

Chapter 4

POLICE ♣ ♣♣

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ARTICLE 4-1. POLICE DEPARTMENT

Sec. 4-1-1. Created; composition.

There is hereby created a police department for the city which shall consist of a police chief who shall also serve as city marshal.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 4-1-2. Appointment of officers.

The police chief shall be appointed by the city manager. The city manager shall provide for the appointment of as many police officers as may from time to time be deemed necessary for the safety and good order of the city.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

Sec. 4-1-3. Compensation of officers.

The police chief and the police department employees of the city shall be compensated as determined by the council.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

♣ **Cross reference**—False or misleading reports to police, § 10-1-10.

♣♣ **Editor's note**—Sections 1 and 2 of Ord. No. 2003-15, adopted Nov. 4, 2003, amended and replaced Chapter 4 in its entirety although some sections were not revised. Section 4-1-5, "Duties of police department," was deleted. Articles 4-2, 4-3, 4-4 and 4-5 were not revised, with the exception of Section 4-2-8 regarding false alarm charges. Subsequently, the provision pertaining to false alarm charges, formerly numbered as Section 4-2-8, was deleted through Ord. No. 2013-03, adopted June 4, 2013.

Sec. 4-1-4. Departmental rules and regulations.

The police chief, with the consent of the city manager, may make or prescribe such rules, regulations and policies for the conduct of the police department and its employees as they shall deem advisable. Such rules, regulations and policies, when approved by the city manager, shall be binding on all employees of the police department. Such rules, regulations and policies may cover the conduct of police officers and employees, uniforms and equipment to be worn or carried, hours of service, scheduling of leave time and all other similar matters necessary or desirable for the improved efficiency and operations of the police department.

(Ord. No. 2011-01, § 1, 1-4-11)

Sec. 4-1-5. Answering calls outside the city.

The members of the police department of the city are duly authorized to answer calls for aid and assistance beyond the corporate limits of the city pursuant to mutual aid agreements and state statutes, but subject to resolutions, rules and regulations of the council pertaining thereto.

(Ord. No. 2003-15, §§ 1-2, 11-4-03)

ARTICLE 4-2. ALARM SYSTEM REGULATION♣

Sec. 4-2-1. Purpose.

It is the purpose of this ordinance to improve the efficient operation and reliability of alarms designed to summon police personnel and equipment to the scene of criminal offenses and emergencies, and to encourage cooperation between alarm users, alarm businesses, and the police department.

(Ord. No. 2013-03, §§ 1-2, 6-4-13)

♣**Editor's note**—Sections 1 and 2 of Ord. No. 2013-03, adopted June 4, 2013, amended Article 4-2, “Alarm system regulation,” by adding a purpose for this article, clarifying definitions, identifying alarm types to which the Code applies, instituting a formal appeal process and deleting obsolete language (the latter deleted former Sections 4-2-6 – 4-2-10 in their entirety). Amended and remaining sections were numbered and renumbered as appropriate. (See Ord. No. 349, adopted Mar. 3, 1992, for alarm system regulation provisions previously contained in Sections 4-2-1 – 4-2-5. Prior to Ord. No. 349, said sections pertained to police alarm system equipment and derived from Ord. No. 127, adopted July 23, 1980.)

Sec. 4-2-2. General provisions; definitions.

For the purpose of this article, the following words and phrases shall have the meaning respectively ascribed to them:

Act of nature: An unusual, extraordinary, sudden, and unexpected manifestation of the forces of nature, which cannot be prevented by reasonable human care, skill, or foresight.

Alarm: Any set of mechanical or electrical devices or instruments designed or arranged to signal the occurrence of an unauthorized entry on the premises, unlawful act, or requires urgent attention and to which police department personnel are needed or expected to respond.

Alarm user: Any person who is responsible for the premises where an alarm system is located.

Audible alarm: A device which, when activated, generates an audible sound on or in the premises.

False alarm: An alarm sign, eliciting a response by police when a situation requiring a response by police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

False holdup alarm: Any signal which indicates a robbery or holdup which is not the result of a holdup or robbery.

Automatic dialing device: A device which is interconnected with a telephone line and is programmed to select a predetermined telephone number and transmit by voice methods or code signal an emergency message indicating a need for emergency response.

(Ord. No. 349, 3-3-92; Ord. No. 2013-03, §§ 1-2, 6-4-13)

Sec. 4-2-3. Exemptions

The provisions of this chapter are not applicable to:

- (a) Fire alarm systems.
- (b) Audible alarms affixed to a motor vehicle, watercraft, or aircraft.
- (c) Medical alert alarms or devices.

- (d) Independent, stand-alone alarm systems installed or placed by or at the direction of the City of Show Low for public health and/or safety purposes.
- (e) Alarm or alarm signals caused by the testing, repair or malfunction of telephone equipment lines or electrical utility equipment or lines that are not reasonably subjected to the control by the alarm user.

(Ord. No. 2013-03, §§ 1-2, 6-4-13)

Sec. 4-2-4. Duties and responsibility of alarm users.

- (a) The duties of an alarm user shall be as follows:
 - (1) To instruct all personnel who are authorized to place the system or device into operation in the appropriate method of operation.
 - (2) To inform personnel who are authorized to place the alarm system into operation of the provisions of this article emphasizing the importance of avoiding false alarms. A current copy of this article shall be maintained on the premises and be made available to persons who are authorized to place an alarm system into operation.
 - (3) To maintain the alarm or alarm system in good working order and take reasonable measures to prevent the occurrence of false alarms.
 - (4) To notify the police department of the name, address and telephone number of the primary person and at least one alternate, to be notified if the alarm is activated.
 - (5) To inactivate or cause to be inactivated the alarm system within one hour of notification of its activation.
 - (6) It shall be unlawful for any person to intentionally activate any holdup or robbery alarm for any reason other than to warn of an actual robbery, or to intentionally activate any burglar alarm for any reason other than to warn of an unauthorized entry into an alarm-protected premise.
 - (7) Upon notification by the police that an alarm has been activated at a business or residence, the alarm user or representative will go to the premises of an activated alarm system in order to be available to assist the police to determine the reason for activation and in securing the premises. In no event shall there be an unreasonable delay in arriving at the location of the alarm.

- (i) In the event an alarm user or responsible party cannot be contacted by the police department, or does not arrive at the scene of an alarm, the police department shall have no further obligation to remain on scene or to otherwise secure the premises at which the alarm is activated.

- (b) This subsection shall not apply to the testing of alarm systems when the police department has been given advance notice of such testing.

(Ord. No. 349, 3-3-92; Ord. No. 2013-03, §§ 1-2, 6-4-13)

Sec. 4-2-5. Automatic dialing devices prohibited.

It shall be unlawful for any person to use or cause to be used any telephone device or telephone attachment that automatically selects a police department primary telephone trunk line in the city and then reproduces any prerecorded message to report any burglary or other emergency.

(Ord. No. 349, 3-3-92; Ord. No. 2013-03, §§ 1-2, 6-4-13)

Sec. 4-2-6. Permits and fees.

- (a) Every alarm user shall obtain an alarm users permit from the Show Low Police Department for each alarm system. Such permit shall be obtained prior to the use of an alarm system.
- (b) The annual fee for alarm permits shall be established by resolution adopted from time to time by the city council.
- (c) The alarm user's permit shall be physically displayed within the premises using the alarm system and should be available for inspection by the police department.
- (d) Permits are not transferable from one user to another or from one address to another.
- (e) If the residential alarm user is over the age of sixty-five (65) and is the primary resident of the residence, and if no business is conducted within the residence, the alarm users permit may be obtained from the Show Low Police Department without payment of the fee.
- (f) Any alarm system which has false alarms within one permit year shall be subject to penalty assessments as established by resolution adopted from time to time by the city council and any alarm system which has twenty (20) false alarms or

more within one permit year may be subject to permit revocation as hereafter provided.

- (g) If the Show Low Police Department records twenty (20) or more false alarms within one permit year for any alarm system or any other instance of noncompliance of the Alarm Ordinance, the police department shall notify the alarm user by certified mail or personal service, of such fact and shall direct that the alarm user submit a report to the chief of police describing the actions taken or to be taken to discover and eliminate the cause of the false alarms or noncompliance of the Alarm Ordinance. If no report is submitted to the chief of police as required, or if the chief of police determines that actions taken or to be taken by the alarm user will not prevent the recurrence of false alarms or noncompliance of the Alarm Ordinance, the chief of police will give notice by certified mail or personal service to the alarm user of a permit revocation hearing to be held in the office of the Show Low City Manager. During this process, the city manager will serve as hearing officer to determine the reinstatement or revocation of the user's permit.
- (h) An alarm whose permit has been revoked shall be immediately furnished written notification of such revocation and shall, within three (3) days after the furnishing of such written notification, discontinue the use of an alarm system with respect to which a permit has been revoked.
- (i) It shall be unlawful for any alarm user to fail to disconnect such system within three (3) days after written notification has been furnished advising the alarm user of the revocation of the alarm user permit. Such failure shall subject the alarm user to penalties hereinafter provided in Article 4-2-7.

(Ord. No. 349, 3-3-92; Ord. No. 430, 2-18-98; Ord. No. 2013-03, §§ 1-2, 6-4-13)

Sec. 4-2-7. Unlawful acts and penalties.

- (a) In addition to the unlawful acts hereinabove specified, it shall be unlawful for any alarm user to activate an alarm system for use within the City of Show Low without first obtaining an alarm users permit as required by this article.
- (b) It shall be unlawful for any alarm user to fail to disconnect an alarm system after the revocation of an alarm users permit in accordance with the terms and provisions of the Alarm Ordinance.
- (c) The police department shall take every reasonable precaution to assure that alarm notifications received are given appropriate attention and are acted upon with dispatch. Nevertheless, the City of Show Low shall not be liable for any failure or neglect to respond appropriately upon receipt of an alarm notification nor for failure or neglect of any person with a permit issued pursuant to this

article or with a franchise in connection with the installation and operation of equipment and transmission of alarm signals, or relaying of such signals and messages. In the event the City of Show Low finds it necessary to order the revocation or disconnection of an alarm device, the City of Show Low shall incur no liability by such action.

- (d) Any person violating any provision of this article shall be guilty of a civil violation punishable as provided in section 1-8-1(a) of this Code.

(Ord. No. 349, 3-3-92; Ord. No. 2004-14, § 2, 7-6-04; Ord. No. 2013-03, §§ 1-2, 6-4-13)

Sec. 4-2-8. Payment of fees and assessments.

Except as provided herein, any fees and assessments provided for by this chapter shall be paid to and received by the City of Show Low within thirty (30) days from the dating of posting by regular, first-class U.S. Mail. The City shall have the right to charge interest and pursue collection and legal fees for nonpayment of fees and assessments.

(Ord. No. 2013-03, §§ 1-2, 6-4-13)

Sec. 4-2-9. Appeal Procedure.

- (a) The alarm user may, within twenty (20) days of the date of the mailing notice of assessment, appeal to the chief of police by filing a petition in writing with the chief of police or his/her designee.
 - (1) The petition shall contain specific defenses to the assessment. Affirmative defenses to a false alarm service fee assessment may include evidence that a false alarm was caused by an act of nature, action of the telephone company, telephone line outage, power outage lasting longer than the life of a fully charged battery, and other extraordinary circumstances not reasonably subject to control by the alarm user.
 - (2) Any petition submitted pursuant to section 4-2-9(a)(1) of this article shall be received by the chief of police or his/her designee within the time specified. If the petition is not timely submitted, any petitioner shall be deemed to have waived the right to any further review or hearing as provided herein and the initial assessment shall be final.
- (b) If a petition is submitted pursuant to section 4-2-9(a)(1) of this article, the chief of police or his/her designee shall review the defenses, if any, set forth in the petition.

- (1) If it is determined a valid defense to the false alarm assessment has been set forth, a notice will be sent to the alarm user that no assessment will be made for that particular alarm activation. The notice shall specifically set forth the findings and conclusions of the chief of police or his/her designee with respect to the review of the initial assessment.
- (2) If the chief of police or his/her designee determines that a defense to the initial notice of assessment has not been set forth, a notice of decision shall be sent by mail to the alarm user that he/she will be assessed pursuant to the appropriate section. The notice of decision shall contain the specific findings and conclusions of the chief of police or his/her designee with respect to the review of the initial assessment.

(Ord. No. 2013-03, §§ 1-2, 6-4-13)

ARTICLE 4-3. LOST OR ABANDONED PROPERTY

Sec. 4-3-1. Definitions.

