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ORDINANCE NO. 2012-13

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA, ARTCILE VIIIA. BUYERS OF SECOND HAND GOLD AND SILVER.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama that Article VIIIA. Buyers of Second Hand Gold and Silver, Sections 13-100 through Section 13-104 of the Code of Ordinances of the City of Phenix City, Alabama be amended to read as follows:

ARTICLE VIIIA. BUYERS OF SECOND HAND GOLD AND SILVER*

Sec. 13-100. License required.

It shall be unlawful for anyone to conduct, pursue or carry on the business of purchasing secondhand gold or silver, whether in the form of jewelry, household articles or furnishings, personal effects, bric-a-brac, settings for gems, watches, flatware, services sets, or other articles of like kind in the City of Phenix City without first paying to the city license and revenue officer of said city the license tax hereinafter prescribed, and procuring a license from said officer.

Sec. 13-100.1. License application

Applicants for license under this article shall file with the city license and revenue officer, a sworn application in writing, on a form to be furnished by the city license and revenue officer, which shall give the following information:

- a.) Name and description of applicant;
- b.) Date of birth and driver's license number of the applicant;
- c.) Full local address of the applicant, and the length of time the applicant has resided within the city;
- d.) If employed, the name and address of the employer, together with credentials establishing the relationship;
- e.) A brief description of the nature of the gold and silver buying to be done;
- f.) The length of time for which the right to do gold or silver buying is desired and the location where such buying is to be done;
- g.) A photograph of the applicant, taken within the sixty (60) days immediately prior t the date of filing the application, which picture shall be two (2) inches by two (2) inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;
- h.) The fingerprints of the applicant, and the names of at least two (2) reliable property owners of the county who will certify as to the applicant's good character and business respectability or, in lieu of the names of such references, such other available evidence as to the good character and business responsibility of the applicant, as will enable an investigator to properly evaluate such character and business responsibility; A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal criminal ordinance, in any state, the nature of the offense and the punishment or penalty assessed therefor.

Sec. 13-101. Investigation generally; issuance or refusal.

Upon receipt of an application for the license required by section 13-100.2, the original shall be referred to the chief of police of the city, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public good. If, as a result of such an investigation, the applicant's character or business responsibility is found to be unsatisfactory or if he does not otherwise qualify under the provisions of this article, the chief of police shall endorse on such application his disapproval and the reason for the same and return the application to the city license and revenue officer who shall notify the applicant that his application is disapproved and that no permit will be issued. If, as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory, and he otherwise qualifies under this article, the chief of police shall endorse on the application his approval, and return the application to the city license and revenue officer who shall deliver to the applicant his license, in the same manner as to other licenses of the city. In the event the license is disapproved this applicant may appeal to the council of the City of Phenix City within fourteen (14) days.

Sec. 13-102. Record.

The city license and revenue officer shall keep a permanent record of all licenses issued under this article.

Sec. 13-102.1. Record to be kept by buyers; transport to be furnished to chief of police.

Each applicant who secures a license under this article for purchasing gold or silver in any form set out in section 13-100 hereof shall keep a book in which shall be entered promptly at the time of purchase a brief description of the articles or property purchased, the date and hour of the purchase and a brief description of the person from whom the purchase is made, together with the address, driver's license number, sex, race, and date of birth of such person. Each entry of such transaction shall be serially numbered on the book at the time of making the entry. Such buyer shall, on every day, before the hour of 10:00 a.m., deliver to the chief of police, upon a form provided by him, a legible transcript of the business done during the business day immediately preceding the filing of the transcript.

Sec 13-102.2 Registration of licensees.

Each licensee under this article shall promptly, after the beginning of business, register with the chief of police , in a book kept for that purpose, his name, address and every place where he carries on business or stores property.

Sec. 13-103. Inspection of records of licensee.

The books and records kept by the licensee of the articles described in section 13-100 shall be open for inspection by the chief of police or by any officer of the police department of the city at all times and the licensee and his agents and employees shall at all times exhibit the book to such officers on request.

Sec. 13-103.1. Identification of articles purchased.

