



MEMO

Legal Department

To: Mayor Haila and Ames City Council

From: Mark O. Lambert, City Attorney

Date: February 5, 2021

Subject: Item No. 40: Drafting error in ordinance

In 2015, the City's Attorney's office drafted, and the Council adopted, a revision to the Section 17.25 of the Ames Municipal Code, "Pawnbrokers, Itinerant Dealers, and Secondhand Dealers."

Part of the purpose of revising this ordinance six years ago was to expand the requirements the City had on pawnbrokers (keeping records of items received, who they were purchased from, serial numbers, etc.) by applying those same requirements to "secondhand goods dealers" as well.

Recently, because of questions from a potential applicant, it was discovered that an omission was made in the drafting of the ordinance. Although the ordinance requires secondhand dealers to keep records of transactions, similar to what pawnbrokers are required to do, **the ordinance failed to require that the secondhand dealers obtain a permit from the City Clerk. The ordinance only requires pawnbrokers and itinerant dealers to obtain a permit.**

The City Attorney's office is asking the Council to direct the City Attorney to draft an ordinance that makes clear that secondhand dealers are required to obtain a permit from the City.

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ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 17.25 (2)(a) AND ENACTING A NEW SECTION 17.25 (2)(a) THEREOF, FOR THE PURPOSE OF ESTABLISHING REPORTING REQUIREMENTS FOR SECONDHAND GOODS DEALERS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Section 17.25 (2)(a) as follows:

“Sec. 17.25. PAWNBROKERS, ITINERANT DEALERS, AND SECONDHAND DEALERS

...

(2) **Dealer's Permit.**

(a) A pawnbroker, secondhand dealer, or itinerant dealer must apply for and obtain a dealer's annual permit prior to being engaged in or conducting business as a dealer. Such permit shall be posted conspicuously in each place of business named therein.”

...

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor