



# CITY OF PALESTINE APPLICATION FOR CRAFTED PRECIOUS METALS

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OFFICE PHONE NO.: \_\_\_\_\_ CELL PHONE NO.: \_\_\_\_\_

IF THE APPLICANT IS A FIRM OR CORPORATION PLEASE PROVIDE THE FOLLOWING:

MEMBERS OF THE FIRM: \_\_\_\_\_

OFFICERS OF THE CORPORATION: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

HOURS OF OPERATION: \_\_\_\_\_

LOCATION WHERE BUSINESS WILL BE CONDUCTED:

HAS THE APPLICANT OR ANY COPRINCIPAL OR EMPLOYEE BEEN FOUND GUILTY OF ANY CRIMINAL OFFENSE AS DEFINED IN V.T.C.A., PENAL CODE TITLE 7 OR THE CRIMINAL EQUIVALENTS BY ANY COURT OF COMPETENT JURISDICTION?  YES  NO

IF YES, LIST THE VENUE OF SUCH OFFENSE AND PENALTY IMPOSED.

HAS THE APPLICANT EVER BEEN OR IS A PARTY TO ANY CIVIL LITIGATION ARISING OUT OF SALES OR PURCHASES OF ANY GOODS OR SERVICES?  YES  NO

IF YES, LIST THE IDENTITY OF OTHER PARTIES TO THE SUIT, THE LOCATION OF THE SUIT, AND THE OUTCOME OF THE SUIT.

HAS THE APPLICANT EVER BEEN ENGAGED IN BUSINESS UNDER ANOTHER NAME?  YES  NO

IF YES, LIST THE NAME ASSUMED BY SUCH BUSINESS.

### PLEASE READ EACH STATEMENT CAREFULLY BEFORE SIGNING

BY MY SIGNATURE BELOW, I CERTIFY, AUTHORIZE OR ACKNOWLEDGE:

THAT ALL THE INFORMATION PROVIDED BY ME IN CONNECTION WITH MY APPLICATION, WHETHER ON THIS DOCUMENT OR ON ANY ATTACHMENT, IS COMPLETE, TRUE AND CORRECT. I FURTHER UNDERSTAND THAT ANY MISSTATEMENT, FALSIFICATION, OR OMISSION OF INFORMATION WILL VOID MY APPLICATION AND PREVENT ANY FURTHER PROCESSING.

THAT I MUST SUCCESSFULLY PASS A THOROUGH BACKGROUND INVESTIGATION, WHICH MAY INCLUDE A CRIMINAL HISTORY CHECK, DRIVING RECORD VERIFICATION, ETC.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## ARTICLE IV. CRAFTED PRECIOUS METALS\*

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**\*State law references:** Crafted precious metals, Vernon's Ann. Civ. St. art. 9009a.

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### DIVISION 1. GENERALLY

#### Sec. 26-126. 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:

*Business* means an activity carried on by any person who buys crafted precious metal for profit. The term shall not include occasional purchases or sales made by a hobbyist nor shall it include activities regulated by the Texas Pawnshop Act, Vernon's Ann. Civ. St. art. 5069-51.01 et seq.

*Crafted precious metals* means jewelry, silverware, art objects or any other thing or object made, in whole or in part, from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium or their alloys, excluding coins and commemorative medallions.

*Dealer* means a person who engages in the business of purchasing and selling crafted precious metals.

*Money* means money which has numismatic value.

*Temporary location* means a place where business is conducted for a period shorter than 90 days.

(Code 1968, § 23 1/2-1)

**Cross references:** Definitions generally, § 1-2.

**State law references:** Similar provisions, Vernon's Ann. Civ. St. art. 9009a, § 1.

#### Sec. 26-127. Penalty for violation.

A person who violates this article shall upon conviction be punishable in accordance with section 1-13.

(Code 1968, § 23 1/2-11)

#### Sec. 26-128. Filing of list prior to sale or exchange.

Each dealer, before the time any crafted precious metal is offered for sale or exchange, shall notify each person intending to sell or exchange the crafted precious metal that the person must file with the dealer, before the dealer may accept any of the person's property, a list describing all of the person's crafted precious metal to be accepted by the dealer. The list must contain all the information required in section 26-129.

**State law references:** Similar provisions, Vernon's Ann. Civ. St. art. 9009a, § 3(b).

#### Sec. 26-129. Records of purchases.

(a) Upon the purchase of any crafted precious metals, the dealer shall record in a well-bound book kept exclusively for such purpose, in the English language, legibly written, the following information:

- (1) An accurate description of the crafted precious metal purchased by the dealer;
- (2) The amount of money paid for the crafted precious metal;
- (3) The date and time of purchase;
- (4) The name, age, sex, signature and address of the person selling such items;
- (5) The source and place from which the items came or were obtained by the seller; and
- (6) The name of the state issuing the license and the number of the license of the automobile in which such items were delivered to such dealer.

(b) A dealer shall obtain from each seller of any such crafted precious metals the information required in this section and insert in the record book the number of the current driver's license of such person and the date it expires. If, for any reason, the seller does not possess a current driver's license, the DPS identification card number of the seller, or other identification may be presented and recorded by the dealer upon being physically presented the driver's license or DPS identification card by the seller or other identification. The reason for not possessing a driver's license shall be set forth in the record book together with the seller's thumbprint, plainly and clearly, in ink, opposite his name in the records of the permit holder.

(c) The seller shall certify that all the information is true and complete.

(d) On demand the dealer shall provide the record required by subsections (a) and (b) of this section to any peace officer and shall mail or deliver a complete copy of each record of crafted precious metals to the chief of police not later than 48 hours after it is prepared.

