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CITY CLERK

GENERAL ORDINANCE NO. 3, 2010

AN ORDINANCE AMENDING *TERRE HAUTE CITY CODE* CHAPTER 4, SECTIONS 4-121 AND 4-149.

SECTION 1. *Terre Haute City Code,* Chapter 4, Section 4-121 is hereby amended by insertion of the underlined text as follows:

Sec. 4-121 Definitions.

. . .

b. The following are not "secondhand dealers" for the purpose of this Article:

1. Private residential sales commonly known as "garage sales" or "yard sales" as long as such sales take place at a residentially zoned property.

2. Any bona fide charity possessing a valid exemption under Section 501(c)(3) of the Internal Revenue Code.

3. Persons solely engaged in the business of buying, selling, trading in, or otherwise acquiring or disposing of motor vehicles and used parts of motor vehicles, and shall not apply to wreckers or dismantlers of motor vehicles who are licensed.

4. Auctioneers and auction houses are not considered secondhand dealers. The definition of each shall be the same as the definition in I.C. 25-6.1-1-3.

5. Those individuals, firms, corporations, limited liability companies, or partnerships defined by Indiana Code 25-37.5-1-1 as valuable metal dealers.

6. Individuals making an incidental purchase that may be sold at a later date, but is not a regular or foreseen means of income.

7. Consignment stores and the booth operators therein.

SECTION II. *Terre Haute City Code,* Chapter 4, Section 4-149 is hereby amended by deletion of the stricken text and insertion of the underlined text as follows:

Sec. 4-149 Records of Transaction.

a. Every holder of a license authorizing him/her to do a business as a valuable metal/junk dealer at any valuable metal/junk yard shall file all daily records electronically to a law enforcement web site designated as an agent of the Terre Haute Police Department for the sole purpose of collecting such records, or in such other form as may be authorized by the Chief of Police. At no time shall the City and/or Chief of Police select a provider which charges the reporting Valuable Metal Dealer a fee for such reporting service. The information required shall include~~, but not be limited, to~~ the following:

1. The date and time of each purchase.

2. An accurate account and "industry standard" description of the article purchased or pledged from any person.

3. The name, address, date of birth of the seller/pledger.

4. A copy of one (1) verifiable piece of current identification of the seller/pledger. Such identification must be government issued and include a photograph of the seller/pledger.

. . .

SECTION III. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, Such ordinance shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by: _____ John Mullican, Councilman

Passed in open Council this _____ day of _____, 2010.

_____ Neil Garrison, President

ATTEST: _____ Charles P. Hanley, City Clerk

Presented by me to the Mayor this _____ day of _____, 2010.

_____ Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2010.

_____ Duke A. Bennett, Mayor

ATTEST: _____ Charles P. Hanley, City Clerk