



## Legislation Text

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**File #:** 17-0348, **Version:** 1

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Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 27, Pawnbrokers; Junk and Secondhand Dealers, Section 27-8, Retention of purchases, in order to allow secondhand dealers to move items out of the City of Hampton prior to the expiration of 15 calendar days.

### **PURPOSE/BACKGROUND:**

The City's current ordinance requires that secondhand dealers retain all items purchased in the City of Hampton for a minimum of 15 days. A company contacted the Hampton Police Division wanting to install cell phone buyback kiosks in locations within the City limits. However, their business plan is to ship the phones out of state more frequently than 15 days, rather than leaving them in the kiosks. They retain ownership of the cell phones for at least 30 days, longer than required by the ordinance, but just not in the City of Hampton.

### **Discussion:**

The Hampton Police Division supports amending the ordinance to accomodate this request, so long as any secondhand dealer is required to return any item to the police if requested to do so. This would come up if the police developed suspicion that the item was evidence in a criminal investigation.

### **Impact:**

Approving this amendment will give flexibility to secondhand dealers while still accomplishing the goals of the ordinance.

### **Recommendation:**

Approve the amendment.

BE IT ORDAINED by the City Council of the City of Hampton, Virginia, that Chapter 27 of the City Code of the City of Hampton, Virginia be amended to read as follows:

### **CHAPTER 27. PAWNBROKERS; JUNK AND SECONDHAND DEALERS**

#### **Sec. 27-8. Retention of purchases**

. . . .

- (b) Every secondhand dealer shall retain all secondhand articles acquired by him for a minimum of 15 calendar days from the date on which a copy of the daily report required by section 27-10 is received by the chief of police of Hampton, Virginia or his designee. Until the expiration of this period, the secondhand dealer shall not sell, alter or dispose of any acquired item, in

whole or in part. If an item is to be removed from the City of Hampton prior to the expiration of the 15 day period, the secondhand dealer must return the item to the City of Hampton, upon request of the chief of police or his designee, at the secondhand dealer's own expense, if the item is determined to be potential evidence in a criminal investigation. Any such item must be returned to the City of Hampton within 72 hours of a request being made to the secondhand dealer.