



CITY of NOVI CITY COUNCIL

**Agenda Item 4
January 6, 2014**

SUBJECT: Approval of Ordinances to Amend the City of Novi Code of Ordinances to add Chapter 27.5 for precious metal and gem dealer, secondhand and junk dealers, and pawnbrokers in accordance with State Law and to approve the Resolution setting fees for licensing and registration.

A) Approval of adoption of Ordinance 14-181, to amend the City of Novi Code of Ordinances to add Chapter 27.5, "Registration and Licensing," for the creation of registration and licensing standards for certain businesses, occupations, and activities, and to reserve sections 27.5-1 through 27.5-15 for general provisions.
SECOND READING

B) Approval of adoption of Ordinance 14-181.01, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article II, "Precious Metal and Gem Dealers." **SECOND READING**

C) Approval of adoption of Ordinance 14-181.02, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article III, "Secondhand Dealers and Junk Dealers." **SECOND READING**

D) Approval of adoption of Ordinance 14-181.03, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article IV, "Pawnbrokers." **SECOND READING**

E) Approval of a Resolution setting fees for licensing or registration of precious metal and gem dealers, secondhand and junk dealers and pawnbrokers.

SUBMITTING DEPARTMENT: Police

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

Chapter 27.5 is proposed for the purpose of creating a designated chapter to include licensing and registration ordinances, including the proposed Precious Metal and Gem Dealers, Secondhand Dealer and Junk Dealer Ordinances, and other similar licensing or registration ordinances in the future.

The proposed Precious Metal and Gem Dealer Ordinance creates a registration and record keeping and submittal process for all precious metal and gem dealers operating in the City, except those operating on a temporary basis at temporary displays at exhibit halls, banquet centers, schools and other civic facilities, exposition facilities and other similar temporary uses. The ordinance allows the City to participate in the Leads Online service, which tracks sales of "precious items," as defined in the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, to assist in the recovery of stolen goods by the Police Department. Pursuant to the Precious Metal and Gem

Dealers Ordinance, the Police Department will receive regularly scheduled submittals of electronic reports regarding each dealer's transactions relating to the sale of "precious items."

The Ordinance is consistent with state law regulating precious metal and gem dealers, which requires the City to issue a certificate of registration if the applicant provides required information, including the applicant's name, address, business address, thumbprint and absence of convictions for violating the Michigan Penal Code, 1931 PA 328.

The proposed Secondhand Dealers and Junk Dealers Ordinance creates a licensing and record keeping and submittal process for all secondhand and junk dealers operating in the City, except those operating on a temporary basis at temporary displays at exhibit halls, banquet centers, schools and other civic facilities, exposition facilities and other similar temporary uses. The ordinance allows the City to participate in the Leads Online service, which tracks the sale of goods to secondhand or junk dealers, including information such as the name, description, fingerprint, operator's or chauffeur's license or state identification number, registration plate number, and address of the person from whom the goods were purchased and received, the day and hour the purchase or exchange was made, and the location from which the item was obtained, to assist in the recovery of stolen goods by the Police Department. Pursuant to the Secondhand and Junk Dealers Ordinance, the Police Department will receive regularly scheduled submittals of electronic reports regarding each dealer's transactions relating to the sale of goods. The term "goods" as used in the Secondhand and Junk Dealer Ordinance does not include old rags, waste paper, and household goods (except radios, televisions, record players, and electrical appliances).

The Ordinance is consistent with state law regulating second hand and junk dealers. City Council has some discretion with respect to the issuance of the license if the premises are not in compliance with all applicable City ordinance requirements. Therefore, under the standards of the ordinance and consistent with state law, the secondhand dealer or junk dealer license should be issued if the fee is paid, the application is completed and the premises passes all inspections.

The proposed Pawnbrokers Ordinance creates a licensing and record keeping and submittal process for all pawnbrokers operating in the City, except those operating on a temporary basis at temporary displays at exhibit halls, banquet centers, schools and other civic facilities, exposition facilities and other similar temporary uses. The ordinance allows the City to participate in the Leads Online service, which tracks transactions with pawnbrokers, including information such a description of the article received, a sequential transaction number, any amount of money loaned on the article, the name, residence, general description, and driver license number, official state personal identification card number, or government identification number of the person from whom the article was received, and the day and hour when the article was received, to assist in the recovery of stolen goods by the Police Department. Pursuant to the Pawnbrokers Ordinance, the Police Department will receive regularly scheduled submittals of electronic reports regarding each Pawnbroker's transactions.

The Ordinance is consistent with state law regulating pawnbrokers. City Council has discretion with respect to the issuance of the license if the applicant does not meet the character and fitness standards set forth in the ordinance and/or the premises is not in compliance with all applicable City ordinance requirements.

RECOMMENDED ACTION: Approval of Ordinances to Amend the City of Novi Code of Ordinances to add Chapter 27.5 for precious metal and gem dealer, secondhand and junk dealers, and pawnbrokers in accordance with State Law and to approve the Resolution setting fees for licensing and registration.

A) Approval of adoption of Ordinance 14-181, to amend the City of Novi Code of Ordinances to add Chapter 27.5, "Registration and Licensing," for the creation of registration and licensing standards for certain businesses, occupations, and activities, and to reserve sections 27.5-1 through 27.5-15 for general provisions.

SECOND READING

B) Approval of adoption of Ordinance 14-181.01, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article II, "Precious Metal and Gem Dealers." **SECOND READING**

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D) Approval of adoption of Ordinance 14-181.03, to amend the City of Novi Code of Ordinances, Chapter 27.5, "Registration and Licensing," to add Article IV, "Pawnbrokers." **SECOND READING**

E) Approval of a Resolution setting fees for licensing or registration of precious metal and gem dealers, secondhand and junk dealers and pawnbrokers.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

MEMORANDUM



TO: DAVID E. MOLLOY
DIRECTOR OF PUBLIC SAFETY / CHIEF OF POLICE

FROM: JERROD S. HART *JH*
ASSISTANT CHIEF OF POLICE

SUBJECT: PRECIOUS METAL AND GEM DEALER, SECONDHAND
AND JUNK DEALERS AND PAWNBROKERS ORDINANCES

DATE: DECEMBER 6, 2013

In recent years several businesses have taken advantage of the value in used consumer items and precious metal and gems. Although the majority of these transactions are legitimate, criminals do take advantage of the opportunity to sell stolen merchandise and property for cash. I am aware of dozens of instances in which our investigators have recovered stolen property at such businesses within the City of Novi and in other communities. In order to assist in the recovery of stolen property and streamline the investigative process, I have worked with our City attorney's office to draft the attached ordinances for City Council's review.

The primary goal of the ordinances is to set forth licensing/registration for businesses engaged in purchasing or pawning secondhand items and to require electronic reporting of all transactions required by State law. Unfortunately, several businesses operating in the City of Novi do not report transactions and it is unknown how many opportunities to identify criminal activity have been lost. One reason may be the cumbersome nature of reporting transactions to the police department. State law requires specific information about each transaction be mailed or faxed to the local police department where the business is located and where the customer resides. Upon receipt of the transaction slip, a police records clerk then enters the information into Courts and Law Enforcement Management Information System (CLEMIS) and filed the original. If investigators developed a suspect in a property crime, they could search CLEMIS by name but absent a known suspect, reviewing transaction slips for a specific item is time consuming and inefficient.

Earlier this year, the Novi Police Department entered into a contract with LEADS Online to streamline the reporting process by providing an electronic method of reporting transactions. The transactions are uploaded once a day and do not require a separate fax or form to be mailed to the police department. Once uploaded, investigators can conduct a broad search in the database from their workstations. In addition, LEADS Online will alert investigators via email if a known stolen item is pawned or sold. Currently, 11 businesses in the City of Novi are registered with LEADS Online including our only pawnbroker, Weinstein Jewelers. Throughout the state of Michigan there are 367 businesses registered with LEADS Online and over 600 million transactions have been reported nationwide which provides our investigators access to accurate and timely transaction data across jurisdictional boundaries.

LEADS Online has already proven effective to our investigators. In September investigators received an email alert regarding a stolen GPS unit which was pawned hours after it was stolen in our community. The suspect sold the item at a pawn shop in Livonia which reported the transaction to LEADS Online. The alert notified investigators of the transaction location and the identity of the suspect who was later located and confessed to committing several larcenies from motor vehicles in Novi and our surrounding communities. This transaction would have previously been unknown to investigators as neither the pawn shop nor the suspect resided in our community.