In this article, unless the context otherwise requires:

- (a) *Abandoned property* means that personal property to which the owner has relinquished all right, title, claim and possession with the intention of not reclaiming it or resuming its ownership, possession or enjoyment.
- (b) *Finder* means a person, not an owner, who accidentally and lawfully comes into possession of personal property.
- (c) *Lost property* means personal property which the owner has inadvertently or unintentionally parted with possession, whether resulting from loss, theft or misplacement.
- (d) *Owner* means the person in whom is vested the ownership, dominion, care, control, management or title of personal property.
- (e) *Personal property* means that kind of property which usually consists of things tangible and moveable which is not real property. In addition, as used in this article, personal property may also include a weapon but shall not include motor vehicles or animals.
- (f) *Spirituos liquor* includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or any of them with any vegetable or other substance,

alcohol, bitters, bitters containing alcohol and any liquid mixture or preparation, whether patented or otherwise, which can produce intoxication, fruits preserved in ardent spirits and beverages containing more than one-half of one (0.5) percent of alcohol by volume.

- (g) *Stolen property* means that personal property which has been unlawfully taken, carried away or obtained without right or pretense of title and without leave or consent of the owner.
- (h) *Weapon* means any firearm, spring gun, air gun or gas operated gun or any other like device capable of discharging a dangerous or deadly missile, or any other thing designed for lethal use or which is capable of inflicting serious bodily injury. Weapon shall not include a firearm in permanently inoperable condition.

(Ord. No. 354, 7-21-92)

Sec. 4-3-2. Disposal of weapons.

- (a) All weapons, explosives or other dangerous instruments which are seized and forfeited in accordance with Title 13, Chapter 39, Arizona Revised Statutes, shall be disposed of in accordance with Title 13, Chapter 39, Arizona Revised Statutes.
- (b) All weapons, explosives or other dangerous instruments which are seized, confiscated or impounded as a result of any arrest pertaining to the commission of a crime may be returned to a person when permitted by law after such person is adjudged not guilty or where all criminal charges are dismissed.
- (c) If the owner of a seized, confiscated or impounded weapon cannot be located or does not come forward or fails to respond to notices within thirty (30) days after final disposition of the case in which the weapon was seized, confiscated or impounded, the weapon shall become the property of the City of Show Low Police Department.
- (d) If the owner of a lost, abandoned or stolen weapon cannot be located or does not come forward or fails to respond to notices or otherwise declines to claim the weapon within thirty (30) days from the date such weapon comes into police custody, the weapon shall be offered to the finder.
- (e) In the event that a lost, abandoned or stolen weapon is offered to the finder and the finder cannot be located or does not come forward or fails to respond to notices, or otherwise declines to claim the weapon within thirty (30) days from the date of notice, the weapon shall become the property of the City of Show Low Police Department.

- (f) Pursuant to Arizona Revised Statutes Sections 12-945 and 13-3108, the City shall not destroy any firearms that are seized or received but shall sell the firearm to any business that is authorized to receive and dispose of firearms under federal and state law, or the City may trade a firearm that it has retained to a federal firearms-licensed business for ammunition, equipment, or other materials or may convert the firearm to department use.

(Ord. No. 354, 7-21-92; Ord. No. 2014-01, §§ 1-2, 5-6-14)

Sec. 4-3-3. Disposal of spirituous liquor.

- (a) Spirituous liquor seized, confiscated or impounded pursuant to a violation of any state or local law shall be destroyed by the police department anytime after thirty (30) days following the conviction of the owner or possessor for the violation. Upon a finding of not guilty or upon dismissal of the case, the property shall be returned to the owner in the manner prescribed by this article.
- (b) Lost, abandoned or stolen spirituous liquor that is in the possession of the police department shall be returned to the owner in the manner prescribed by this article.
- (c) Spirituous liquor, whether seized, confiscated, impounded, lost, abandoned or stolen which remains unclaimed by an owner or in which the return to the owner is prohibited by law, shall be destroyed.

(Ord. No. 354, 7-21-92)

Sec. 4-3-4. Disposal of property used in the commission of a crime.

Upon the conviction of any person for a violation of a criminal offense as defined in Title 13, Arizona Revised Statutes, or after final disposition of the case, in which personal property was seized, confiscated or otherwise impounded and was used in the commission of the offense, and if forfeited in accordance with Title 13, Chapter 39, Arizona Revised Statutes, shall be disposed of in accordance with Title 13, Chapter 39, Arizona Revised Statutes, otherwise disposal shall be in accordance with this article.

