

Ordinances Governing  
**REGULATED PROPERTY**  
in the  
CITY OF ARLINGTON  
TEXAS

Amended by Ordinance No. 94-118  
(August 16, 1994)

(Chapter Designator: REGULATED PROPERTY)

ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
81-63	05/12/81	Adoption of Regulated Property.
94-118	08/16/94	Amend Article II, <u>Definitions</u> , to add definition of "business day"; amend Article III, <u>Regulated Property Purchases; Records</u> , at Subsections (2)(c) and (3), to increase the hold on property to twenty days and to maintain files for inspection by officers; amend Article IV, <u>Offenses</u> , relative to the failure to hold regulated property for the required twenty days.

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**ARTICLE I**

**PURPOSE**

The purpose of this chapter is to discourage an increasingly prolific and socially deplorable business activity of dealing in stolen property by requiring, among other regulations, the purchaser of certain regulations property to maintain a record identifying the authorized vendor or to record and maintain a reliable form of identification of the seller, if he is other than a manufacturer or authorized vendor. Further, the chapter should provide the Police Department with more adequate tools for investigations concerning stolen property. Items of property to be included in the regulations are limited to those items most frequently stolen and for which there is a ready market.

**ARTICLE II**

**DEFINITIONS**

In this chapter:

**Authorized Vendor** means a commercial supplier who deals in the wholesale distribution of regulated property in the ordinary course of business.

**Business Day** means any calendar day during which the person who purchases regulated property has the business open and is conducting business with the public. (Amend Ord 94-118, 8/16/94)

**Crafted Precious Metals** includes 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.

**Jewelry** includes stones removed from a mounting.

**Personal Identification Certificate** means a certificate issued by the Texas Department of Public Safety under Article 6687b, Vernon's Texas Civil Statutes.

**Power Tools** includes pneumatic equipment and welding equipment.

**Purchase** means a transaction in which a person takes title to regulated property in exchange for valuable consideration.

**Regulated Property** means new or used:

- a. electronic equipment;
- b. business machines;
- c. photographic equipment;
- d. power tools;
- e. musical instruments;
- f. firearms;
- g. jewelry; or
- h. crafted precious metals.

**ARTICLE III**

**REGULATED PROPERTY PURCHASES; RECORDS**

A person who purchases regulated property for the purpose of resale shall:

- (1) Keep a sales record which indicates the manufacturer or authorized vendor from which the regulated property was purchased and a description of the property purchased, including the make, model, serial number, color and size; or
- (2) If the regulated property was purchased from other than a manufacturer or authorized vendor, the person shall:
  - (a) At the time of purchases, record in a legible manner, the time and date of purchase, the name, sex, race, date of birth, weight, height, address, drivers license number or personal identification certificate number of the seller, a description of the property purchased, including the make, model, manufacturer, serial number, color and size, and the price paid or other consideration exchanged for the property purchased;
  - (b) At the time of purchased determine that the photograph on the drivers license or personal identification certificate is a photograph of the seller;
  - (c) Retain possession of the property purchased and withhold the property from resale for twenty (20) business days; (Amend Ord 94-118, 8/16/94)
  - (d) Make the purchased property available for inspection by any police officer during the regular business hours while the property is in the person's possession; and
  - (e) Cause:
    1. Each lot, sack, barrel, box or other container of regulated property purchased to be kept intact and have written or stamped in a conspicuous place either on the container thereof or, if no container, tagged to each on of the articles, the serial number of the report made as set out in subsection (B)(1),

which number shall at all times be kept plain and legible.

2. Each article purchased to be kept intact and have attached thereto on the container thereof, or, if no container, on the individual article, the serial number of the report made as set out in subsection (B)(1) which number shall at all times be kept plain and legible.
- (3) Maintain on file the information required by subparagraphs (a) and (b), for two (2) years from date of purchase or until the item is sold, whichever occurs later. This file shall be maintained at the person's place of business and shall be made available for inspection by any police officer during regular business hours. (Amend Ord 94-118, 8/16/94)

**ARTICLE IV**

**OFFENSES**

- (a) A person commits an offense if he:
- (1) Violates Article II of this chapter;
  - (2) Fails to retain possession of regulated property and withhold the regulated property from resale for twenty (20) business days; (Amend Ord 94-118, 8/16/94)
  - (3) Offers for sale or sells regulated property purchased for resale for which he does not have:
    - (a) a sales record indicating the manufacturer or authorized vendor from which it was purchased and a description of the property purchased, including the make, model, serial number, color and size;
    - (b) a record of the name, sex, race, date of birth, weight, height, address and drivers license or personal identification certificate number of the seller from whom he purchased the regulated property; and
    - (c) a record of the person to whom he sells the regulated property, including items (2)(a) and (2)(b), and the price paid or other considerations exchanged for the property purchased/sold.
  - (4) Fails or refuses to produce for inspection by a police officer:
    - (a) the records required by Article III with respect to a particular item of regulated property, when requested to do so at a reasonable time by the police officer and, if requested, copies of any such records must be furnished to the police officer; or
    - (b) the regulated property to which the record required by Article III relates, when requested to do so at a reasonable time by the police officer; or



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- (5) Purchases for resale, offers for sale, or sells regulated property which has had the manufacturer's identification number or any other identifying mark removed, defaced or altered.
- (b) A culpable mental state is not required for the commission of an offense under this section unless the provision defining the conduct expressly requires a culpable mental state.