Although the police department will realize efficiencies from electronic reporting, our business community will benefit as well. There is no fee associated with registering and reporting transactions to LEADS Online and reporting is fast, simple and secure with a web-based system which is available 24 hours a day, 7 days a week. In addition, there is no software, hardware or upgrades to buy. In a larger sense, our business community will be taking proactive steps to curtail criminal activity by streamlining the reporting process and further ensuring they are not purchasing stolen goods.

Proposed Ordinances and Resolution Overview:

Registration and Licensing Ordinance

This ordinance seeks to amend the City of Novi Code of Ordinances to add chapter 27.5 "Registration and Licensing" to establish registration and licensing for certain businesses, occupations and activities and to reserve sections 27.5-1 through 27.5-15 for general provisions.

Resolution Adopting License/Registration Fees

The attached resolution requires Council to set the fees for licensing or registration regarding the proposed ordinances. State law dictates the fees regulating the proposed ordinances as follows; Precious Metal and Gem Dealers not to exceed \$50.00 and Pawnbrokers may not be charged less than \$50 or more than \$500. State law does not address the fee for Secondhand and Junk Dealers. Currently, the City of Novi charges an annual fee of \$250 for a Pawnbroker License and I recommend continuing that fee for the proposed ordinance. In regards to the proposed Secondhand Dealer and Precious Metal and Gem Dealers ordinances, I recommend the annual fee of \$50.00 for each. A fee schedule for surrounding communities is attached to this memorandum along with current fees charged for other permits or licenses through the City Clerk's office with the proposed fees added.

Pawnbrokers Ordinance

Public Act 273 of 1917 allows municipalities to regulate pawnbrokers. The proposed ordinance sets forth the process for regulating such businesses including the application process, background investigation conducted by the Novi Police Department and electronic reporting of all transactions. Of the three proposed ordinances, the background investigation relative to a pawnbroker license is the most extensive. Under the proposed ordinance, pawnbroker licenses need City Council approval or denial based on an investigation conducted by the Novi Police Department. A license is not required for temporary displays at exhibit halls, banquet centers, schools and other civic facilities,

exposition facilities or other similar temporary uses. As previously noted, there is one pawnbroker operating in the City of Novi.

Secondhand Dealers and Junk Dealers Ordinance

Public Act 350 of 1917 authorizes municipalities to regulate secondhand and junk dealers. The Act requires said businesses to report all transactions involving the purchase, storage, sale, exchange and receipt of secondhand personal property of any kind not including old rags, waste paper, and household goods (except radios, televisions, record players, and electrical appliances). The regulation of scrap processors, automotive recyclers or junk yards is not included in this ordinance and are regulated pursuant to the Michigan Motor Vehicle Code. A license is not required for temporary displays at exhibit halls, banquet centers, schools and other civic facilities, exposition facilities or other similar temporary uses or any business, whose primary business (90% of revenues) is the purchase and resale of clothing. The Novi Police Department is required to review the application and issue a report to the City Clerk's Office recommending approval or denial of the license. The following secondhand stores are operating in the City of Novi; Walmart, Target, Best Buy, Game Stop, Sams Club, Radio Shack and Play it Again Sports. Only four of the seven stores are registered with LEADS Online.

Precious Metal and Gem Dealers

Public Act 95 of 1981 grants authority to municipalities to regulate precious metal and gem dealers yet requires a City to grant a dealer a "Certificate of Registration" based upon a completed application meeting certain prerequisites; a dealer, agent or employee shall not operate as a dealer for 1 year after a conviction for a misdemeanor and 5 years after conviction for a felony. A certificate of registration is not required for temporary displays at exhibit halls, banquet centers, schools and other civic facilities, exposition facilities or other similar temporary uses. Once a completed application is received, the Novi Police Department will ensure the application is complete and meets all prerequisites then submit a report to the City Clerk's office recommending approval or denial. There are approximately fifteen precious metal and gem dealers operating in the City of Novi, six of which are registered with LEADS Online. The ordinance is consistent with state law and requires precious metal and gem dealers to report the purchase of goods included in the definition of "precious items," as defined in Public Act 95 of 1981.

It is my opinion the attached ordinances will provide more accountability regarding transactions for secondhand goods which are frequently targeted by criminals. In addition, the electronic reporting process provides efficiencies for not only our records staff but our business community as well.

I have attached the proposed ordinances, resolution and letter from Beth Saarela of Johnson, Rosati, Schultz, Joppich for your review. Please contact me with any questions.



JOHNSON ROSATI SCHULTZ JOPPICH PC

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November 27, 2013

Jerrold S. Hart, Assistant Chief of Police
City of Novi
45175 West 10 Mile Road
Novi, Michigan 48375

**Re: Precious Metal and Gem Dealer Ordinance
Secondhand Dealers and Junk Dealers Ordinance
Pawnbrokers Ordinance**

Dear Assistant Chief Hart:

We have enclosed revised versions of the following four ordinances and related resolution:

- Registration and Licensing Ordinance
- Precious Metal and Gem Dealer Ordinance
- Secondhand Dealers and Junk Dealers Ordinance
- Pawnbrokers Ordinance
- Resolution Adopting License/Registration Fees

The ordinances have been prepared to allow the City to participate in the Leads Online service, which tracks sales of certain goods to pawnbrokers, precious metal and gem dealers, and second hand and junk dealers to assist in the recovery of stolen goods by the Police Department. Pursuant to the ordinances, the Police Department will receive regularly scheduled submittals of electronic reports regarding each dealer's transactions.

Additionally, we have created a new chapter for the City of Novi Code to include these licensing and registration ordinances, and other similar ordinances in the future.

Precious Metal and Gem Dealers

Though the Precious Metal and Gem Dealers Act, Public Act 95 of 1981, includes severe state law penalties and fines in the event of a violation of state law, the Act is the *least* onerous as to licensing of dealers of the three Acts discussed. The state law *requires* the City to grant the dealer a "Certificate of Registration" rather than a license. The certificate is required to be issue

based upon the dealer providing a completed application with no more than a \$50.00 fee, containing the information required by statute, including:

- (a) The name, address, and thumbprint of the applicant(s).
- (b) The name and address under which the applicant does business.
- (c) The name, address, and thumbprint of all agents or employees of the dealer. Within 24 hours after hiring a new employee, the dealer shall forward to the Police Department the name, address, and thumbprint of the new employee.

A dealer or an agent or employee of a dealer who is convicted of a misdemeanor under this act or under section 535 of the Michigan penal code, 1931 PA 328, MCL 750.535, shall not be permitted to operate as a dealer within this state for a period of 1 year after conviction.

A dealer or an agent or employee of a dealer who is convicted of a felony under this act or under section 535 of the Michigan penal code, 1931 PA 328, MCL 750.535, shall not be permitted to operate as a dealer within this state for a period of 5 years after the conviction.

If the City Zoning Ordinance independently requires a building inspection in order for a precious metal or gem dealer to obtain a certificate of occupancy, a building inspection may be required as set forth in the Zoning Ordinance. The state law prohibits an *independent* requirement for a building inspection if a building inspection is not otherwise required by the Zoning ordinance.

Furthermore, state law states that registration may not be issued if the applicant has been convicted of the specific misdemeanors listed in the Act in the past year, or the specific felonies within the past 5 years. The requirement that this minimum standard is met requires a review of the applicant's criminal history on an annual basis. Therefore, the registration is required to be renewed annually.

Finally, it should be noted that though the dealers are required to *keep a record of all transactions*, only those transactions in which the dealer purchases a "precious item" must be included in a *report* sent to the Police Department. "Precious item" is defined in the Act as:

- (j) "Precious item" means jewelry, a precious gem, or an item containing gold, silver, or platinum. Precious item **does not** include the following:
 - (i) Coins, commemorative medals, and tokens struck by, or in behalf of, a government or private mint.
 - (ii) Bullion bars and discs of the type traded by banks and commodity exchanges.

(iii) Items at the time they are purchased directly from a dealer registered under this act, a manufacturer, or a wholesaler who purchased them directly from a manufacturer.

(iv) Industrial machinery or equipment.

(v) An item being returned to or exchanged at the dealer where the item was purchased and that is accompanied by a valid sales receipt.

(vi) An item which is received for alteration, redesign, or repair in a manner that does not substantially change its use and returned directly to the customer.

