

CITY OF
OSKALOOSA, IOWA

Application for Permit to Operate Second-Hand, Coin, and Semi-Precious Stone Shops

1. Name of applicant _____ Phone: Res: _____
2. Name or title of business _____ Phone: Bus: _____
3. Street address _____
4. City _____ County _____ State _____
5. Post Office Address _____ Zip _____ State _____
6. Do you intend to operate your business as:
 _____ Individual, _____ Partnership, _____ Corporation
7. Ownership: Each applicant must complete this section.

The names and addresses of all persons having a financial interest by way of loan, ownership, or otherwise in the business or the profits thereof. In case of a corporation, this will include, but not be limited to, officers, directors, managers and all persons owning or controlling ten (10%) percent or more of the capital stock. In the case of itinerant dealers, this will include any dealer who is engaged in any temporary or transient business conducted in a shop, room, hotel room, motel room or other premises rented for any duration less than thirty (30) days, consecutive days or used on a temporary basis.

NAME	TITLE	HOME ADDRESS	PLACE OF BIRTH MO/DAY/YEAR

8. Arrest Record: The following is a record of all arrests of the individual owner, all partners or officers of the corporation. If there have been no arrests, insert the word NONE. Omit listing traffic and parking tickets.

NAME	DATE OF ARREST	CHARGE	DISPOSITION OF ARREST	LOCATION OF COURT COUNTY & STATE

I do hereby state under penalty of perjury that the answers I have provided to the above questions are true and correct to the best of my knowledge.

The undersigned further states that he (or she) has reviewed a copy of Oskaloosa Municipal Ordinance providing for the regulation of second-hand shops and dealers, has read the same and understands its contents, and is familiarized with those provisions relating to investigation of the background of the business, its owners, principals and agents by the Chief of Police, and is also familiarized with those provisions relative to approval and/or denial of this application.

Owner of Business

Date

Manager of Business
(if different than owner)

STATE OF IOWA)
) §
MAHASKA COUNTY)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for said County and State personally appeared _____ to me known to be identical person named in and who executed the foregoing instrument, and acknowledged that he (or she) executed the same as his voluntary act and deed.

Notary Public in and for said County and State

FOR OFFICIAL USE ONLY

Required Signatures:

Chief of Police

Approval

Signature

Disapproval

City Clerk /Finance Director

Approval

Signature

Disapproval

Chapter 5.28SECONDHAND DEALERSSections:

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5.28.010 Purpose. It is declared to be the policy of the city, in the exercise of its police power for the protection of the safety, health and welfare of its citizens to regulate the purchase and sale of junk, antiques, secondhand articles, coins, gold, silver, platinum, gems and semiprecious stones by pawnbrokers and other dealers. (Prior code §7-4.01)

5.28.020 Applicability. 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. No person shall be exempt from the provisions of this chapter by reason of association temporarily with any dealer or permit holder or by reason of conducting temporary or transient business in connection with or as part of the business in the name of any dealer or permit holder. Every dealer or permit holder shall be liable for all the penalties provided for violation of any provision of this chapter, whether such violation be committed by himself or his agent, clerk or employee. (Prior code §7-4.02)

5.28.030 Definitions. For use in this chapter, the following terms are defined:

A. "Antique dealer" means any dealer as defined herein who engages in the business or occupation of selling, bartering or exchanging any painting, furniture, china or other object painted or made more than twenty years prior to the date of sale, which is valuable primarily by reasons of age, scarcity or the skill and craftsmanship of the artist or artisan.

B. "Chief of police" means the chief of the Oskaloosa police department or his designee.

C. "Dealer" means any person, firm, partnership, corporation, and any principal, employee, agent or servant thereof, regularly engaged in or conducting business for the purchase, sale, barter, exchange or pawn of junk, antiques, secondhand articles, coins, gold, silver, platinum, gems and semiprecious stones, excepting auctioneers.

D. "Engaged in or conducting business" means the purchase, sale, barter or exchange of any item aforesaid, including the advertising therefor and including such business conducted by an established dealer in a permanent location and including any temporary, transient or itinerant business engaged in transactions with an established dealer within the city.

