

Chapter 5-20

PRECIOUS METAL DEALERS

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Section 5-20-01 **DEFINITIONS**

ESTABLISHED DEALER:

Any precious metal dealer conducting business at a fixed location with the City of Boise on a permanent basis. Permanent shall mean thirty (30) consecutive days or more.

GEMS:

Precious and semi-precious stones customarily used in jewelry and any item containing such stones.

ITINERANT DEALER:

Any precious metal dealer engaged in any temporary or transient business conducted in a shop, room, motel room or other premises rented for less than thirty (30) consecutive days or used on temporary basis.

PRECIOUS METAL:

Any item composed in whole or in part of gold, silver or platinum. The term precious metal shall not include any coin or any gold or silver ingot or bar.

PRECIOUS METAL DEALER:

Any person, firm, partnership, or corporation who buys precious metals or gems from the general public with an intent to obtain a monetary profit for himself or for a principal.

PURCHASE:

The acquisition of precious metals or gems for a consideration of cash, goods or other precious metals or gems. Except as specified in Section 5-20-3F, trade-ins shall be covered by the provisions of this Chapter.
(Ord. 4631, 11-2-81)

Section 5-20-02 APPLICATION

This Chapter shall be applicable to the principals of any entity performing any activity regulated by this Chapter and to their agents and employees and to persons forming a partnership for the purpose of engaging in any activity subject to regulation by this Chapter. Every dealer regulated hereunder shall be liable for all the penalties provided herein for violation for any provision of this Chapter, whether such violation be committed by himself or his agent, clerk or employee.

(Ord. 4611, 6-29-81)

Section 5-20-03 EXEMPTIONS

This Chapter shall not apply to:

- A. Licensed pawnbrokers.
- B. Any person who, solely as a hobby, collects items regulated by this Chapter and who purchases, sells or exchanges such items in pursuit of that hobby.
- C. Persons or transactions associated with bona fide trade shows or conventions where all transactions of purchase, sale or exchange are made in connection with such trade shows or conventions and within the confines of the trade show or convention site.
- D. Purchases of precious metals or gems directly from manufacturers or wholesalers for retail or wholesale inventories or from other dealers, provided that the selling dealer has complied with the provisions of this Chapter.
- E. Purchases of precious metals or gems from a duly qualified fiduciary who, in the administration of an estate, is disposing of the assets of the estate.
- F. Acceptance by a retail merchant or dealer of trade-in merchandise previously sold by such retail merchant or dealer to the person presenting that merchandise for trade-in.

(Ord. 4631, 11-2-81)

Section 5-20-04 LICENSE REQUIRED

- A. It shall be unlawful for any person, firm, partnership or corporation to engage in the business of a precious metal dealer unless a valid license therefore has been issued as herein provided and said license is in full force and effect.
- B. Application for such license shall be made to the City Clerk in such form and manner as he or she may prescribe. Such application shall include, but not necessarily be limited to the following information:
 - 1. The name and address of the applicant, and if a partnership, the names and addresses of each partner, and if a corporation or association, the names and addresses of the principal stockholders, and the name of the operating manager of the business;
 - 2. Whether the applicant is seeking a license to do business as an established precious metal dealer or an itinerant precious metal dealer, and if an itinerant dealer, the length of time for which the right to do business is desired;

3. Whether the applicant has had a similar license revoked by the City of Boise or any other city of this State or of the United States or any state of the United States within the past five (5) years;
 4. Whether the applicant has been convicted of any felony or misdemeanor, other than minor traffic violations, the nature of the offense, and the date, and the punishment or penalty assessed therefore.
(Ord-38-15, Amended, 8/25/2015; Ord. 5104, 8-9-88)
- C. Upon receipt of an application for a license, the City Clerk shall cause an investigation to be made of the applicant or applicants. Such investigation shall be completed within thirty (30) days; provided, however, that investigation of an application by an itinerant precious metal dealer shall be completed within five (5) working days. A provisional license may be issued pending completion of the required investigation.
(Ord. 5104, 8-9-88)
- D. No person shall be issued a license to engage in the business of a precious metal dealer when that person:
1. Is under the age of eighteen (18) years;
 2. Is not the bona fide owner of such business;
 3. Has had a similar license revoked by this City or any other city of this State or of the United States or any other state of the United States within the five (5) years immediately preceding the date of the filing of the application.
 4. Has been convicted of any felony, or has been convicted of any other crime, whether felony or misdemeanor, involving moral turpitude within the five (5) years immediately preceding the date of the filing of the application; or
 5. Has misrepresented or made a false or fraudulent statement of material or relevant facts contained in the application; or
 6. Has engaged in a fraudulent transaction or enterprise.
- E. An affirmative showing with respect to the qualifications herein specified shall be required to be made with respect to each applicant and to each partner of a partnership applicant and to each officer, director or member of the governing board of a corporation or association.
- F. Upon completion of the investigation, the City Clerk shall notify the applicant whether his license request is approved and upon payment of the prescribed license fee shall issue a license. Such license shall show the name and address of said licensee, the amount of fee paid, the date of issuance and the date of expiration.
- G. The City Clerk shall notify the applicant if his license request is disapproved, the reasons therefore and advise him of the appeal procedure.
- H. Licenses shall not be transferable, either as to person or place. The license issued hereunder shall be posted conspicuously in each place of business named therein.
(6148, Amended, 04/30/2002)

Section 5-20-05 LICENSE FEE

The non-refundable license fee for an established precious metal dealer in an amount established by the Boise City Council and listed on the most current City Clerk License Fee Schedule shall be paid to

the City Clerk. The license to conduct the business of an established precious metal dealer shall expire on December 31 of each year. Renewal of the license and payment of the license fee shall be made on or before January 1 of the year for which such renewal is desired.

