



City of Chicago



SO2014-4941

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Sponsor(s):

Cochran (20)

Type:

Ordinance

Title:

Amendment of Municipal Code Title 4 regarding cell phones
and other wireless communication equipment

Committee(s) Assignment:

Committee on License and Consumer Protection

S U B S T I T U T E
O R D I N A N C E

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 4-4 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-4-338, as follows:

4-4-338 Cell phones and other wireless communication equipment.

It shall be unlawful for any licensee under this Title IV to unlock any wireless communication device in violation of Section 8-4-052. In addition to any other penalty provided by law, a single violation of this section may result in license suspension or revocation in accordance with Section 4-4-280 of this Code.

SECTION 2. Section 4-240-010 of the Municipal Code of Chicago is hereby amended by inserting, in correct alphabetical order, the language underscored, as follows:

4-240-010 Definitions.

As used in this chapter:

(Omitted text is unaffected by this ordinance)

“Wireless communication device” means any device through which personal wireless services, as defined in 47 U.S.C. 332(c)(7)(C)(i), are transmitted.

SECTION 3. Section 4-240-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-240-070 Maintenance of records.

(a) LeadsOnline electronic reporting – Required – Exception. At the time of each transaction, each licensee under this chapter shall enter into an accessible computer database, using the LeadsOnline electronic reporting form, an accurate description in English of (i) the goods, articles or things pawned or pledged; (ii) the amount of money loaned on such items; (iii) the time such items were pawned or pledged; (iv) the rate of interest to be paid on the loan; and (v) the name and address of the person pawning or pledging the above mentioned items. Provided, however, that if the licensed business does not have internet access, the licensee shall

seek permission and approval from the superintendent of police to use an alternative reporting system acceptable to the superintendent. No entry made in such database or other approved reporting system shall be erased, obliterated or defaced.

(b) (1) Additional descriptive information – When required. In addition to the information required under subsection (a) of this section, the description of the articles described in items (i) through (iv) of this subsection (b)(1) shall include the following information:

(i) Musical instruments, cameras, appliances and machines. The description of each musical instrument, camera, appliance, ~~mobile telephone~~ or machine of any type shall include: the brand name; the model number, if available; and any serial number or other identification number installed by the manufacturer; and a description of every other identifying marking, such as an inscription, a social security number, a name, a nickname or an address, appearing on the item.

(ii) Watches. The description of each watch shall include: the brand name; model number, if available; a description of the metal or metals of its composition; a description of the band, if any; a description of the face by number, color, cut, shape and type of stone or stones, if any; and a description of any inscriptions appearing on the watch. In addition, each watch shall be photographed in color.

(iii) Jewelry. The description of each item of jewelry shall include: the type of jewelry; a description of the metal or metals of its composition; the weight of said metal or metals; the type, shape and cut of each stone; and a description of all inscriptions. Each ring shall also be identified by ring size. In addition, each ~~watch and~~ item of jewelry shall be photographed in color.

(iv) Cell phones and other mobile communication devices. The description of each cell phone or other wireless communication device shall include the Mobile Equipment Identifier (MEID), International Mobile Station Equipment Identity (IMEI) or Electronic Serial Number (ESN) of the wireless communication device.

(2) Receipt signed by the person pawning or pledging secondhand property – When required. In the case of jewelry, watches, or other precious metals or precious stones, cell phones or other wireless communication devices, the record required under this subsection (b) shall also contain a receipt, signed under penalty of law by the person who pawns or pledges such jewelry, watch or other precious metal or precious stone secondhand property, which (i) describes such article of property being pawned or pledged, including its weight in the case of jewelry, watches or other precious metals or precious stones, and its Mobile Equipment Identifier (MEID), International Mobile Station Equipment Identity (IMEI) or Electronic Serial Number (ESN) in the case of cell phones or other wireless communication devices; and (ii) contains a statement indicating that the person pawning or pledging such article of property accepts the

amount of money loaned thereon and the rate of interest to be paid on such loan; and (iii) contains a statement that the person pawning or pledging such article of property is of lawful age; that the driver's license number or other government-issued identification number and all other identifying information provided by the person pawning or pledging such property are true and correct; and that the person pawning or pledging such property is the lawful owner of such article of property with absolute authority to pawn or pledge such property.

(2)(3) False statements – Prohibited. It shall be unlawful for any person who pawns or pledges any jewelry, watch, or other precious metal or precious stone, cell phone or other wireless communication device to submit false or fraudulent information on any receipt required under paragraph ~~(1)~~ (2) of this subsection (b) to be signed by such person.

(c) Description of person pawning or pledging secondhand property – Required. The description of each person who pawns or pledges any goods, articles or other things shall consist of the person's name, residence address, ~~birthdate~~ date of birth, social security number, weight, height and gender. If the person has no social security number, the licensee shall record this fact.