(Code 1968, § 23 1/2-5(a))

**State law references:** Similar provision, Vernon's Ann. Civ. St. art. 9009a, § 3(b).

Sec. 26-130. Disposal of articles.

(a) A dealer may not melt, deface, alter or dispose of any crafted precious metal for which a report is required under this article before the 11th day after the day on which the report is filed unless:

(1) The peace officer to whom the report is submitted, for some good cause, authorizes disposition of that crafted precious metal;

(2) The dealer obtains the name, address and description of the buyer and retains this information record, which shall be made available for inspection by any peace officer; or

(3) The dealer is a pawnbroker and the disposition is the redemption of pledged property by the pledgor.

(b) It shall be unlawful for any person to dispose of property or fail to make a record available for inspection by a peace officer as required by this section.

(Code 1968, § 23 1/2-9)

**State law references:** Similar provisions, Vernon's Ann. Civ. St. art. 9009a, § 4A.

Sec. 26-131. Identification of pieces.

Each piece of crafted precious metal purchased by a dealer shall be kept intact and have written or stamped in a conspicuous place either on the container thereof or, if no container, on each article the serial number of the report as set out in section 26-129, which number shall at all times be kept plain and legible. Such number shall be affixed on every such item by means of a tag on which is legibly printed the corresponding number of the report of purchase required by section 26-129.

(Code 1968, § 23 1/2-5(b))

Sec. 26-132. Purchases from minors.

No dealer shall purchase any crafted precious metal from any person under the age of 18 years unless such seller presents a written statement from such seller's parent or legal guardian consenting to such sale, signed by the parent or guardian, and having thereon the address and telephone number of such parent or guardian. The statement shall be retained and recorded by the dealer for one year.

(Code 1968, § 23 1/2-6)

**State law references:** Similar provisions, Vernon's Ann. Civ. St. art. 9009a, § 2(a).

Sec. 26-133. Purchases at temporary locations.

A dealer who conducts business pursuant to this article from a temporary location in the city may not engage in business of buying precious metal or used items made of precious metal unless the person has filed a registration statement with the state department of public safety within a 12-

month period at least 30 days preceding the date on which each purchase is made and the person has filed, within the same period, a copy of the registration statement with the police department.

A registration statement must set forth the following:

- (1) The name and address of the person;
- (2) The location where business is to be conducted; and
- (3) Other relevant information required by the state department of public safety.

(Code 1968, § 23 1/2-7)

**State law references:** Similar provisions, Vernon's Ann. Civ. St. art. 9009a, § 6.

Sec. 26-134. Retention of serial numbers, identifying marks.

No dealer shall purchase any crafted precious metals or have any such items in his possession from which the manufacturer's serial number or brand or identifying marks have been removed or obliterated.

(Code 1968, § 23 1/2-8)

Sec. 26-135. Hours of business.

It shall be unlawful for any person to engage in the business of buying crafted precious metals between the hours of 9:00 p.m. and 7:30 a.m.

(Code 1968, § 23 1/2-10)

Sec. 26-136. Time period for retention of books and records.

All books and records required to be kept under this article shall be kept continuously for a minimum period of three years.

(Code 1968, § 23 1/2-5(e))

Secs. 26-137--26-145. Reserved.

## DIVISION 2. PERMIT

Sec. 26-146. Required; application.

(a) Any dealer who engages in the business of buying crafted precious metals shall obtain a permit before engaging in such business within the city.

(b) Any person desiring such a permit shall make application in writing to the city secretary on a form provided for that purpose. Such form shall be sufficient if it includes the following information:

- (1) The name, address and telephone number of the applicant, together with the classification of such applicant, and if the applicant is a firm or corporation, the application shall show the individual members of the firm and the officers of the corporation.
- (2) The business address of the applicant.
- (3) The time period during which business will be conducted.
- (4) The location where the business will be conducted.
- (5) Whether or not the applicant or any coprincipal or employee has been found guilty of any criminal offense defined in V.T.C.A., Penal Code Title 7 or their criminal equivalents by any court of competent jurisdiction and, if so, the venue of such offense and penalty imposed.
- (6) Whether or not the applicant has been or is a party to any civil litigation arising out of sales or purchases of any goods or services and, if so, the identity of other parties to the suit, the location of the suit, and the outcome of the suit.
- (7) Whether the applicant has ever before engaged in business under another name and, if so, the name assumed by such business.

(Code 1968, § 23 1/2-2)

Sec. 26-147. Issuance; fee; term; revocation, appeal.

(a) Upon receipt of the application for the permit required under this division, the city secretary shall refer such application to the chief of police. No permit shall be issued to any applicant who has been found guilty of a criminal offense against property defined in V.T.C.A., Penal Code Title 7 by a court of competent jurisdiction within the preceding five years. The city secretary shall issue a permit upon the payment of the required fee. The fee shall be in the amount set forth in the fee schedule adopted by the city council. Permits shall be valid for a period of six months.

(b) A permit issued may be revoked by the chief of police if a permit holder is found guilty of a criminal offense defined in V.T.C.A., Penal Code Title 7 or their criminal equivalents by a court of competent jurisdiction. Within ten days of such revocation by the chief of police, the permit holder shall have the right of appeal to the city council whose decision shall be final.

(Code 1968, § 23 1/2-3; Ord. No. O-38A-06, § XI, 11-13-2006)

Sec. 26-148. Unauthorized use.

No person issued a permit under this division shall assign or knowingly allow his permit to be used by another, and no person shall use the permit of any such permit holder in purchasing or disposing of articles covered by this article.

(Code 1968, § 23 1/2-4)

Secs. 26-149--26-170. Reserved.