

ORDINANCE NO. 1687

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,
REGULATING THE SALE AND EXCHANGE OF JEWELRY
AND CRAFTED PRECIOUS METALS; PROVIDING CERTAIN
DEFINITIONS; PROVIDING A SEVERABILITY CLAUSE;
BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO
HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE;
AND DECLARING AN EMERGENCY.

WHEREAS, in order to protect property of the inhabitants of the City and to facilitate recovery of jewelry and crafted precious metals stolen within and without the City certain regulations and record keeping is necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the following terms, for the purpose of this ordinance are hereby defined as follows:

DEFINITIONS.

- (1) JEWELRY includes stones removed from a mounting.
- (2) PERSONAL IDENTIFICATION CERTIFICATE means a certificate issued by the Texas Department of Public Safety under Article 6687b, Vernon's Texas Civil Statutes.
- (3) PURCHASE means a transaction in which a person takes title to regulated property in exchange for valuable consideration.
- (4) CRAFTED PRECIOUS METALS includes jewelry, silverware, art objects, or any other thing or object made, in whole or in part, from gold, silver, platinum, palladium, irridium, rhodium, osmium, ruthenium, or their alloys.
- (5) AUTHORIZED VENDOR means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.
- (6) REGULATED PROPERTY means new or used:
 - (A) jewelry; or
 - (B) crafted precious metals

(7) THE TERM PERSON shall include any person, firm, corporation, partnership or other business entity and the officers and managers thereof.

SECTION 2. Regulated Property Purchases; Records

A person who purchases regulated property for the purpose of resale shall:

(1) Keep a sales record which indicates the manufacturer or authorized vendor from which the regulated property was purchased; or

(2) If the regulated property was purchased from other than a manufacturer or authorized vendor the person shall:

(A) at the time of purchase, record in a legible manner, the name, address, driver's license number or personal identification certificate number of the seller, a description of the property purchased, and the price paid or other consideration exchanged for the property purchased;

(B) at the time of purchase determine that the photograph on the drivers license or personal identification certificate is a photograph of the seller;

(C) retain possession of the property purchased and withhold the property from resale for seven business days;

(D) make the purchased property available for inspection by any police officer during regular business hours while the property is in the person's possession; and

(3) maintain on file the information required by subparagraphs (1) and (2), for one year from date of purchase or until the item is sold, whichever occurs later.


SECTION 3. Should any word, phrase, sentence, paragraph, or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions shall not be affected because of such invalidity or unconstitutionality.

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed to be guilty of a misdemeanor, and upon conviction in the Municipal Court, shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each offense.

SECTION 5. The fact that the Code of the City of Mesquite is inadequate to regulate the sale and exchange of jewelry and crafted precious metals creates an urgency and an emergency for

the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such case provides.

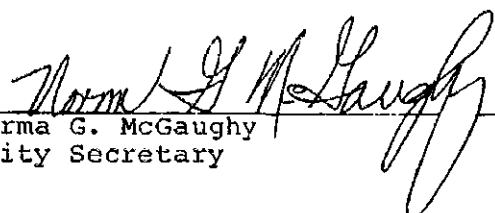
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of April, A.D., 1981.



E. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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