E. "Established dealer" means any dealer as defined herein duly licensed on July 20, 1981, and for the sixty-day period immediately prior thereto, to conduct business at a fixed location in Oskaloosa, Iowa, for profit.

F. "Itinerant dealer" means any dealer as defined herein who engages in any temporary or transient business conducted in a shop, room, hotel room, motel room or other premises rented for any duration less than thirty consecutive days or used on a temporary basis.

G. "Pawnbroker" means any person who shall in any manner lend or advance money or other things for profit on the pledge or possession of personal property, or other valuable things, other than securities or written evidences of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

H. "Premises" shall be construed to mean that location at which said dealer or pawnbroker is regularly engaged in the course of business.

I. "Secondhand articles" means any item of personal property or object of value, previously owned or used, which is not purchased or sold as new. (Prior code §7-4.03)

5.28.040 Permit--Required. It is unlawful for any person to engage in any activity subject to regulation by this chapter without first obtaining a permit therefor from the city clerk as specified herein. Such permit shall be necessary in addition to any required business license. (Prior code §7-4.04)

5.28.050 Permit--Application. Applicants for a permit under this chapter, whether a person, firm or corporation, shall file a written, sworn application on a form provided by the clerk, signed by the applicant if an individual, by all partners if a partnership and by the president if a corporation, with the city clerk showing:

A. Permanent Dealer. If a permanent dealer, the name or names of the principals, agents and employees of the applicant's business stating the time that it is proposed that it will be carried on in the city; the local business address or addresses of such person or persons while engaged in such business; the capacity in which such person, firm or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state it is incorporated;

B. Itinerant Dealer. If an itinerant dealer, the permanent place of business of the applicant, where the applicant within the six months next preceding the date of said application conducted business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

C. Application Verified. The application shall be verified, and shall state thereon that "It is unlawful for any person to make a false statement on this application." Any false statement made on the application form will void the application ab initio and constitute a misdemeanor. (Prior code §7-4.05)

5.28.060 Permit--Issuance. Upon receipt of an application for a permit in accordance with the provisions of Section 5.28.050, the chief of police shall cause such investigation of the applicant's business responsibility or moral character to be made as he deems necessary for the protection of the public good. Unless the chief of police determines otherwise after his investigation, the city clerk shall within ten days following the date of the filing of the application issue the applicant a permit hereunder. The chief of police may, after investigation and finding that the health, safety or welfare of the public so demand, refuse to issue a permit to an applicant for reasons including, but not limited to the following:

A. Conviction of any felony within the five years immediately preceding the date of filing of the application;

B. Conviction of any crime within the five years immediately preceding the date of the filing of the application involving moral turpitude;

C. Fraud, misrepresentation or false statement of material or relevant facts contained in the application;

D. That the applicant has engaged in fraudulent transaction or enterprise. (Prior code §7-4.06)

5.28.070 Temporary permit. An applicant for a permit may, in the discretion of the chief of police, be issued a temporary permit within seventy-two hours after filing the application based upon a preliminary investigation by the chief of police, which permit shall remain in effect until the issuance, or denial, of a permit as herein provided. (Prior code §7-4.07)

5.28.080 Permit--Approval or denial. The chief of police shall mail to the applicant, by certified mail, a written statement of his decision on each application together with a brief statement of his reason therefor. In the event the chief of police denies a permit, he shall notify the applicant in writing within thirty days of the filing of the application. A confidential record of the investigation shall be kept on file by the chief of police. (Prior code §7-4.08)

5.28.090 Permit for trade show. Any duly licensed permanent dealer who desires to sponsor a trade show at which itinerant, out-of-town dealers will attend and conduct business may file an application for permit on behalf of said parties. (Prior code §7-4.09)

5.28.100 Permit--Fee. There shall be no charge for the issuance of a permit as required by this section. (Prior code §7-4.10)

5.28.110 Permit--Posting. The permit issued under this chapter shall be posted conspicuously in each place of business named therein. (Prior code §7-4.11)

5.28.120 Appeals from decision of chief of police. Appeals from the decision of the chief of police shall be made in accordance with Section 5.28.150. (Prior code §7-4.12)

