

**ORDINANCE NO. 2365**

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 14 BUSINESSES, BY AMENDING ARTICLE VII PAWNBROKERS, JUNK DEALERS AND SECONDHAND DEALERS BY AMENDING SECTION 14-201 DEFINITIONS, SECTION 14-203 PAYMENT OF REPORTING FEES REQUIRED, AND SECTION 14-204 REPORTS TO POLICE GENERALLY RELATED TO INCLUDING CHARITABLE 501(c)(3) ORGANIZATIONS AS SECOND-HAND DEALERS, BUT EXEMPTING THEM FROM THE REPORTING REQUIREMENTS AND REPORTING FEES AND EXEMPTING LARGE FITNESS EQUIPMENT FROM THE REPORTING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I.     In General.

The Code of Gilbert, Arizona, Chapter 14 Businesses, Article VII Pawnbrokers, Junk Dealers, and Secondhand Dealers, Section 14-201 Definitions, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 14-201. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

\* \* \*

*Secondhand dealer* means a person conducting the business of buying, selling, trading, exchanging, accepting for sale on consignment, or otherwise dealing in secondhand items or precious items, or both secondhand items and precious items, whether such business is the principal or sole business conducted or is merely incidental to, in connection with or a branch or department of some other business. This definition includes antique dealers, auctioneers and auction houses receiving actual possession of secondhand items by purchase or consignment for sale at auction or otherwise and dealers of precious items, as that term is used in A.R.S. § 44-1601, *et seq.* This definition shall not exempt any person who buys secondhand items for cash.

“Secondhand dealer” shall not include:

\* \* \*

~~(d) Non-profit charitable organizations that have qualified as tax-exempt under Section 501(c)(3) of the United States Internal Revenue Code.~~

(ed) recycling businesses engaged in buying, selling, trading, exchanging, or otherwise dealing in recyclable materials for the purpose of recycling, including metal, cans, paper, cardboard and glass.

\* \* \*

The Code of Gilbert, Arizona, Chapter 14 Businesses, Article VII Pawnbrokers, Junk Dealers, and Secondhand Dealers, is amended by amending Section 14-203 Payment of Reporting Fees, to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 14-203. Payment of Reporting Fees Required.**

In addition to obtaining and maintaining a business license pursuant to Section 14-36 of this Code, each pawnbroker, junk dealer and secondhand dealer shall pay the required reporting fees, as set from time to time by resolution of the Gilbert Town Council, EXCEPT THAT A SECONDHAND DEALER WHO IS A NON-PROFIT CHARITABLE ORGANIZATION, QUALIFIED AND REGISTERED PURSUANT TO SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE SHALL NOT BE REQUIRED TO PAY THE REQUIRED REPORTING FEES.

The Code of Gilbert, Arizona, Chapter 14 Businesses, Article VII Pawnbrokers, Junk Dealers, and Secondhand Dealers, Section 14-204 Reports to Police Generally, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 14-204. Reports to Police Generally.**

\* \* \*

(d) Notwithstanding the provisions of subsection (c) above, reports shall not be required for transactions involving:

- (1) Records, CDs, DVDs, audiotapes, computer software and video games traded in for exchange or store credit only;
- (2) Clothing, used books, comic books, sports memorabilia valued at \$50.00 or less, tires (excluding rims), antiques, coins not set in bezel, postage stamps, trading cards, ~~and~~ furniture other than

appliances, AND LARGE FITNESS OR EXERCISE EQUIPMENT, INCLUDING BUT NOT LIMITED TO TREADMILLS, ELLIPTICALS, AND EXERCISE BIKES;

- (3) Transactions involving recyclables such as metals, cans, paper, cardboard or glass.

\* \* \*

(g) Non-profit CHARITABLE organizations, QUALIFIED AND REGISTERED PURSUANT TO SECTION 501(c)(3) OF THE UNITED STATES INTERNAL REVENUE CODE, WHEN selling items that are donated to them are exempt from the reporting requirements and reporting fees set forth in this section.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class One misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

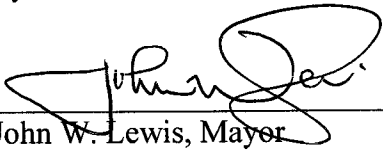
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 3<sup>rd</sup> day of May 2012, by the following vote:

AYES: Cook, Cooper, Daniels, Lewis, Petersen, Ray

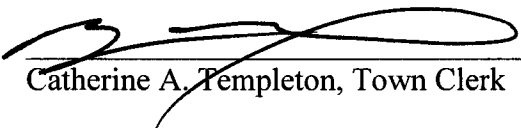
NAYES: None ABSENT: Sentz

EXCUSED: None ABSTAINED: None


APPROVED this 3<sup>rd</sup> day of May 2012.

  
John W. Lewis, Mayor

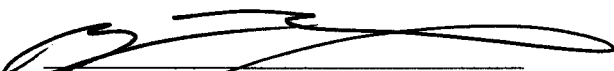
ATTEST:

 for  
Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
Town Attorneys  
By ~~Susan D. Goodwin~~  
Kelly Y. Schwab

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2365 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 3<sup>rd</sup> DAY OF MAY 2012, WAS POSTED IN FOUR PLACES ON THE 10 DAY OF May, 2012.

  
Catherine A. Templeton, Town Clerk