(vii) An item which does not have a jeweler's identifying mark or a serial mark and which the dealer purchases for less than \$5.00.

(viii) Scrap metal which contains incidental traces of gold, silver, or platinum that are recoverable as a by-product.

(ix) Jewelry which a customer trades for other jewelry having a greater value, and which difference in value is paid by the customer. MCL 445.482

Based on the above, the number and types of reports by precious metal and gem dealers will be more limited than the types of reports submitted by pawnbrokers or second hand and junk dealers. The records that are not required to be filed with the Police Department may be inspected as necessary, on a case by case basis.

In sum, the Precious Metal and Gem Dealers Act does not provide local government extensive discretion as to how precious metal and gem dealers may be regulated. The language of the Act that states that the certificate "shall" be issued by the City, and thereby limits the discretion of the City to withhold or revoke a registration certificate. Furthermore, the language of the Act limits and specifies the types of items that must be reported to the Police Department. Though there are more limitations on the City regulation under this Act than those regulating pawnbrokers or secondhand and junk dealers, the City's goal to obtain reports on transactions is still being addressed by the ordinance.

Secondhand Dealers and Junk Dealers

The Secondhand Dealers and Junk Dealers Act, Public Act 350 of 1917, as set forth in MCL 445.401 et seq. provides more latitude to the City to regulate secondhand and junk dealers than precious metal and gem dealers. First, the language of the Act provides that the dealers "may" be "licensed" rather than "shall" be "registered." Section 2 of the Act states:

Sec. 2. (1) The mayor of a city or chief executive officer of a county or village may grant to any person, corporation, copartnership, or firm, a license authorizing that person, corporation, copartnership, or firm to carry on the

business of a second hand dealer or junk dealer subject to the provisions of this act.

Based on the more permissive language of Section 2, the Act gives the City more discretion in the issuance of a Secondhand Dealer or Junk Dealer a license. Furthermore, Section 2 of the Act specifically authorizes the City to inspect the premises of a Secondhand Dealer or Junk Dealer, *even absent an independent zoning ordinance requirement*:

(4) The city, village, or county may inspect the premises of a licensed second hand or junk dealer during normal business hours.

Though the Act does not provide particular standards for licensing, the licensing section in the Act focuses on the *location and inspection of the premises*. Therefore, the secondhand dealer or junk dealer license should be issued if the fee is paid, the application is completed and the premises passes an inspection under the City's Zoning Ordinance and Property Maintenance Code.

The reporting requirements as set forth in the ordinance are broader than those for the precious metal and gem dealers in that secondhand dealers and junk dealers are required to submit reports describing *all* articles purchased or received in the previous week, ***except for*** old rags, waste paper, and household goods. ***Household goods that must be reported include*** radios, televisions, record players, and electrical appliances. Furthermore, there is an affirmative obligation for the dealer to hold all items for at least 15 days before selling them.

Finally, a license fee is permitted under the statute. It is *not* limited to \$50 like the precious metal and gem dealers application and should be based on the cost of reviewing the license application and inspecting the premises.

Pawnbrokers

The Pawnbrokers Act, Public Act 273 of 1917, gives the City the most discretion of the three acts to regulate dealers. Section 2 of Act provides that the City "may" issue license to "suitable" applicants:

Sec. 2. (1) The chief executive officer of the governmental unit may grant under his or her hand, and the official seal of his or her office, to any suitable person, corporation, or firm a license authorizing that person, corporation, or firm to conduct the business of a pawnbroker subject to the provisions of this act.

Though no particular standards are required for licensing under the Act, the use of the term "suitable" indicates that the City has more discretion in granting and denying licenses to pawnbrokers. Therefore, the provisions in the draft ordinance regarding investigation into criminal history and interviewing applicants are supported by the statutory provisions. In the enclosed draft, we included the provisions for a broad investigation of applicants by the Police Department and left the final decision as to the issuance of the licenses to City Council (instead of the City Clerk) based on the recommendations of the Police Department and building

Jerrod S. Hart, Assistant Chief of Police
November 27, 2013
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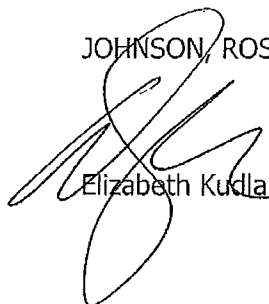
inspectors. The licensing standards may be reasonably modified to address additional concerns of the Policy Department or the City. Likewise, if there are proposed provisions that the City deems unnecessary, they may be eliminated.

Unlike precious metal and gem dealers, and secondhand and junk dealers, pawnbrokers are required to report *all* transactions.

Please feel free to contact me with any questions or concerns in regard to this matter.

Very truly yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Elizabeth Kudla Saarela

EKS

C: Maryanne Cornelius, Clerk
Kevin Rhea, Sergeant, Training and Standards
Thomas R. Schultz, Esq.

Municipality	Pawnbroker	Precious Metal and Gem	Second Hand and Junk
Clinton Township	\$500 Annual Fee	\$50 Annual Fee	50 Annual Fee
Utica	\$800 Annual + \$1.00 Per Transaction	\$50 Year + \$1.00 Per Transaction	\$50 Annual Fee + \$1.00 Per Transaction
Sterling Heights	\$500 Annual Fee	\$100 Annual Fee	\$100 Annual Fee
Troy	N/A	\$50 Annual Fee	N/A
Fraser	\$500 Annual Fee + \$2.00 Transaction	\$50 Annual Fee + \$2.00 Transaction	\$500 Annual Fee + \$2.00 Transaction
Livonia	\$50 Annual Fee	\$50 Annual Fee	\$50 Annual Fee
Roseville	\$25 Business License + \$500 Annual Fee + \$1.00 Transaction	\$50 Annual Fee + \$30 Additional Employee + \$1.00 Transaction	N/A
Hamtramck	\$100 Business License + \$500 Annual Fee + \$1.00 Transaction	\$100 Business Registration + \$500 Annual Fee + \$1.00 Transaction	N/A
Warren	\$260 Annual Fee + \$.10 Transaction	\$60 Annual Fee + \$.10 Transaction	\$35 Annual Fee + \$.10 Transaction
Harper Woods	\$350 Year + \$1.00 Transaction	\$50 Annual Fee	\$50 License
City of Farmington	\$40 Annual Business + \$50 Annual Fee	\$40 Annual Business + \$50 Annual Fee	N/A
Farmington Hills	\$500 Annual Fee	N/A	N/A
Novi - Proposed	\$250 Annual Fee	\$50 Annual Fee	\$50 Annual Fee

Fees - Other Communities

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 14-181

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES TO ADD CHAPTER 27.5, "REGISTRATION AND LICENSING," ARTICLE I, "IN GENERAL," FOR THE CREATION OF REGISTRATION AND LICENSING STANDARDS FOR CERTAIN BUSINESSES, OCCUPATIONS, AND ACTIVITIES, AND TO RESERVE SECTIONS 27.5-1 THROUGH 27.5-15 FOR GENERAL PROVISIONS.

THE CITY OF NOVI ORDAINS:

Section 1. Chapter 27.5, "Registration and Licensing," Article I, "In General," is hereby to added and shall read as follows in its entirety:

ARTICLE I. – IN GENERAL

Secs. 27.5-1—27.5-15. - Reserved.

Section 2 of Ordinance. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

Section 6 of Ordinance. Adoption.

Effective Date: Publication. The provisions of this ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ___th day of _____, 20__.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___th day of _____, 20__.

Maryanne Cornelius, City Clerk

Adopted:
Published:
Effective:

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 14-181.01

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES TO ADD CHAPTER 27.5, "REGISTRATION AND LICENSING," ARTICLE II, "PRECIOUS METAL AND GEM DEALERS," TO REQUIRE THE REGISTRATION OF PRECIOUS METAL AND GEM DEALERS; TO REQUIRE THE CREATION AND MAINTENANCE OF RECORDS OF TRANSACTIONS; AND, TO REQUIRE THE TRANSMITTAL OF INFORMATION REGARDING THE PURCHASE OF PRECIOUS ITEMS TO THE POLICE DEPARTMENT.

THE CITY OF NOVI ORDAINS:

Section 1. Chapter 27.5, "Registration and Licensing," Article II, "Precious Metal and Gem Dealers," is hereby added and shall read as follows in its entirety:

ARTICLE II. – PRECIOUS METAL AND GEM DEALERS

Sec. 27.5-16. - Definitions.