5.28.130 Record of transaction. Every pawnbroker and dealer shall keep at his place of business a permanent record of account of each business transaction conducted within the city. The record shall set forth an accurate description of the goods, articles or things purchased, bartered, exchanged or received, and the date and time at which each transaction occurred. Such book shall at all reasonable time and upon request, be open to inspection by the chief of police or his current designee or designees. It is unlawful for any person to fail to properly record any of said transaction, and it is also unlawful for any person to fail to exhibit to the chief of police or his current designee or designees any records required to be kept pursuant to this section. (Prior code §7-4.13)

5.28.140 Prohibited acts. No dealer shall engage in any of the following activities:

A. Stolen Articles. No dealer shall have in his place of business or in his possession, or shall have acquired and resold, bartered or exchanged, any article which is proved to have been stolen, the account and report of which he has not kept and reported as herein prescribed.

B. Minors. It is unlawful for any dealer in the course of his business or occupation to acquire, by purchase, barter, exchange or otherwise, any goods from any minor child under eighteen years of age without written consent of the parent or guardian of said minor child.

C. Tampering. It is unlawful for any dealer to acquire, by purchase, barter, 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 police department of the city. (Prior code §7-4.14)

5.28.150 Permit--Revocation. A. Any permit issued to an established dealer under the provisions of this chapter may be revoked by the chief of police after notice and hearing if the chief of police finds that such person has knowingly violated any provision of this chapter. A seven-day written notice of the hearing stating the reasons for the proposed revocation shall be mailed, postage prepaid, to the permit holder at the business address appearing on the permit application, or if there be none, to the residence address appearing thereon.

B. Said notice shall set forth the grounds of the proposed revocation and the time and place of the hearing. At the hearing, the permit holder may be represented by counsel, may cross-examine witnesses and may present evidence in his favor.

C. In the case of an itinerant dealer, the chief of police may forthwith revoke such permit if the chief of police finds that such person has knowingly violated the provisions of this chapter. An itinerant dealer who has had his or her permit revoked by the chief of police may demand notice and hearing as described above within forty-eight hours of the next business day following revocation. (Prior code §7-4.15)

5.28.160 Appeal from decision of city administration. An appeal from the decision of the city administration to deny an application for a permit or to revoke a permit shall be made in writing to the city council within seven days of the receipt of a decision. The appeal shall state the specific grounds for the appeal. The city council shall hold a hearing within a reasonable time from the

receipt of the appeal. At the hearing, the applicant or permit holder may be represented by counsel, may cross-examine witnesses and may present evidence in his favor. The city council may grant or deny his appeal. The decision of the city council shall be final. (Prior code §7-4.16)

5.28.170 Junk dealers or auctioneers exempt. The provisions of this chapter shall not apply to junk dealers or auctioneers transacting business within the city limits of Oskaloosa, Iowa. (Prior code §7-4.17)

5.28.180 Continuing violations. Operation of any business hereunder in violation of any provision of this chapter shall constitute a separate offense for each day of operation. (Prior code §7-4.18)

Chapter 5.32

PERSONS UNDER TWENTY-ONE IN LICENSED OR PERMITTED ESTABLISHMENTS

Sections:

- 5.32.010 Alcoholic beverages not to be dispensed to persons under legal age--Exception.
- 5.32.020 Persons under legal age not allowed on certain premises.
- 5.32.030 Exceptions.
- 5.32.040 Posting of exception certificate.
- 5.32.050 Posting of signs prohibiting persons under legal age.
- 5.32.060 Violation--Penalty.

5.32.010 Alcoholic beverages not to be dispensed to persons under legal age--Exception. A. No person shall sell, give or otherwise supply alcoholic liquor, wine or beer to any person knowing or having reasonable cause to believe him or her to be under legal age.

B. No person or persons under legal age shall individually or jointly have alcoholic liquor, wine or beer in his, her or their possession or control, except:

1. In the case of liquor, wine or beer given or dispensed to a person under legal age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him or her by either a physician or dentist for medicinal purposes; and