The non-refundable license fee for an itinerant precious metal dealer in an amount established by the Boise City Council and listed on the most current City Clerk License Fee Schedule shall be paid to the City Clerk. The license shall be issued only for the period specified in the application and shall specify the date or dates upon which business may be conducted.

(6419, Amended, 09/20/2005)

Section 5-20-06 RECORDS

- A. Every precious metal dealer shall keep a record of every article purchased by him or her, or sold by him or her, and this record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall be upon the form as may be required by the Chief of Police and shall provide the following information:
 - 1. Name, address and license number of the precious metal dealer;
 - 2. The name, age, sex, driver's license number, or social security number, and street address of the person with whom the transaction is conducted;
 - 3. The date of the transaction, the article pledged or sold together with its description, serial number or other identification, and the amount and terms of the transaction;
 - 4. The seller's motor vehicle operator's, or chauffeur's, license number and the state of issue;
 - 5. Signature lines or space for the execution by both precious metal dealer and the seller.
- B. Every record shall be executed by the precious metal dealer at the time of purchase or sale, the precious metal dealer shall compare the picture and signature upon the motor vehicle operator's license or state issued identification card with that upon the record.
- C. Every precious metal dealer shall be required to ascertain title in and to any article purchased or sold to him or her. This Section shall apply to all secondhand purchases for resale, but shall not apply to articles of new merchandise purchased by a precious metal dealer in the ordinary channels of trade.
- D. All records of purchase or sale shall be made in triplicate, one copy to be retained by the precious metal dealer and two (2) copies to be transmitted to the Boise City Police Department.
- E. All records of purchase or sale shall be retained by the precious metal dealer for a one-year period.
- F. All records required by this Section shall be made available during ordinary business hours for inspection by any law enforcement officer.
- G. Every precious metal dealer having good cause to believe that any property in his possession has been previously lost or stolen shall forthwith report such fact to the Boise City Police Department, together with the name of the owner, if known, and the date when and the name of the person from whom the property was received.

(Ord. 4830, 5-20-85)

Section 5-20-07 GOODS TO BE RETAINED FOR SEVEN (7) DAYS

The precious metal dealer shall retain all precious metals or gems purchased for a minimum of seven (7) days from the date of purchase. Until the expiration of this period, the dealer shall not sell, alter or dispose of a purchased item in whole or in part, or remove it from the City of Boise. All articles required to be held under this Section shall be open to and made available for inspection by any law enforcement officer during normal business hours.
(Ord. 4631, 11-2-81)

Section 5-20-08 VIOLATIONS

- A. It shall be unlawful for any precious metal dealer and any clerk, agent or employee of a precious metal dealer to:
1. Acquire, by purchase, trade, exchange or otherwise, goods bearing evidence of a serial number which has been tampered with or scratched or obliterated in any manner, unless such person immediately contacts the Boise City Police Department.
 2. Accept, buy or exchange any articles prior to examining the identifying credentials of the person selling or exchanging said articles.
 3. Fail to maintain the record required under Section 5-20-6 or fail to maintain such record as to any item of which record is required to be maintained under Section 5-20-6 or fail to make an entry of any material matter in the record of any transaction.
 4. Make any false entry in the record required by Section 5-20-6.
 5. Obliterate or destroy the record required by Section 5-20-6; provided, however, that such records may be destroyed at the expiration of the one (1) year retention period prescribed in Section 5-20-6.
 6. Refuse to allow any law enforcement officer to inspect the record required by Section 5-20-6, or any articles in his possession during normal business hours.
 7. Report any material matter falsely to a law enforcement officer.
 8. Acquire by purchase, trade, exchange or otherwise, any articles from any person under eighteen (18) years of age, without the express written consent of his or her parent or guardian or unless said minor is the head of a family.
 9. Fail to report forthwith to the Boise City Police Department the receipt of any property which he has good cause to believe has been lost or stolen, together with the name of the owner, if known, and the date when and the name of the person from whom the property was received.
 10. Fraud, misrepresentation or false statement made in the course of carrying on the business of a precious metal dealer.
- (Ord. 4683, 8-16-82)

- B. It shall be unlawful for any person to use a false name, a fictitious address, or any address other than the true address, or to furnish any false, untrue or misleading information or statement relating to the information required by Section 5-20-6.

Section 5-20-09 APPEAL FROM DENIAL OF LICENSE
(Rep. by Ord. 4812, 12-27-84)

Section 5-20-10 REVOCATION OR SUSPENSION OF LICENSE
(Rep. by Ord. 4683, 8-16-82)

Section 5-20-11 PENALTIES

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment.

(Ord. 4611, 6-29-81)

Section 5-20-12 SEVERANCE CLAUSE

The provisions of this Chapter are declared to be severable. If any section, sentence, clause, or phrase of this Chapter is declared invalid or unconstitutional, such partial invalidity shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Chapter but they shall remain in effect, it being the legislative intent that this Chapter shall stand notwithstanding the invalidity of any part.

(Ord. 4631, 11-2-81)