Definitions utilized under this Chapter shall be the same definitions as provided in the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, as set forth in MCL 445.481, et seq., as amended.

Sec. 27.5-17. Registration fees; expirations and transfers

A registration fee and renewal fee shall be assessed from each applicant in a manner and amount as set from time to time by resolution of City Council. Registrations granted shall expire one year from the date of issuance. No registration certificate shall be deemed transferrable, separable or divisible.

Sec. 27.5-18. Records of transactions.

(a) A dealer shall maintain a permanent record of each transaction, on record of transaction forms provided for in Act 95 of 1981. Such record shall be legibly written or otherwise printed in ink in the English language. Each record of

transaction form shall be filled out in quadruplicate by the dealer or agent or employee of the dealer. One copy of the form shall go to the Police Department pursuant to state law in accordance with Section 27.5-19; one copy shall go to the customer; and one copy shall be retained by the dealer pursuant to state law.

(b) At the time a dealer receives or purchases a precious item, the dealer or the agent or employee of the dealer shall ensure that the following information is recorded accurately on a record of transaction form:

(1) The dealer certificate of registration number.

(2) A general description of the precious item or precious items received or purchased, including the type of metal or precious gem. In the case of watches, the description shall contain the name of the maker and the number of both the works and the case. In the case of jewelry, all letters and marks inscribed on the jewelry shall be included in the description.

(3) The date of the transaction.

(4) The name of the person conducting the transaction.

(5) The name, date of birth, driver's license number or state of Michigan personal identification card number, and street and house number of the customer, together with a legible imprint of the right thumb of the customer, or if that is not possible, of the left thumb or a finger of the customer. However, the thumbprint or fingerprint shall only be required on the record of transaction form retained by the dealer. The thumbprint or fingerprint shall be made available to a police agency during the course of a police investigation involving a precious item or items described on the record of transaction. After a period of one year from the date of the record of transaction, if a police investigation concerning a precious item or items described on the record of transaction has not occurred, the dealer and any police agency or sheriff's department holding a copy of the record of transaction shall destroy, and not keep a permanent record of, the record of transaction. A dealer who goes out of business or changes his or her business address to another local jurisdiction either within or out of this state shall transmit the records of all transactions made by the dealer within one year before his or her closing or moving, to the Police Department.

(6) The price paid by the dealer for the precious item or precious items.

(7) The form of payment to the customer; check, money order, bank draft, or cash. If the payment is by check, money order, or bank draft, the dealer shall indicate the number of the check, money order, or bank draft.

(8) The customer's signature.

(c) The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year (example, 01-2013).

(d) The record of transaction forms of a dealer and each precious item received shall be open to an inspection by the City and County Prosecuting Attorney, the Police Department, the police agency or sheriff's department of the local governmental unit in which the customer resides, and the Michigan State Police, at all times during the ordinary business hours of the dealer. As a condition of doing business, a dealer is considered to have given consent to the inspection prescribed by this subsection. The record of transaction forms of a dealer shall not be open to inspection by the general public.

(e) The items shall be photographed and any serial number or other markings provided, as well as any other information as required pursuant to the electronic transaction reporting processes utilized by the City. Additionally, the driver license, state identification, passport, or other photographic identification of a customer shall be photographed.

(f) The form of the record of transaction shall have an 8-1/2 by 11-inch size and shall be as follows:

RECORD OF TRANSACTION
Dealer _____ Certificate # _____

(Transaction Number)

(1) Description of Property

(2) _____, 20____ (3) _____
(Date) (Name of Dealer/Employee)

(4) _____
(Name of Customer) (Date of Birth)

(Driver's license No./ (Street Address) (Mich. Personal ID Number)

(City and state) Zip

(5) _____

(Price Paid)

(County of Residence)

(6) _____

(Check no., bank draft no., money order no., or cash)

(Name of police agency of city, village, or township in which customer resides)

Thumbprint of Customer

Signature of Customer

Sec. 27.5-19. Retention of transaction and transmittal to Police Department.

(a) Except as otherwise provided by state law, each record of a transaction shall be retained by the dealer for not less than one year after the transaction to which the record pertains.

(b) Within 48 hours after receiving or purchasing a precious item, the dealer shall send a copy of the record of transaction form to the Police Department and, if the record of transaction form indicates that the customer resides outside the jurisdiction of the City, the dealer shall send a copy of the record of transaction form to the police agency of the city, village, or township in which the customer resides as set forth on the record of transaction, or, if that city, village, or township does not have a police agency, to the sheriff's department of the county in which the customer resides as set forth on the record of transaction.

(1) Every owner and employee, shall keep a record of all persons and/or entities with whom business has transacted and all property coming into their possession. Reports must be electronically transmitted to the Director of Public Safety or his or her designee. Within 48 hours of receipt by purchase, or otherwise of a precious item, a report must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Police Department's computerized system, as approved by the Director of Public Safety, or his or her designee for identifying property coming into the possession of a licenser. A transaction report by electronic transmission under this subsection shall not be reported on paper forms, unless the Director of Public Safety, or his or her designee so requires. All dealers must have the equipment installed in their place of business and begin reporting electronically within six (6) months from

enactment of ordinance.

(2) The record of transaction forms received by any police agency or sheriff's department shall not be open to inspection by the general public. Each police agency or sheriff's department holding record of transaction forms shall be responsible for ensuring the confidentiality of the record of transaction forms and ensuring that the record of transaction forms are used only for the purpose for which they were received.

Sec. 27.5-20. Certificate of registration.

Except for temporary displays at exhibit halls, banquet centers, schools and other civic facilities, exposition facilities and other similar temporary uses, no person shall carry on the business of a precious metal or gem dealer in the City without first having a certificate of registration issued by the City Clerk authorizing such person or entity to carry on such business subject to the provisions of this chapter.

Sec. 27.5-21. Application; prerequisites.

A dealer shall apply to the City Clerk for a certificate of registration, and pay a fee, as set by Resolution of City Council, to cover the cost of processing and issuing the certificate of registration, by disclosing the following information:

- (a) The name, address, and thumbprint of the applicant(s).
- (b) The name and address under which the applicant does business.
- (c) The name, address, and thumbprint of all agents or employees of the dealer. Within 24 hours after hiring a new employee, the dealer shall forward to the City Clerk the name, address, and thumbprint of the new employee.

A dealer or an agent or employee of a dealer who is convicted of a misdemeanor under this act or under section 535 of the Michigan penal code, 1931 PA 328, MCL 750.535, shall not be permitted to operate as a dealer within this state for a period of 1 year after conviction.

A dealer or an agent or employee of a dealer who is convicted of a felony under this act or under section 535 of the Michigan penal code, 1931 PA 328, MCL 750.535, shall not be permitted to operate as a dealer within this state for a period of 5 years after the conviction.

Sec. 27.5-22. Registration Review

(a) This act shall not be construed to excuse a dealer from complying with the Zoning Ordinance or any other ordinance regulating commercial activities.

(b) Upon receipt of the completed application described in Section 27.5-21, the City Clerk shall forward the application to the Director of Public Safety or his or her designee for review. The Director of Public Safety will forward a memorandum to the City Clerk's office indicating whether or not the registration prerequisites have been met. Once all prerequisites have been met, the City Clerk shall issue a certificate of registration in accordance with this section.

Sec. 27.5-23. Certificate of registration, Duration; renewal; changes.

Not less than ten days before a dealer changes the name or address under which the dealer does business, the dealer shall notify the City Clerk in writing of the change.

Sec. 27.5-24. Display of certificate of registration.

Upon receipt of the certificate of registration from the City Clerk, the dealer shall post it in a conspicuous place in the dealer's place of business.

Sec. 27.5-25. Precious item retention; alteration or defacing unlawful.

A precious item received by a dealer shall be retained by the dealer for nine calendar days after it was received, without any form of alteration other than that required for an accurate appraisal of its value.

Sec. 27.5-26. Precious items: acceptance prohibited and unlawful.

A dealer or an agent or employee of a dealer shall not:

(a) Knowingly receive or purchase a precious item from any person who is less than 18 years of age or any person known by the dealer or agent or employee of the dealer to have been convicted of theft or receipt of stolen property within the preceding five years, whether the person is acting in his or her own behalf or as the agent of another.

(b) Knowingly receive or purchase a precious item from a person unless that person presents a valid driver's license or a valid state of Michigan personal identification card.

Sec. 27.5-27. Violations; penalty.