(Ord. No. 354, 7-21-92)

Sec. 4-3-5. Disposal of property, conversion to city use.

- (a) Personal property, whether lost, abandoned, stolen or otherwise received or in the custody of the police department shall be retained for no less than ninety

(90) days and the police department shall make reasonable attempts to identify and return the personal property to the owner where permitted by law.

- (b) In the event the owner fails to respond to notices concerning personal property in police custody, or in the event that the owner disclaims interest or otherwise declines or fails to reclaim the personal property, the personal property may be offered to the finder where permitted by law.
- (c) Personal property, having a value or use to the City of Show Low Police Department or personal property with a value of less than twenty-five dollars (\$25.00), may be converted to city ownership and use or may be given to a charity or destroyed without being offered to the finder.
- (d) In the event that the personal property is offered to the finder and the finder fails to respond to notices concerning personal property in police custody within thirty (30) days from the date of notice, or otherwise declines or fails to claim the personal property, the personal property shall be considered forfeited and shall be converted to city ownership, use and disposal.

(Ord. No. 354, 7-21-92)

Sec. 4-3-6. Disposal of money.

- (a) Money or currency, excepting rare coins or coins or currency having numismatic value, which are received or in the custody of the police department, shall be deposited in the general fund of the City of Show Low where an owner or finder does not claim or reclaim possession of such money or currency.
- (b) Rare coins or coins or currency having numismatic value shall be disposed of in accordance with the provisions of section 4-3-5.

(Ord. No. 354, 7-21-92)

Sec. 4-3-7. City employees excluded.

Employees, officers, agents or representatives of the City of Show Low who find or otherwise come into possession of lost, abandoned or stolen property shall not claim any right, title or interest in the personal property and shall not qualify as a finder of personal property pursuant to this article.

(Ord. No. 354, 7-21-92)

Sec. 4-3-8. Notices.

- (a) Notice shall be given to owners and finders, if applicable, of personal property before such property may be sold or otherwise disposed of in accordance with the provisions of this article.
- (b) Notices shall be given to owners or finders either through personal contact, telephone contact or by the mailing of a notice to the last known address of the owner or finder.
- (c) In the event no address is known, notice may be given by posting a notice in a public place within the City of Show Low for a minimum of thirty (30) days or by publishing a notice in a local newspaper for a minimum of two (2) times.

(Ord. No. 354, 7-21-92)

Sec. 4-3-9. Certificates of ownership, sale.

Upon delivery of any personal property to any finder, purchaser or any person or entity as described in section 4-3-5, the chief of police or designee shall issue a certificate of ownership which shall pass title of the property to the new owner.

(Ord. No. 354, 7-21-92)

Sec. 4-3-10. Records.

The chief of police shall cause to be made such records as is deemed necessary for the control, storage and disposition of all personal property coming into the possession of the police department. Such records made shall be retained by the police department for a period of no less than one year after final disposition of the personal property.

(Ord. No. 354, 7-21-92)

ARTICLE 4-4. DISPLAYING VEHICLES FOR SALE

Sec. 4-4-1. Definitions.

In this article, unless the context otherwise requires:

Motor vehicle shall be defined as an automobile, truck, motorcycle, recreational vehicle, boat, trailer, or heavy construction or farm vehicle.

Person means any individual, proprietor, employee, agent, company, organization, association, joint venture, partnership, business trust or corporation.

(Ord. No. 380, 12-6-94)

Sec. 4-4-2. General provisions.

- (a) It shall be unlawful for any person to cause or permit a motor vehicle owned by or registered by that person to be parked or displayed for the purpose of advertising said vehicle for sale, upon any property other than that person's own property or on property which that person is renting or leasing.
- (b) For the purpose of the foregoing subsection, it may be presumed that any vehicle parked within view of any public right-of-way while said vehicle is posted with signs reading "For Sale" or any similar or analogous words is being displayed for the purpose of advertising same for sale.
- (c) If forty-eight (48) hours have elapsed since a citation or notice of violation was issued upon said vehicle or to the owner of said vehicle, the city may cause the vehicle to be removed by any towing company at the vehicle owner's expense.

(Ord. No. 380, 12-6-94)

Sec. 4-4-3. Exceptions.

