

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES
TITLE XIII “LICENSES AND MISCELLANEOUS
BUSINESS REGULATIONS,” CHAPTER 4 “PRECIOUS METALS”
SECTIONS 8-96, 8-100, 8-102, 8-104, 8-105**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the “City”), considered the matter of amending the Southaven Code of Ordinances, specifically **TITLE XIII “LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS,” CHAPTER 4 “PRECIOUS METALS” SECTIONS 8-96, 8-100, 8-102, 8-104, 8-105**, (“Ordinances”)

Thereupon Alderman Ferguson offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII “LICENSES
AND MISCELLANEOUS BUSINESS REGULATIONS,” CHAPTER 4 “PRECIOUS
METALS” SECTIONS 8-96, 8-100, 8-102, 8-104, 8-105**

WHEREAS, pursuant to Miss. Code 21-19-15, the City has the power to make all needful police regulations necessary for the preservation of good order and peace of the municipality and to prevent injury to, destruction of, or interference with public or private property.; and

WHEREAS, pursuant to Mississippi Code Section 75-95-1, et. seq., the State of Mississippi (“State”) has established laws for the purchasing and resale of precious items; and

WHEREAS, pursuant to dictates of Mississippi law and Mississippi Supreme Court precedent, the City desires to adhere and pass ordinances which are consistent with the applicable State statutes (*Maynard v. City of Tupelo*, 691 So. 2d 385, 388 (Miss. 1997)); and

WHEREAS, the City desires to amend the Ordinance to be consistent with the applicable Mississippi Code Sections; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN ORDINANCES AS FOLLOWS:

**TITLE XIII “LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS,”
CHAPTER 4 “PRECIOUS METALS” SECTION 8-96 (DEFINITIONS) SHALL BE
AMENDED TO STATE:**

(1) As used in this section, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Dealer" or "Broker" means any person, corporation or partnership that engages in the business of purchasing precious items for the purpose of reselling such items in any form. The term "dealer" does not include a manufacturer, retail merchant, pawnbroker licensed under the Mississippi Pawnshop Act (Article 7, Chapter 67, Title 75, Mississippi Code of 1972) or person in the wholesale business, nor does it include any person who purchases precious items at a social gathering in a private residence.

(b) "Permanent place of business" means a fixed premises either owned by the dealer or leased by the dealer for at least one (1) year.

(c) "Precious item" means any of the following:

(i) An article made, in whole or in part, of gold, silver or platinum.

(ii) Precious or semiprecious stones or pearls, whether mounted or unmounted.

(d) "Purchase" means the acquisition of a precious item or items for a consideration of cash, goods or another precious item.

(2) This section shall not apply to any person who purchases precious items from a retail merchant, pawnbroker licensed under the Mississippi Pawnshop Act, manufacturer or wholesale dealer, nor does it apply to any person who purchases precious items at a social gathering in a private residence.

(3) For purposes of this section, the term "private residence" means a separate dwelling or a separate apartment in a multiple dwelling, which is occupied by members of a single-family unit.

**TITLE XIII “LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS,”
CHAPTER 4 “PRECIOUS METALS” SECTION 8-100 (LOG OF TRANSACTIONS
REQUIRED) SHALL BE AMENDED TO STATE:**

(1) Each dealer or broker shall keep the following information for six (6) months from the date of purchase of a precious item:

(a) The name, current address, date of birth and signature of the person from whom the dealer purchased the item.

(b) A description of the person, including height, weight, race, complexion and hair color.

(c) A copy and the serial number of a valid identification card number, as required under subsection (2).

(d) A list describing the items purchased from that person.

Upon the request of the Southaven Police Department, the dealer must make available any of the information required under this subsection.

(2) Before making a purchase, a dealer or broker shall require the person from whom he or she is purchasing the precious item to identify himself or herself with a valid driver's license, non-driver's identification card, armed services identification card or other valid photo identification sufficient to obtain the information required under subsection (1). The photo identification must contain a traceable serial number, which must be recorded by the dealer. The Southaven Police Department shall make available to each dealer a list of the forms of photo identification that are acceptable under this chapter.

(3) Each dealer or broker, at least once each week in which he or she makes a purchase, shall make out and deliver to the Southaven Police Department a true, complete and legible list of all items purchased during the period since the last report. If the Southaven Police Department has issued forms for the making of the reports, the dealer must use those forms to meet the requirements of this subsection. The list of items must include the following:

(a) The brand name and serial number, if any, of the item or items purchased.

(b) An accurate description of each item sufficient to enable the Southaven Police Department identify the item.

(c) The date and time when the item was received.

(d) The amount paid for each item.

(e) All information required under subsection (1) of this section.

**TITLE XIII “LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS,”
CHAPTER 4 “PRECIOUS METALS” SECTION 8-102 (ITEMS MUST REMAIN
UNCHANGED; WAITING PERIOD PRIOR TO RESALE) SHALL BE AMENDED TO
STATE:**

**ITEMS MUST REMAIN UNCHANGED; WAITING PERIOD PRIOR TO RESALE;
PURCHASES FROM MINORS RESTRICTED**

- (1) Any item purchased must be held in the dealer's or broker's custody in the same shape and form for which it was receipted for fifteen (15) business days after delivering the list of items required under Section 8-100 to the Southaven Police Department.
- (2) A dealer or broker may make payment to a seller only by check made payable to a named actual intended seller.
- (3) It is presumptive evidence of intent to violate this ordinance if the items purchased are not listed or fail to agree with the description contained in the required list.
- (4) On notification by the Southaven Police Department or district attorney's office that the items purchased are the fruits of a crime, a dealer may not dispose of those items.
- (5) A dealer may not purchase items from any person under eighteen (18) years of age unless the person is accompanied by a parent or guardian who submits the identification required under Section 8-100.

**TITLE XIII “LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS,”
CHAPTER 4 “PRECIOUS METALS” SECTION 8-104 (PURCHASES FROM MINORS
SHALL BE RESTRICTED) SHALL BE REPEALED.**

**TITLE XIII “LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS,”
CHAPTER 4 “PRECIOUS METALS” SECTION 8-105 (VIOLATIONS; PENALTY)
SHALL BE AMENDED TO STATE:**

A violation of this ordinance is a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$ 1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both fine and imprisonment.

NOW, THEREFORE BE IT ORDERED that the City Clerk, pursuant to Miss. Code 21-13-11, provide notice of the adoption of the Ordinance in the *Desoto Times* for one (1) time.

NOW, THEREFORE BE IT ORDERED due to the City's desire and duty to provide for the immediate preservation of the public peace by protecting private property and based on the unanimous vote of all members of the governing body, this ordinance and amendments thereto shall be effective immediately.

The foregoing Resolution was seconded by Alderman Gallagher and brought to a vote as follows:

Alderman Kristian Kelly	YES
Alderman Shirley Beshears	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES
Alderman William Brooks	YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 15th day of April, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

BY: _____
DARREN MUSSELWHITE, MAYOR

ATTEST:

SHEILA HEATH, CITY CLERK