Any violation of any provision of this act shall be a misdemeanor punishable by imprisonment of not more than 93 days and/or a fine of five hundred (\$500.00) dollars, or both in addition to any other penalty provisions provided for violation of a misdemeanor as set forth in the general penalty provisions of this code of ordinances.

Section 2 of Ordinance. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

Section 6 of Ordinance. Adoption.

Effective Date: Publication. The provisions of this ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ____th day of _____, 20__.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ____th day of _____, 20__.

Maryanne Cornelius, City Clerk

Adopted:
Published:
Effective:

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 14-181.02

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES TO ADD CHAPTER 27.5, "REGISTRATION AND LICENSING," ARTICLE III, "SECONDHAND DEALERS AND JUNK DEALERS," TO REQUIRE THE LICENSING OF SECONDHAND DEALERS AND JUNK DEALERS; TO REQUIRE THE CREATION AND MAINTENANCE OF RECORDS OF TRANSACTIONS; AND, TO REQUIRE THE TRANSMITTAL OF INFORMATION REGARDING TRANSACTIONS TO THE POLICE DEPARTMENT.

THE CITY OF NOVI ORDAINS:

Section 1. Chapter 27.5, "Registration and Licensing," Article II, "Secondhand Dealers and Junk Dealers," is hereby added and shall read as follows in its entirety:

**ARTICLE III –SECONDHAND
DEALERS AND JUNK DEALERS**

Sec. 27.5-30. Definitions.

As used in this chapter, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

- (a) "**Employee:**" Any person 18 years of age, or older, who renders any services in connection with the operation of a secondhand dealer, or junk dealer business and who receives compensation from the business, or patrons thereof.
- (b) "**Goods:**" Any item not specifically covered by other definitions contained in this section.
- (c) "**Junk:**" Any personal property which is, or may be salvaged for reuse,

resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for any of the aforesaid purposes. Without limiting the aforesaid definition of "junk" terms shall include used, or salvaged rope, bags, paper, rags, glass, rubber, wood pellets, and similar articles of property.

- (d) "**Junk dealer:**" Any person whose substantial business is buying, exchanging, collecting, receiving, storing, accumulating, selling, or otherwise handling junk, but does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village or a county.
- (e) "**Junk yard**" or "**junk shop:**" Any place at which a junk dealer buys, exchanges, collects, receives, stores, accumulates, sells, or otherwise handles junk.
- (f) "**Owner or operator:**" Any person who owns, or controls a secondhand dealer, or junk dealer business. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations, limited liability companies, or any combination of individuals, of whatever form or character.
- (g) "**Patron:**" Any person 18 years of age, or older, who does business in any form with secondhand dealer or junk dealer business.
- (h) "**Secondhand dealer:**" Any person, corporation, member of a co-partnership, or firm, or limited liability company whose business is that of purchasing, storing, selling, exchanging, and receiving secondhand personal property of any kind, or description but does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village or a county. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. "Primary business" means more than 90% of revenues derived.
- (i) "**Secondhand store:**" Any place at which a second dealer buys, exchanges, collects receives, stores, or sells secondhand property. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. "Primary business" means more than 90% of revenues derived.

Sec. 27.5-31. License required.

Except for temporary displays at exhibit halls, banquet centers, schools and other civic facilities, exposition facilities and other similar temporary uses, no owner, or operator shall engage in or carry on the operation of a secondhand dealer, or junk dealer business without first obtaining and maintaining a valid business license issued by the City pursuant to this chapter for each separate office, or place of business conducted by such owner or operator.

Sec. 27.5-32. License application.

Any owner or operator desiring a secondhand dealer, or junk dealer business license shall file a written application with the City on a form to be furnished by the City. The applicant shall accompany the application with the correct license fee, which fee shall not be refundable, and shall furnish the following information:

- (a) Type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise, including copies of the most recent annual statement and most recent Articles of Incorporation, Partnership Agreement, Articles of Organization, or other applicable document.
- (b) The name, style and designation under which the business or practice is to be conducted, including each address at which the business is to be conducted.
- (c) A complete list of the names, resident addresses, birth dates, and driver licenses numbers, if applicable, of all owners and employees in the business, identifying where applicable, any employees who will manage, or be in charge of the operation of the business at any time.
- (d) A full accurate and complete business history detailing experience, including, but not limited, whether or not owner(s) have previously had any ownership interest in, or worked at, in this or another city or state, the same or similar business, including whether any license or permit issued, whether any such license or permit was ever denied, revoked, or suspended, the reason thereof and business activities, or occupations including the full name and address of the business and the name and phone number of any contact persons;
- (e) Authorization for the City, its agents and employees to seek information and conduct an investigation to the truth of the statements set forth in the application and qualifications of the applicant.

(f) A written declaration by the applicant under penalty of perjury that the information contained in this application is true and correct with such declaration dated and signed in the City.

(g) Execution of any and all necessary documents and a statement indicating that proper equipment will be installed for the direct electronic entry into the City's computerized system, transaction information, or recording by electronic transmission pursuant to this chapter.

Sec. 27.5-33. Investigations and inspections.

(a) Upon receipt of an application for a secondhand dealer, or junk dealer business license, the City shall refer application to the Director of Public Safety, or his or her designee who shall review the application for completeness and accuracy.

(b) The Director of Public Safety, or his or her designee shall cause to be conducted an investigation of the premises where the business is to be carried on for the purpose of ensuring that the premises comply with all requirements set forth in this chapter and with ordinances of the City relating to zoning and public, health, safety and welfare. Additionally, no applicant's license shall be considered as issued until all equipment is installed and demonstrated to be operating for the electronic transmission of information relating to transactions as required pursuant to this chapter.

(c) An applicant shall submit to lawful inspections by the City and any of its departments, as well as the County and any other governmental agencies as necessary to ensure that the proposed business and applicant comply with applicable laws, ordinances and regulations of the City. An application may be refused for submission for approval until a report from applicable departments is received and information furnished such that the applicant or proposed premises comply with all applicable laws, ordinances and regulations.

Sec. 27.5-34. License issuance; conditions for denial.

Upon receipt of recommendation issued by all applicable City Departments, the City Clerk shall issue the license unless he or she finds that:

(a) The correct fee has not been tendered or any fee in the form of check or draft has been dishonored.

(b) The operation as proposed is not compliant with the applicable laws including but not limited to the City's building, fire, zoning and health

ordinances.

(c) The applicant has knowingly made any false misleading or fraudulent statement of fact in the permit application, or in any document required by the City.

(d) The applicant has had a similar business license, or other similar permit, or license denied, revoked, or suspended for any of the causes set forth here and above in this Chapter, or any other State or local agency within the prior year to the date of application.

(e) The applicant or any owner is not 18 years of age or older.

The City Clerk shall specify any grounds for denial, notifying the applicant by regular mail, addressed to the address furnished in the application which notice shall specify the grounds for denial.

Sec. 27.5-35. Hearings on appeals or variances.

(a) Within 20 days of the date of denial of an application, the applicant may request in the form of a written application to the City, furnished to the City Clerk, a hearing before the City Council for reconsideration of the license application, or exemption request denial, or for a variance of any of the provisions of this chapter, which provision constituted grounds for the original denial of the application. Such hearings shall be conducted as follows:

(1) The applicant and his or her attorney may present and submit evidence on the applicant's behalf to show that the grounds for the original denial do not exist, or are inaccurate.

(2) After reviewing the evidence, the City Council shall determine whether to uphold the denial, or grant the application.

(3) The applicant and his or her attorney, may present a statement and adequate evidence, demonstrating that:

A. Exceptional or extraordinary circumstances or conditions apply to the business referred to in the appeal submitted which circumstances or conditions do not apply generally to any proposed business which warrant the issuance of the application notwithstanding conformity to this chapter.

B. That the granting of such license will not materially affect the health, safety, or welfare of persons residing or working in the neighborhood,

patrons, or the public at large and that such issuance shall not be a material detriment, or injurious to public welfare.

C. A state law adequately achieves the same goals as this chapter in the case of an exemption denial.

(b) In all cases where a variance is granted, City Council shall find:

(1) That the grant of the variance will be in harmony with the general purpose and intent of this chapter; and

(2) That the grant of the variance will not be detrimental or injurious to the neighborhood or the City at large.

(3) The City Council may impose reasonable conditions, if the license is approved for issuance.

Sec. 27.5-36. Inspections of business premises.