- (a) This section shall not apply to any person who causes or permits the parking of a motor vehicle owned by that person upon property owned by any person licensed by the State of Arizona and the City of Show Low for the purpose of carrying on the business of retail sale of such vehicles.
- (b) This section shall not be construed to prohibit the incidental parking of any motor vehicle, whether advertised or marked for sale or not, when the primary purpose for parking said vehicle is some purpose other than that of advertising the availability of said vehicle for sale. It shall be presumed that parking a motor vehicle marked or advertised for sale with other motor vehicles marked or advertised for sale, except as provided in section 4-4-3(a) above, is not incidental parking.

(Ord. No. 380, 12-6-94)

Cross reference—Parking, § 13-3-1 et seq.

ARTICLE 4-5. SECONDHAND DEALERS

Sec. 4-5-1. Definitions.

In this article, unless the context otherwise requires:

Dealer means any person who is engaged in, conducting, managing or carrying on, any business of purchasing, selling, trading, consigning, pawning or bartering of secondhand personal property, precious items, or scrap metal from any person and who is required to obtain a business license pursuant to Chapter 8 of the Show Low City Code.

Item means any secondhand personal property or scrap metal as defined above.

Peace officer or law enforcement agency means any peace officer or authorized representative of any police agency of any state.

Person means any individual, proprietor, employee, agent, company, organization, association, joint venture, partnership, business trust or corporation.

Precious items mean:

- (a) Secondhand gold, silver, platinum or jewelry, flatware, or hollowware containing gold, silver, or platinum.
- (b) Secondhand precious or semi-precious stones whether mounted or unmounted.
- (c) Secondhand pearls.

Precious items do not include coins and unmounted gemstones accompanied by a certificate from an independent, internationally recognized gem grading laboratory.

Scrap metal means secondhand or cast-off material of any kind, which is commonly known as scrap metal or junk, such as old iron, copper, brass, lead, zinc, tin, steel, stainless steel, aluminum (including aluminum beverage kegs), and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials. Aluminum beverage cans are not considered scrap metal.

Secondhand personal property means any tangible personal property, other than real property and vehicles as defined under Arizona Revised Statutes Section 28-101, that has previously been purchased by a person as new from the original distributor or manufacturer of the item. Examples of secondhand personal property include, but are not limited to, automobile parts and equipment, television, stereos, radios, electronic parts and equipment, computers, including hardware and software, household goods, sporting goods, firearms, musical instruments, tack, objects of art, coins, jewelry, precious metals and other precious items as defined under Arizona Revised Statutes Section 44-1601(6).

Seller means any person from whom a dealer is making a transaction.

Transaction means the purchasing, trading, consigning, pawning or bartering for secondhand personal property.

Valid form of identification means a valid motor vehicle driver's license, valid motor vehicle identification card, valid Arizona identification card, valid passport, valid armed forces identification card, or tribal identification and which contains the person's photograph.

(Ord. No. 381, 12-6-94; Ord. 2014-01, §§ 1-2, 5-6-14; Ord. No. 2015-01, §§ 1-2, 1-20-15)

Sec. 4-5-2. Reporting requirements.

- (a) A secondhand dealer shall make a report of every transaction of all reportable purchases of all secondhand items as required by state statutes.
- (b) A dealer shall make a true, complete, and accurate report each day of each article the dealer receives through a reportable transaction. The report shall be submitted within twenty-four (24) hours and available to view by the police department by electronic means as approved by the police department, or its designee. For the purposes of this subsection, "electronic report" means a computer system or program that is specifically designed to make such reports and maintain records.
- (c) The electronic reporting systems provided or approved by the police chief, or his designee, shall include at least all of the following:
 - (1) The last, first, and middle name of the seller.
 - (2) The permanent address and telephone number, if available, of the seller.
 - (3) The physical description of the seller including height, weight, hair and eye color, sex, race, and date of birth.
 - (4) The number and type of the valid form of identification document presented by the seller.
 - (5) An accurate, legible description of each item pledged or sold, including the manufacturer's name, model number, serial number, caliber, size, type of precious metal or scrap metal, and the weight of the items purchased.