Each licensee under this article purchasing gold or silver in any form set out in section 13-100 hereof shall attach to or place on each such article purchased a tag or other indentifying mark or label numbered to correspond with the serial number of the book required by section 13-102.1 to be kept; except, where small articles are bought in bulk and are too numerous to conveniently tag or mark, an indentifying number shall be place on the container or wrapper in which the articles are kept or placed.

Sec. 13-103.2. Time articles to be held after purchased.

The property of the kind described in article 13-100 of this article shall be held in the same form, shape or condition in which they were purchased, without mutilation, melting, reduction to block or lump form, or destruction of the form thereof, for a period of fifteen (15) days after the hour when the licensee reports the purchase to the chief of police, during which time said article or articles shall be open to inspection or examination by the chief of police, or such officer or officers of the police department as may be delegated to make such examination or inspection, unless permission for change in form or sale is obtained in writing from the chief of police after the filing of the report required by section 13-102.1.

Sec. 13-104. "Applicant" defined.

The word "applicant" when used herein shall include the plural where applicable, and all agents, officers, servants or employees of the applicant in the City of Phenix City, if the applicant is other than a sole proprietor.

Sec. 13-104.1. Applications; violations.

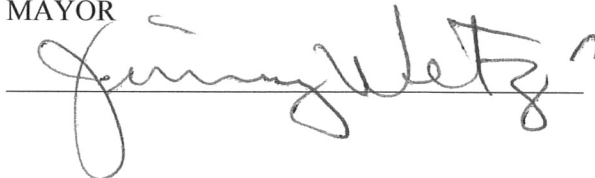
The provisions of this article shall be binding upon every employee or agent of the buyer of the articles described in section 13-100 hereof, and it shall be unlawful and an offense against the city for any such licensee or his agents, servants, officers, or employees to fail or refuse to carry out the provisions of this article. Any person who shall violate any provision of this article or do business within the city, as defined in this article, without first obtaining a permit or license as provided herein shall be subject to a fine in an amount not to exceed five hundred dollars (\$500.00) or imprisonment, not to exceed six (6) months, or to both such fine and imprisonment, in the discretion of the court trying the case.

Any ordinance or heretofore adopted by the city council of the City of Phenix City, Alabama which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalidate for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

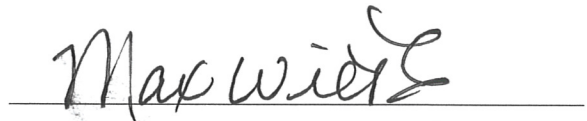
PASSED, APPROVED AND ADOPTED this 17th day of July, 2012.

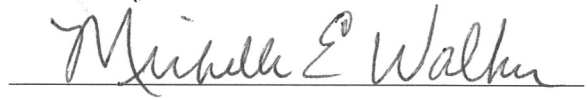
MAYOR

A handwritten signature in cursive script, appearing to read "Jimmy Wetzel", is written over a horizontal line. The signature is written in black ink and is somewhat stylized.

ATTEST:


CITY CLERK






MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

**APPLICATION FOR JUNK DEALERS LICENSE
- GOLD & SILVER BUYERS -**

TO: COUNCIL MEMBERS
PHENIX CITY, ALABAMA

The undersigned hereby makes an application to operate a JUNK DEALERS - GOLD & SILVER BUYERS LICENSE at the location hereinafter shown, and in support of said application does hereby represent as follows:

APPLICANT'S NAME _____

DATE OF BIRTH _____ SOCIAL SECURITY NUMBER _____

ADDRESS _____ TELEPHONE # _____

NAME OF BUSINESS _____

ADDRESS _____ TELEPHONE # _____

If the business is a partnership or sole proprietorship, list all persons owning or having any interest in the business. List any convictions by any of those individuals of any CITY, STATE, FEDERAL or other offense. If the business is incorporated, list the name and address of the manager and any convictions.

<u>NAME</u>	<u>D.O.B.</u>	<u>ADDRESS</u>	<u>CONVICTIONS</u> Location, Date, Offense
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I certify that I have read the foregoing and have signed the same after being sworn to speak the truth, the whole truth and nothing but the truth, and I understand that if I have made a false statement herein I may be prosecuted for perjury.

APPLICANT'S SIGNATURE

Notarization:

On this _____ day of _____, 20____, the above named _____
Personally appeared before me and made oath that the statements made above are true and correct.

Notary Public
My commission expires on: _____