(a) Every licensee shall permit all reasonable inspections of the business premise, including during regular business hours and otherwise after regular business hours, and shall at all times comply with all applicable laws, including after expiration of any license and during any period the license may be revoked or suspended.

(b) Any licensee shall display the license in an open and conspicuous place on the premises visible to the patrons of the premises.

(c) During the pendency of any application, or during the term of any license, if any information provided in the application changes, such change of information shall be furnished in writing to the Director of Public Safety, or his or her designee within 72 hours after such change.

Sec. 27.5-37. License fees; expirations; transfers.

(a) Fees shall be established from time to time by resolution of the City Council.

(b) Licenses granted shall expire one year from issuance and shall require payment of a renewal fee for the ensuing year.

(c) No license shall be deemed transferable, separable, or divisible.

Sec. 27.5-38. Procedures and forms for fingerprinting, statements and recording of transactions; inspection of records.

(a) The City shall furnish forms for the taking of fingerprints and furnishing additional information as required by regulations of the Police Department. Every person licensed to conduct, maintain, or engage in a business of secondhand dealers and junk dealers, shall maintain in a form provided by the Director of Public Safety, or his or her designee, records in the manner and form as provided herein, which shall be subject to inspection by the Police Department upon request.

(b) Every licensee, owner and employee, shall keep a record of all persons and/or entities with whom business has been transacted and all property coming into their possession. The record shall include the description of the goods, the name, description, fingerprint, operator's or chauffeur's license or state identification number, registration plate number, and address of the person from whom the goods were purchased and received, the day and hour the purchase or exchange was made, and the location from which the item was obtained. The secondhand dealer or junk dealer shall make a copy of the operator's license, chauffeur's license, or state identification card as part of the book or record. Payment for an item shall be made only by check or by an electronic payment system. The record shall indicate the method of payment. Except for old rags, waste paper, and household goods (not including radios, televisions, record players, and electrical appliances), records of transactions must be electronically transmitted to the Director of Public Safety or his or her designee. Each Monday before 12 noon, the record must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Police Department's computerized system, as approved by the Director of Public Safety, or his or her designee for identifying property coming into the possession of a licensee, including but not limited to all transactions in which used goods have been received the preceding week by trade, purchase, or consignment and items received by junk dealers. A record reported by electronic transmission under this subsection shall not be reported on paper forms, unless the Director of Public Safety, or his or her designee so require. All secondhand dealers and junk dealers must have the equipment installed in their place of business and begin reporting electronically within six (6)

months from enactment of ordinance.

Sec. 27.5-39. Retention of articles for specified periods.

(a) Items, goods, articles and junk purchased or exchanged, shall be retained for not less than 15 days before disposal in an accessible place in the building where licensed activity occurs. A tag shall be attached to such item in some visible and conspicuous place with a number corresponding to the entry in the electronic record, or other record provided, in accordance with Section 27.5-38.

(b) This section does not apply to old rags, waste paper, and household goods except radios, televisions, record players, and electrical appliances and does not require the purchaser to retain articles purchased from individuals, firms, or corporations having a fixed place of business after those articles shall have been reported.

Sec. 27.5-40. Prohibited purchases.

No licensee, owner, or employee shall receive any item, goods, or junk from any person who at the time is intoxicated, or appears to be under the influence of a controlled substance, or is known to be a thief, or receiver of stolen property, or from any person who is suspected not to be the owner of the property, or from any minor under the age of 18 years.

Sec. 27.5-41. Premises condition.

(a) All fences and enclosures shall be maintained in a neat and substantial manner, including but not limited to painting, removal, or replacement of dilapidated areas and maintenance of a continuous uninterrupted even perimeter of the same materials.

(b) No items or goods shall be permitted to lean on or touch any such enclosure, or be in front of or suspended on any such enclosure. Items may not be piled higher than two feet below the top of such enclosure and items must be arranged so that safety aisles, driveways and uniformed passage ways are provided, allowing reasonable access to all parts of the premises by law enforcement and fire fighting operations.

(c) All premises shall be maintained in a clean, sanitary and neat condition, in accordance with the standards of the Property Maintenance Code, and all applicable laws and ordinances.

Sec. 27.5-42. Compliance with state laws.

Each licensee and employees must comply with the terms of all applicable State laws, including but not limited to, Public Act 350 of 1917, as set forth in MCL 445.40, et seq., and any amendments thereto, the State Act regulating pawnbrokers where applicable, Public Act 273 of 1917, as set forth in MCL 446.201 et seq., and any amendments thereto, the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, as set forth in MCL 445.481, et seq., and any amendments thereto, and the Sale of Secondhand Watches Act, Public Act 200 of 1937, as set forth in MCL 445.551 et seq., and any amendments thereto is required.

Sec. 27.5-43. Compliance with Zoning Ordinance.

Every licensee and employee shall comply with all requirements for business as provided in the Zoning Ordinance.

Sec. 27.5-44. Purchases from minors prohibited.

No licensee, dealer, employee, person or entity shall purchase or receive any item or property on the premises or otherwise off premises associated with the business conducted on the premises, from any person under the age of 18 years.

Sec. 27.5-45. Penalty.

Any licensee, dealer, employee, person, or entity who violates the terms and provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than five hundred (\$500.00) dollars, or both, plus costs. Any violation may also result in a suspension or revocation of such license as prescribed by statute and as otherwise imposed by the City after notice of such proposed action at least seven days beforehand. The licensee shall be permitted a hearing before the Director of

Public Safety and a right of appeal as prescribed for denial of the issuance of a license.

Section 2 of Ordinance. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

Section 6 of Ordinance. Adoption.

Effective Date: Publication. The provisions of this ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ____th day of _____, 20__.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the ___th day of _____, 20__.

Maryanne Cornelius, City Clerk

Adopted:
Published:
Effective:

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF NOVI
ORDINANCE NO. 14-181.03

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES TO ADD CHAPTER 27.5, "REGISTRATION AND LICENSING," ARTICLE IV, "PAWNBROKERS," TO REQUIRE THE LICENSING OF PAWNBROKERS; TO REQUIRE THE CREATION AND MAINTENANCE OF RECORDS OF TRANSACTIONS; AND, TO REQUIRE THE TRANSMITTAL OF INFORMATION REGARDING TRANSACTIONS TO THE POLICE DEPARTMENT.

THE CITY OF NOVI ORDAINS:

Section 1. Chapter 27.5, "Registration and Licensing," Article IV, "Pawnbrokers," is hereby added and shall read as follows in its entirety:

ARTICLE IV – PAWNBROKERS

Sec. 27.5-50. Definitions.

As used in this chapter, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

- (a) **Employee:** Any person 18 years of age, or older, who renders any services in connection with the operation of a pawnbroker business and who receives compensation from the business, or patrons thereof.
- (b) **Good moral character:** The propensity on the part of the person to serve the public in a licensed area in a fair, honest and open manner.
- (c) **Goods:** Any item not specifically covered by other definitions contained in this section.
- (d) **Owner or operator:** Any person who owns, or controls a pawnbroker business. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations, limited liability companies, or any combination of individuals,

of whatever form or character.

(e) **"Patron:"** Any person 18 years of age, or older, who does business in any form with a pawnbroker business.

(f) **"Pawnbroker:"** Means any person, corporation, member of a limited liability company, member of a partnership, or firm who loans money on deposit, or pledge personal property, or other valuable thing, other than securities, or printed evidence of indebtedness, or who deals in the purchasing of personal property, or other valuable things on condition of selling the same back at a stipulated price.

(g) **"Pawn shop:"** Any place where a pawnbroker regularly conducts the business of being a pawnbroker.

Sec. 27.5-51. License required.

Except for temporary displays at exhibit halls, banquet centers, schools and other civic facilities, exposition facilities and other similar temporary uses, no owner, or operator shall engage in or carry on the operation of a pawnbroker business without first obtaining and maintaining a valid business license issued by the City pursuant to this chapter for each separate office, or place of business conducted by such owner or operator.

Sec. 27.5-52. License application.

Any owner or operator desiring a pawnbroker business license shall file a written application with the City on a form to be furnished by the City Clerk. The applicant shall accompany the application with the correct license fee, in an amount set by resolution of City Council, which fee shall not be refundable, and shall furnish the following information:

(a) Type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise, including copies of the most recent annual statement and most recent Articles of Incorporation, Partnership Agreement, Articles of Organization, or other applicable document.