- (6) The name and address of the dealer's business and the clerk's initials or identifying number.
 - (7) The date and time of the transaction.
 - (8) The type of transaction and transaction ticket number.
 - (9) A fingerprint of the seller.
 - (10) A quality photograph of the seller.
 - (11) A quality photograph of the individual items purchased or pawned.
 - (12) The dealer shall also retain a hard copy on file for two years after the transaction has taken place.
 - (13) All payments that are reportable shall be made payable to the seller by check unless the seller is a lawful representative of a business that deals in buying, selling, or trading in secondhand items, and has a valid tax identification number. Payment may also be made by in-store credit for other merchandise from the dealer.
 - (14) The amount paid for the item(s) or the value given in trade or the value loaned or the value of services bartered.
- (d) The seller shall electronically or physically sign the purchase statement and attest to the following statement that shall appear on the report in ten-point bold type:

All information in this report is complete and accurate. I am the owner of the goods described in this report or I am authorized to enter into this pawn or sale transaction on behalf of the owner of the goods described in this report. I understand that I will be guilty of a class 1 misdemeanor if the information in this report is not complete and accurate, if I am not the owner of the goods being sold, or if I am not authorized to enter into the pawn or sale transaction on behalf of the owner of the goods.

(Ord. No. 381, 12-6-94; Ord. 2014-01, §§ 1-2, 5-6-14; Ord. No. 2015-01, §§ 1-2, 1-20-15)

Sec. 4-5-3. Holding period for property acquired.

- (a) Any item so obtained by the dealer shall be held in the shape and form as received in the dealer's custody for a period of ten (10) calendar days in the state

of Arizona after successful transmission of the form online or by delivery to the police department.

- (b) On notification by any peace officer or law enforcement agency that the items in possession of the dealer are or may be fruits of a crime, the dealer shall not dispose of those items but shall retain those items in a separate and secure place and shall make arrangements for the continued safekeeping or delivery of those items to the peace officer or law enforcement agency.
- (c) If a dealer, at the direction of a peace officer or law enforcement agency, places the items thought to be fruits of a crime into safekeeping and those items were not seized by or delivered to a peace officer or law enforcement agency, and a period of ninety (90) calendar days has elapsed from the date of such notification, the items may then be treated as regularly acquired in the due course of business by the dealer.
- (d) If items thought to be fruits of a crime were held for safekeeping by the dealer or if the items were seized by the law enforcement agency and the items are found not to be fruits of a crime, those items shall be returned to the dealer from whom seized or the hold for safekeeping lifted, within ten (10) business days and the items may then be treated as regularly acquired in the due course of business by the dealer.

(Ord. No. 381, 12-6-94; Ord. No. 2015-01, §§ 1-2, 1-20-15)

Sec. 4-5-4. Transactions with minors.

A dealer shall not make a transaction of any item from a person under the age of eighteen (18) years unless the person is accompanied by a parent or legal guardian who must also submit identification as required by this article with the exception of aluminum cans.

(Ord. No. 381, 12-6-94; Ord. 2014-01, §§ 1-2, 5-6-14)

Sec. 4-5-5. Inspection of records.

The business premises of any dealer, along with any transaction records and stock of items and other articles, shall be open at reasonable hours to reasonable inspection by any peace officer when the business premises are lawfully occupied and during regular business hours.

(Ord. No. 381, 12-6-94)

Sec. 4-5-6. Possession of items with serial number removed, altered or obliterated.

No person may purchase, trade, consign, pawn, barter or possess any item whose serial number or other identifying numbers or marks have been removed, altered or obliterated in any way.

(Ord. No. 381, 12-6-94)

Sec. 4-5-7. Exceptions and other requirements.

- (a) The reporting requirements of this article shall not apply to donations of secondhand personal property to and received by any legally recognized charitable group or organization qualified under Section 501(c), Internal Revenue Code of 1986.
- (b) This article does not relieve dealers of precious items and pawnbrokers of the requirements of Arizona Revised Statutes Chapter 11, Article 1, Section 44-1602, et seq., and of Arizona Revised Statutes Section 44-1621, et seq.

(Ord. No. 381, 12-6-94)

Sec. 4-5-8. Providing false information.

No person shall provide false identification or enter false information on reports or records required by this article.

(Ord. No. 381, 12-6-94)

Sec. 4-5-9. Penalty.

Any person violating any provision of this article shall be guilty of a civil violation punishable as provided in section 1-8-1(a) of this Code.

(Ord. No. 381, 12-6-94; Ord. No. 2004-14, § 3, 7-6-04)