this article is a violation of this code and is punishable as provided in title 1 of this code. Each day of noncompliance with this article is a separate offense. (Ord. 2-14, 1-6-2014)

**4-6B-3: LICENSE:**

- A. License Required; Application: No person may engage in the business of junk dealer or auto salvage dealer without first obtaining a license therefor. Applications for such licenses must be filed with the city clerk and the license issued by the city clerk. (Ord. 2-14, 1-6-2014)
- B. License Authorization: The license serves as authorization for a particular person to engage in business at a specific location.
- C. Annual Renewal; Nonrefundable Fee; License Term:
  - 1. The license for junk dealers or auto salvage dealers must be renewed annually.
  - 2. A nonrefundable fee established by the city manager will be collected at the time of renewal.

3. All licenses expire on February 1 of each year. (Ord. 14-13, 3-4-2013)

**4-6B-4: PERSONS ELIGIBLE:**

Subject to the requirements of this article, a person who is of good moral character may apply for a license. In the case of a club, corporation, or partnership, the officers of the club or corporation and the partners of a partnership must be persons of good moral character as defined by state law and this article. (Ord. 2-14, 1-6-2014)

**4-6B-5: APPLICATION CONTENTS:**

Applications for the original issuance or the renewal of licenses must be filed at the time and in the number of copies as the city manager prescribes, on forms prescribed by the city manager, and must set forth under oath the following information:

- A. The name and address of the applicant;
- B. The precise location of the premises for which a license is sought;
- C. The names and addresses of all persons, or in the case of a corporation, the officers, directors, and persons owning or controlling ten percent (10%) or more of the capital stock thereof, having a financial interest, by way of loan, ownership, or otherwise in the business;
- D. A statement whether any person specified in subsection C of this section has ever been convicted of any offense against the laws of the United States, or any state or territory thereof, or any political subdivision of any such state or territory; and (Ord. 2-14, 1-6-2014)
- E. Such other information as the city manager requires. (Ord. 14-13, 3-4-2013)

**4-6B-6: INVESTIGATION OF APPLICANT AND PREMISES:**

Upon receipt of an original application for a license, the city clerk will forward the application to the chief of police, who will conduct an investigation and submit a written report on the applicant as to the truth of the facts averred in the application and a recommendation to the city manager as to the approval of the license. (Ord. 2-14, 1-6-2014)

**4-6B-7: DISPLAY OF LICENSE:**

The license provided for herein is valid only for the location designated in the application and must be prominently displayed therein at all times. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

**4-6B-8: EXEMPTIONS FROM ARTICLE:**

This article does not apply to or include solicitors governed by chapter 5 of this title. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

**4-6B-9: DENIAL, SUSPENSION OR REVOCATION OF LICENSE:**

A. Reasons For Denial, Suspension, Or Revocation: The city manager may, upon good cause, deny issuance or renewal of a license or suspend or revoke any license issued under this article for a period not to exceed one year for any of the following:

- 1. Violation of any federal, state, or local law; (Ord. 2-14, 1-6-2014)
- 2. Misrepresentation of any material fact in the application for a license; (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)
- 3. Failure to cooperate with law enforcement; or (Ord. 2-14, 1-6-2014)
- 4. The licensee, owner, manager, partner, corporate officer, or director has been convicted of a crime involving robbery, burglary, theft, forgery, fraud, or deceptive practices, the possession, manufacture, or delivery of a controlled substance, possession with intent to manufacture or deliver a controlled substance, possession of drug paraphernalia, or nonpayment of excise taxes for a controlled substance, nonpayment of other taxes, or demonstrated insolvency.

B. Holding Other Licenses During License Suspension: Any licensee whose license is suspended may not, during said suspension, hold any other license under this article.

C. License Revocation; Time Period For Reapplication: Any licensee whose license is revoked may not apply for any license under this article for one year following the revocation.

D. Issuance To Relatives Or Financially Interested Persons During License Suspension: No new license will be issued to the spouse, relative within the first degree of consanguinity as defined by the Iowa Code, or any person holding a financial interest in the licensed premises during the period the license has been suspended.

E. Issuance To Relatives Or Financially Interested Persons Following License Revocation: No new license under this article will be issued to the spouse or relative within the first degree of consanguinity as defined by the Iowa Code or any person holding a financial interest in the licensed premises for one year after revocation. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

F. Notice Of License Suspension Or Revocation: The city manager will cause to be issued a notice that said license is suspended or revoked and therein set forth the reason(s) therefor. Said notice must be sent to the licensee by certified United States mail to the registered business address on file with the city clerk or by personal service as provided by Iowa law. (Ord. 2-14, 1-6-2014)

G. Appeal City Manager Decision To City Council: A written notice of appeal to the city council from a decision of the city manager must be filed with the city clerk by the licensee within ten (10) days from the receipt of the notice of suspension or revocation. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

**4-6B-10: REQUIRED RECORDS:**

A. Junk dealers must maintain a record of all articles of any kind purchased or received. The record must be a full, true, and complete report of all goods, wares, merchandise, or items obtained on deposit, pledge, or purchase, or otherwise received, and must contain the following: (Ord. 2-14, 1-6-2014)



1. A description of the person from whom the goods were acquired, including:
  - a. Name, address, phone number, date of birth, and general description of the person; and
  - b. Means of identification used including the type exhibited, the issuing agency, and the number thereon;
2. Date, time, and place of the transaction;
3. A detailed and accurate description of each article received including make, model, serial number, or identifying mark(s). In the case of junk, a general description of the composition of aggregate purchase is sufficient;
4. A record of whether the transaction was a purchase or donation;
5. A record of monies paid which may be maintained separately but which must be available for inspection in the course of examination of individual transactions; and
6. A record of the name, address, and how an article was disposed of. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