(b) The name, style and designation under which the business or practice is to be conducted, including each address at which the business is to be conducted.

(c) A complete list of the names, resident addresses, birth dates, and driver licenses numbers, if applicable, of all owners and employees in the business, identifying where applicable, any employees who will manage,

or be in charge of the operation of the business at any time. A complete list of the names, resident addresses, birth dates and driver license numbers, if applicable, of any persons or entities lending, investing, or giving money to the business, including financial records verifying the source of such funds being furnished.

(d) The following personal information concerning the applicant and owners, if an individual; concerning each stockholder, officer, or director if a corporation; concerning each member, if a limited liability company; concerning the partners, including general and limited partners, if a partnership and concerning the manager or other person principally in charge of the operation of the business:

- (1) Name, address and telephone number, date of birth and driver license number, if applicable;
 - (2) Two previous addresses prior to the present address of the applicant;
 - (3) Written proof showing date of birth;
 - (4) Height, weight, color of hair, eyes and sex;
 - (5) Two front-faced portrait photographs taken within 30 days of the date of application, at least two inches by two inches in size;
 - (6) A full accurate and complete business history detailing experience, including, but not limited, whether or not such person has previously had any ownership interest in, or worked at, in this or another city or state, the same or similar business, including whether any license or permit issued, whether any such license or permit was ever denied, revoked, or suspended, the reason thereof and business activities, or occupations including the full name and address of the business and the name and phone number of any contact persons;
 - (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which such conviction occurred, the offense for which conviction, or such conviction and the circumstances thereof;
 - (8) Complete set of fingerprints taken and to be retained on file by the Director of Public Safety or his or her authorized representative;
- (e) Authorization for the City, its agents and employees to seek

information and conduct an investigation to the truth of the statements set forth in the application and qualifications of the applicant.

(f) The names and addresses of three adult residents in the County who will serve as character references, who must be persons other than relatives and business associates.

(g) A written declaration by the applicant under penalty of perjury that the information contained in this application is true and correct with such declaration dated and signed in the City.

(h) Execution of any and all necessary documents and a statement indicating that proper equipment will be installed for the direct electronic entry into the City's computerized system, transaction information, or recording by electronic transmission pursuant to this chapter.

Sec. 27.5-53. Investigations and inspections.

(a) Upon receipt of an application for a pawnbroker business license, the City shall refer application to the Director of Public Safety, or his or her designee who shall conduct an investigation into the applicant's moral character, personal and criminal history. A personal interview may be required and such further information, identification of the person and physical examination of the proposed business premises and records of the applicant as shall bear on the investigation.

(b) The Director of Public Safety, or his or her designee shall cause to be conducted an investigation of the premises where the business is to be carried on for the purpose of ensuring that the premises comply with all requirements set forth in this Chapter and with ordinances of the City relating to zoning and public, health, safety and welfare. Additionally, no applicant's license shall be considered as issued until all equipment is installed and demonstrated to be operating for the electronic transmission of information relating to transactions as required pursuant to this chapter.

(c) An applicant shall submit to lawful inspections by the City and any of its departments, as well as the County and any other governmental agencies as necessary to ensure that the proposed business and applicant comply with applicable laws, ordinances and regulations of the City. An application may be refused for submission for approval to the City Council until a report form applicable departments is received and information furnished such that the applicant or proposed premises comply with all applicable laws, ordinances and regulations.

(d) Before issuance of any license, the Director of Public Safety, or his or her designee, shall submit within 45 days of receipt of an application and report of investigations, inspections and a recommendation for approval or denial.

Sec. 27.5-54. License issuance; conditions for denial.

The City Clerk, upon receipt of an application for a license required by this Chapter, and reports and recommendations of the Director of Public Safety, or his or her designee, shall place the application upon the agenda for the next regularly scheduled City Council meeting, provided that such meeting date is not less than 14 business days from the date of receipt of such application and recommendations by the City Clerk. If it is less than 14 business days from such receipt, such application shall be placed upon the agenda for the following regular meeting of the City Council. The Council shall determine whether or not such license shall be issued, after reviewing the reports of investigation and inspection and recommendation by the Director of Public Safety. If City Council approves the license, City Council shall direct that a license be issued within 14 business days, provided, in addition, that the applicant has demonstrated that he or she is capable of meeting the electronic transmission requirements of this Article, unless it finds that:

(a) The correct fee has not been tendered or any fee in the form of check or draft has been dishonored.

(b) The operation as proposed is not compliant with the applicable laws including but not limited to the City's building, fire, zoning and health ordinances.

(c) The applicant or any person having an ownership interest in any entity which is the applicant, or a manager, has been convicted of any crime involving moral turpitude, including but not limited to prostitution and pandering, gambling, extortion, fraud, criminal usury, controlled substances, weapons, assault, theft, unless such conviction occurred at least 15 years prior to the date of application.

(d) The applicant has knowingly made any false misleading or fraudulent statement of fact in the permit application, or in any document required by the City.

(e) The applicant has had a similar business license, or other similar permit, or license denied, revoked, or suspended for any of the causes set forth here and above in this Chapter, or any other State or local agency

within the prior 2 years to the date of application.

(f) The applicant or any owner is not 18 years of age or older.

(g) City Council shall specify any grounds for denial, notifying the applicant by regular mail, addressed to the address furnished in the application which notice shall specify the grounds for denial.

Sec. 27.5-55. Hearings on appeals or variances.

(a) Within 20 days of the date of denial of an application, the applicant may request in the form of a written application to the City, furnished to the City Clerk, a hearing before the City Council for reconsideration of the license application, or exemption request denial, or for a variance of any of the provisions of this Chapter, which provision constituted grounds for the original denial of the application. Such hearings shall be conducted as follows:

(1) The applicant and his or her attorney may present and submit evidence on the applicant's behalf to show that the grounds for the original denial do not exist, or are inaccurate.

(2) After reviewing the evidence, the City Council shall determine whether to uphold the denial, or grant the application.

(3) The applicant and his or her attorney, may present a statement and adequate evidence, demonstrating that:

A. Exceptional or extraordinary circumstances or conditions apply to the business referred to in the appeal submitted which circumstances or conditions do not apply generally to any proposed business which warrant the issuance of the application notwithstanding conformity to this chapter.

B. That the granting of such license will not materially affect the health, safety, or welfare of persons residing or working in the neighborhood, patrons, or the public at large and that such issuance shall not be a material detriment, or injurious to public welfare.

C. A State law adequately achieves the same goals as this chapter in the case of an exemption denial.

(b) In all cases where a variance is granted, City Council shall find:

(1) That the grant of the variance will be in harmony with the general purpose and intent of this chapter; and

(2) That the grant of the variance will not be detrimental or injurious to the neighborhood or the City at large.

(3) The City Council may impose reasonable conditions, if the license is approved for issuance.

Sec. 27.5-56. Inspections of business premises.

(a) Every licensee shall permit all reasonable inspections of the business premises, including during regular business hours and otherwise after regular business hours, and shall at all times comply with all applicable laws, including after expiration of any license and during any period the license may be revoked or suspended.

(b) Any licensee shall display the license in an open and conspicuous place on the premises visible to the patrons of the premises.

(c) During the pendency of any application, or during the term of any license, if any information provided in the application changes, such change of information shall be furnished in writing to the Director of Public Safety, or his or her designee within 72 hours after such change.

Sec.27.5-57. License fees; expirations; transfers.

(a) Fees shall be established from time to time by resolution of the City Council.

(b) Licenses granted shall expire one year from the date of issuance and shall require payment of a renewal fee for the ensuing year.

(c) No license shall be deemed transferable, separable, or divisible.

Sec. 27.5-58. Procedures and forms for fingerprinting, statements and recording of transactions; inspection of records.

(a) The City shall furnish forms for the taking of fingerprints and furnishing additional information as required by regulations of the Police Department. Every person licensed to conduct, maintain, or engage in a business of pawnbroker shall maintain in a form provided by the Director of Public Safety, or his or her designee, records in the manner and form as provided herein, which shall be subject to inspection by the Police Department upon request.

