



MEMORANDUM

Office of the City Attorney

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CITY OF GAINESVILLE
CITY COMMISSION

2000 AUG 30 PM 3: 03

TO: Mayor and Commissioner

DATE: ~~August 14, 2000~~

FIRST READING:

FROM: Marion J. Radson, City Attorney

SECOND READING: AUGUST 28, 2000

SUBJECT: **ORDINANCE NO.:0-00-35;
SECONDHAND GOODS CHAPTER 22**

An ordinance of the City of Gainesville amending Chapter 22 of the Gainesville Code of Ordinances relating to secondhand goods and secondhand dealers; repealing the "Junk dealers" category; incorporating statutory definitions; deleting local regulations relating to pawnbrokers and requiring pawnbrokers to obey state law; providing for enforcement by civil citation; changing the record requirements of secondhand transactions; modifying the holding period for property; defining the right of the police to inspect records and premises; prohibiting purchases from minors; amending section 2-339 to provide for enforcement by civil citations; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

RECOMMENDATION: The City Commission adopt the proposed ordinance.

The City Commission at its meeting on June 12, 2000 authorized the City Attorney to draft and the Clerk to advertise an ordinance amending Chapter 22 of the Code of Ordinances.

On September 13, 1999 the City Commission directed the City Attorney to amend Chapter 22 of the Gainesville Code of Ordinances, Secondhand Goods, by adding permitting requirements in conformance with statutory changes made in Chapter 538, Florida Statutes related to secondhand goods and Chapter 539 related to pawnbrokers. In preparing these changes, additional modifications were identified which would enhance and clarify Chapter 22. The additional changes do not fall within the phrase "adding permitting requirements" previously approved by the Commission,. It is more efficacious to make one change to the ordinance incorporating the additional items. This amendment will accomplish the following:

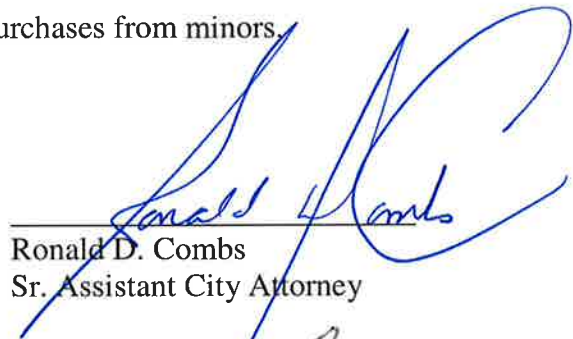
1. Conforming definitions to match those in the statute and deleting those which are no longer applicable.
2. Removing the reference to pawnbrokers except to require them to comply with the requirements of the applicable statute.

PASSED ON FIRST READING BY A VOTE OF 5-0.

3. Adding DVD players, commercially produced audio and video tapes, commercially produced compact disc and commercially produced DVD discs to the definition of secondhand goods.
4. Redefining what and how records of transactions are kept.
5. Adding language qualifying when the holding period is not applicable.

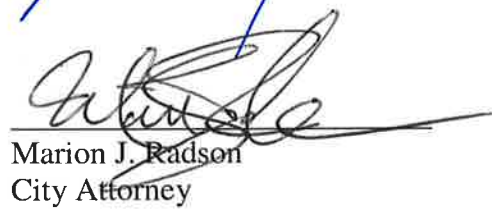
6. Changing the length of a hold placed by police.
7. Defining the right of the police to inspect the records and premises of secondhand dealers.
8. Eliminating purchases from minors.

Prepared by:



Ronald D. Combs
Sr. Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson
City Attorney