B. Auto salvage dealers must maintain a record of all articles of any kind purchased or received. The record must be a full, true, and complete report of all goods, wares, merchandise, or items obtained on deposit, pledge, or purchase, or otherwise received. The report must contain the following: (Ord. 2-14, 1-6-2014)

1. A description of the person from whom the goods were acquired, including:
  - a. Name, address, phone number, date of birth, and general description of the person; and
  - b. Means of identification used including the type exhibited, the issuing agency, and the number thereon;
2. Date, time, and place of the transaction;
3. A description of each article received including make, model, serial number, or identifying mark(s);
4. A record of whether the transaction was a purchase or donation;
5. A record of monies paid which may be maintained separately but which must be available for inspection in the course of examination of individual transactions;
6. A record of the name, address, and how an article was disposed of; and
7. The vehicle identification number (VIN) and all records as required by the department of transportation. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

**4-6B-11: PROHIBITED ACTS:**

A. Purchases From Minors Restricted: No junk dealer or auto salvage dealer, and no clerk, agent, or employee thereof may purchase or receive property from any person under the age of eighteen (18) years without first obtaining and receiving the written consent of the parent or guardian of such person. Such written consent must be made a part of the required records and subject to all provisions of this article.

B. Altered Or Tampered With Serial Numbers: No junk dealer or auto salvage dealer, and no clerk, agent, or employee thereof may receive any goods or materials presented that have an altered or tampered with serial number or vehicle identification number for items originally manufactured with a serial number or vehicle identification number. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

C. Identification Required: No junk dealer or auto salvage dealer may receive any goods or materials unless the seller presents one picture identification or two (2) other forms of identification. Proper identification consists of, but is not limited to, driver's license, picture identification, birth certificate, draft card, military identification card, and/or major credit card. (Ord. 2-14, 1-6-2014)

D. Display Of Goods: No goods or merchandise may be stored or displayed on any public right of way, public street, sidewalk, alley, or public parking area. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)

**4-6B-12: PURCHASES OR DONATION TRANSACTIONS:**

A. Application Of Article To Certain Goods And Materials: The purchase or receipt of the following listed goods or materials as a purchase or a donation is governed by this article:

- Bicycles.
- Collectibles.
- Computers, software, and computer accessories.
- Construction equipment.
- Electronic equipment.
- Firearms.
- Glassware.
- Household appliances.
- Household furniture.
- Hunting and fishing equipment.

Jewelry.

Junk.

Lawn and garden tools, equipment, and furnishings.

Motor vehicle parts and equipment.

Motor vehicles.

Musical instruments.

Photographic/video parts and equipment.

Precious and semiprecious stones.

Precious metals and coins, including, but not limited to, gold, silver, platinum, titanium, and tungsten.

Radio equipment.

Rare books.

Silver/silverware.

Sporting goods.

Stereo equipment.

Television equipment.

Tools.

Untitled motor vehicles.

Video game systems, originally manufactured with a serial number.

Works of art.

B. Exempt Items: The following items are exempt from the provisions of this article:

1. Beverage containers; and
2. Scrap paper. (Ord. 2-14, 1-6-2014)

#### **4-6B-13: INSPECTION:**

A. The licensee must, during business hours, permit a duly authorized police officer to inspect the entire premises covered by the license, including all records that may have any relationship to the operation of the business.

B. The police may seize, with proper seizure notice, or require the licensee to hold property which the police have probable cause to believe is stolen property. A receipt will be given to the licensee for all property seized. If the police have not seized or picked up the property within thirty (30) days from the date of notification to the licensee, said licensee may dispose of the property. (Ord. 2-14, 1-6-2014)

#### **4-6B-14: SCREENING REQUIREMENTS FOR JUNK AND SALVAGE OPERATIONS:**

A. Approval Of Screening Plan: An operator of a junkyard/salvage operation must submit to the city manager a screening plan which must be approved for each individual premises. The screening plan must integrate the screen with the natural surroundings and consider and make provisions to assure reasonable access to the screen for purposes of maintaining the screen.

B. Purpose Of Screening: The purpose of screening is to eliminate the visual impact of the junkyard/salvage operation contents by obscuring it from view outside the premises.

C. Materials For Use In Screening: Materials for use in screening of junkyard/salvage operation generally consist of natural elements, plantings, fences, or other appropriate means such as storage sheds, buildings, and other similar elements.

1. Natural elements include earthen berms, rock formations, wooded areas, or other similar elements.
2. Plantings include shrubs and trees of such types as to provide year round obscurement commensurate with local site conditions. All plant material used for screening must be of a size and quantity to provide obscurement.
3. Screens must be made of wood, metal, or other materials commonly used in the building trade and be of such height and type as necessary to provide obscurement. Screens must be designed to withstand a minimum wind load of twenty (20) pounds per square foot and be of a permanent nature. All materials used for finishing screens must be a nonreflective material which will blend with the natural surroundings. Screening must not be placed in any manner so that either the screen or the maintenance of screen will create or contribute to the creation of a safety hazard or endanger public safety, nor will it interfere with the public's use of any right of way.

D. Maintenance Requirements: Junkyard/salvage operators must maintain the screening in a condition equal to the original installation of the screening. Maintenance includes, but is not limited to, the following items:

1. Replacement of plant material which is dead or has been damaged so that it no longer serves the intended purpose of screening the junkyard/salvage operation. (Ord. 2-14, 1-6-2014)
2. Screen maintenance includes the renewal of the surface treatment with stains, paints, or other appropriate materials when

needed and the replacement of panels, sections, members, or support structures of the screening when needed. (Ord. 14-13, 3-4-2013; amd. Ord. 2-14, 1-6-2014)