(b) Every licensee, owner and employee, shall keep a record of all persons and/or entities with whom business has transacted and all property coming into their possession. The record shall include a description of the article received, a sequential transaction number, any amount of money loaned on the article, the name, residence, general description, and driver license number, official state personal identification card number, or government identification number of the person from whom the article was received, and the day and hour when the article was received. The record must be electronically transmitted to the Director of Public Safety or his or her designee. Within 48 hours, the record must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Police Department's computerized system, as approved by the Director of Public Safety, or his or her designee for identifying property coming into the possession of a licensor, including but not limited to all pawn property, all transactions in which used goods have been received the preceding day by pawn. A record reported by electronic transmission under this subsection shall not be reported on paper forms, unless the Director of Public Safety, or his or her designee so require. All pawnbrokers must have the equipment installed in their place of business and begin reporting electronically within six (6) months from enactment of ordinance.

Sec. 27.5-59. Prohibited sale or possession of items with serial numbers altered, removed.

(a) No licensee, or agent, or employee shall conceal or misrepresent the identity by removing, concealing, defacing, adding to, substituting, or altering, the serial number or manufacturer's number on any motor vehicle, motor, appliance, mechanical device, watch, clock, camera,

precision instrument, outboard motor, radio, shotgun, or any other article or thing where the manufacturer has placed numbers for the purpose of identification; by altering or replacing any part of such article, or thing, baring the serial or manufacturer's number with a new or replaced part upon which the proper serial number, or manufacturer's number has not been stamped or placed.

(b) No person licensed under this Article, or employee of such licensed person, shall deal in, or possess, any item as described herein above from which the serial numbers have been removed, concealed, defaced, added, substituted, altered, or replaced.

(c) In all prosecutions under this section, possession by any dealer, licensor, person, or entity of an item from which the serial numbers, or manufacturer's number, or identification number has been removed, concealed, defaced, added, substituted, altered, or replaced shall be prima facie evidence of violation of the provisions of this section.

Sec. 27.5-60. Time of possession.

A pawnbroker shall not sell any pawn or pledge until the item has remained in his or her possession for at least 3 months.

Sec. 27.5-61. Prohibited purchases.

No licensee, owner, or employee shall receive any item or goods from any person who is suspected not to be the owner of the property, or from any minor under the age of 18 years.

Sec 27.5-62. Premises condition.

(a) All fences and enclosures shall be maintained in a neat and substantial manner, including but not limited to painting, removal, or replacement of dilapidated areas and maintenance of a continuous uninterrupted even perimeter of the same materials.

(b) No items or goods shall be permitted to lean on or touch any such enclosure, or be in front of or suspended on any such enclosure. Items may not be piled higher than two feet below the top of such enclosure and items must be arranged so that safety aisles, driveways and

uniformed passage ways are provided, allowing reasonable access to all parts of the premises by law enforcement and fire fighting operations.

(c) All premises shall be maintained in a clean, sanitary and neat condition, in accordance with the standards of the Property Maintenance Code, and all applicable laws and ordinances.

Sec. 27.5-63. Bonds.

(a) Prior to any license being issued, the applicant shall furnish a corporate security bond, Best A Rated, or better and the penal sum of three thousand (\$3,000.00) dollars with sufficient sureties to be approved by the City which bond shall be conditioned that the owner, operator shall during the time of the license comply with all the laws of the State of Michigan and City pursuant to this Chapter and in regard to Pawnbrokers the foregoing State laws. Any person aggrieved by the action of the licensee shall have a right of action on the bond for recovery of money damages. Such bond shall remain in full force and effect for 90 days after the expiration or cancellation of any license, or after the termination of any action upon such bond.

(b) On the recommendation of the Building Inspector, City Manager, or Director of Public Safety, an additional bond may be required in order to assure that the conditions at the site of the business are maintained from which the costs of any enforcement action shall be repaid to the City in the event of any enforcement action for compliance with this chapter.

Sec. 27.5-64. Compliance with state laws.

Each licensee and employees must comply with the terms of all applicable State laws, including but not limited to, Public Act 350 of 1917, as set forth in MCL 445.40, et seq., and any amendments thereto, the State Act regulating pawnbrokers where applicable, Public Act 273 of 1917, as set forth in MCL 446.201 et seq., and any amendments thereto, the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, as set forth in MCL 445.481, et seq., and any amendments thereto, and the Sale of Secondhand Watches Act, Public Act 200 of 1937, as set forth in MCL 445.551 et seq., and any amendments thereto is required.

Sec 27.5-65. Compliance with Zoning Ordinance.

Every licensee and employee shall comply with all requirements for business location at which work, pursuant to any license issued under this Chapter, occurs as provided in the Zoning Ordinance.

Sec. 27.5-66. Penalty.

Any licensee, dealer, employee, person, or entity who violates the terms and provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than five hundred (\$500.00) dollars, or both, plus costs. Any violation may also result in a suspension or revocation of such license as prescribed by statute and as otherwise imposed by the City after notice of such proposed action at least seven days beforehand. The licensee shall be permitted a hearing before the Director of Public Safety and a right of appeal as prescribed for denial of the issuance of a license.

Section 2 of Ordinance. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

Section 6 of Ordinance. Adoption.

Effective Date: Publication. The provisions of this ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this ordinance and such other facts as the Clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the City Clerk.

Made, Passed and Adopted by the Novi City Council this ____th day of _____, 20__.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the __th day of _____, 20__.

Maryanne Cornelius, City Clerk

Adopted:
Published:
Effective:

**CITY OF NOVI
COUNTY OF OAKLAND, MICHIGAN**

RESOLUTION

At a _____ meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall in said City on _____, 2013, at _____ o'clock P.M., the following Resolution was adopted:

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

RECITATIONS:

Act 95 of the Public Acts of 1981, as set forth in MCL 445.481, et seq., requires precious metal and gem dealers to pay local police agencies an annual \$50 registration fee to cover the cost to process an application for registration and issue a certificate;

Act 350 of the Public Acts of 1917, as set forth in MCL 445.401, et seq., requires secondhand dealers and junk dealers to pay a city, village, or township an annual fee to be established by resolution of City Council to cover the cost of processing and issuing a license. The amount of the fee shall be based on the issuance and administration of the license;

Act 273 of the Public Acts of 1917, as set forth in MCL 446.201, et seq., requires pawnbrokers to pay an annual license fee for processing and administration of the license in an amount not less than \$50 or more than \$500;

The City has, on the basis of the above, determined the cost of issuing and administering the applicable licenses and certificates of registration accordingly.

NOW, THEREFORE, BE IT RESOLVED:

The following license or registration fees shall be charged to applicants for the following licenses or certificates of registration:

- a. Precious Metal and Gem Dealers: \$50 annually
- b. Secondhand Dealers and Junk Dealers: \$50 annually
- c. Pawnbrokers: \$250 annually

AYES: Councilmembers _____

NAYES: Councilmembers _____

RESOLUTION DECLARED ADOPTED.

Maryanne Cornelius, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Novi at _____ meeting held this _____ day of _____, 2013.

Maryanne Cornelius, City Clerk

Fees – City of Novi

Permit/License	Fee	Renewal Fee	Late Fee	Other Information
Arcade License	\$210 + \$10 per machine	\$210 + \$10 per machine	\$235 + \$10 per machine after Dec31	
Auctioneer License	\$100 (\$50 after July 1 st)			Must give notice 2 weeks prior to subsequent auctions
Going out of Business	\$50	\$50 + updated inventory sheet		Limit of two renewals
Land Division Appeal	\$200			
Liquor License SDD/SDM	\$510 to Police Department			Send to PD
Liquor License Class C	\$1,000 + \$210 per applicant			
Lot Split/Land Division	\$300			
Massage Business	\$250	\$250	\$275 after Dec 31	
Massage Therapist	\$45	\$45	\$70 after Dec 31	
Non-Commercial Solicitor	No Fee			
Outdoor Gathering	\$110 – 200 people \$360 – 2,500 people	\$210 – 500 people \$510 – 5,000 people		Fee depends on how many people are attending
Pawnbroker - Proposed	\$250	\$250	\$275 after Dec 31	License valid for 1 year
Peddler	\$35			License valid for 90 days
Precious Metal and Gem Dealer - Proposed	\$50	\$50		Certificate of Registration valid for 1 year
Refuse Collector	\$125 per vehicle	\$125 per vehicle	\$125 per vehicle after Dec 31 + \$25 late fee	
Secondhand Dealer - Proposed	\$50	\$50		License valid for 1 year
Taxi Cab	\$210	\$210	\$235 after July 31	\$20 per vehicle inspection \$25 per vehicle license fee (Both due when license is picked up)
Taxi Cab Driver	\$20	\$20	\$45 after Dec 31	