(d) Identification of person pawning or pledging secondhand property – Required. Every pawnbroker shall require two forms of identification to be shown to ~~him or her~~ the pawnbroker by each person pledging or pawning any goods, articles or other things to the pawnbroker. At least one of the two forms of identification must list the person's name and residence address. Except as provided in subsection (e) of this section, at least one of the two forms of identification must be a photographic identification issued by a federal, state or local governmental entity. Forms of identification may include, but are not limited to, a state driver's license, a state identification card, a passport, a military identification card, or a credit card or utility bill.

(e) Photograph of customer by licensee – When required. If the customer does not have a photographic identification card issued by a federal, state or local governmental entity, the licensee shall photograph the customer. The photograph shall be in color. On the reverse side of the photograph, the licensee shall record the customer's name, residence address, date of birth, social security number, gender, height and weight. If the customer has no social security number, the licensee shall record this fact. Two forms of identification shall also be required. At least one of the two forms of identification shall list the person's name, date of birth and residence address.

(f) Purchases of secondhand property by the licensee – Recordkeeping required. Whenever any ~~such~~ licensee under this chapter shall buy any article of secondhand property from a customer, ~~the same such purchase~~ shall be recorded in the same manner as a pledge and said record shall show all information required for a pawn or pledge.

SECTION 4. Section 4-264-005 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-005 Definitions.

For purposes of this chapter:

“Audio-video equipment” includes, but is not limited to, any stereo, speaker, radio, video recorder, audio recorder, camera, video camera, television, DVD player, VHS player, CD player, tape or disc player of any type, digital audio disc, digital video disc, telephone, cell phone, Smartphone, iPhone, iPad, iPod, interactive panel system, interactive display, amplifier, microphone, projector, computer, laptop computer, computer hardware, monitor, slide projector, wireless slate, pager, public assembly system, or wireless communication device, satellite signal device or similar equipment, regardless of whether such equipment is individually identifiable by a serial number, or by other applied numbers, letters, characters or markings. or by other unique features that serve to distinguish the equipment from similar equipment in order to establish ownership of the equipment.

(Omitted text is unaffected by this ordinance)

“Secondhand dealer” means any person who engages in the business of purchasing, selling, receiving, trading, consignment selling or otherwise transferring for value any secondhand property. Notwithstanding the foregoing, nothing in this chapter applies to: (i) pawnbrokers licensed under Chapter 4-240; junk peddlers licensed under Section 4-6-150; junk facilities permitted under Chapter 11-4 of this Code; or manufacturing establishments licensed under Chapter 4-224; (ii) sales or exchanges of used articles and materials conducted by or controlled by charitable or religious organizations; (iii) any person who purchases used articles or materials from a charitable or religious organization for the purpose of resale, if the person spends in excess of \$1,000,000.00 per annum on purchases of used articles and materials from religious and charitable organizations for purposes of resale, and maintains an indoor facility of not fewer than 10,000 square feet for the sale of such used articles and materials; (iv) the sale of Chicago Transit Authority fare tokens pursuant to permission of the Authority; (v) the purchase or sale of precious metals or currency on the Chicago Mercantile Exchange or on a similar exchange, wherever located; ~~or~~ (vi) the exchange of currency by a licensed currency exchange, national bank, federal savings bank or other financial institution as defined in the Illinois Banking Act; or (vii) a provider of commercial mobile service, as defined in 47 U.S.C. 332(d), and such provider’s authorized agents and retailers that have contractual relationships with the provider to sell the provider’s authorized products and services.

“Secondhand property” means any previously owned audio-video equipment; ~~camera,~~ children's product; ~~computer hardware,~~ construction materials, including, but not necessarily limited to, plumbing, electrical, roofing, masonry and carpentry supplies; ~~jewelry~~ or watch made

of precious metal or precious stone or gem; article made of precious metal, or precious stone or gem; sporting or athletic gear or equipment, including a bicycle; watch or currency.

"Wireless communication device" means any device through which personal wireless services, as defined in 47 U.S.C. 332(c)(7)(C)(i), are transmitted.

SECTION 5. Section 4-264-050 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-050 Recordkeeping.

(a) *LeadsOnline electronic reporting – Required – Exception.* At the time of each transaction, each licensee under this chapter shall enter into an accessible computer database, using the LeadsOnline electronic reporting form, an accurate description in English of (i) every article of secondhand property received, purchased, sold or exchanged by the licensee; (ii) the date of the transaction; and (iii) the name and address of the purchaser or seller. Provided, however, that if the licensed business does not have internet access, the licensee shall seek permission and approval from the superintendent of police to use an alternative reporting system acceptable to the superintendent. No entry made in such database or other approved reporting system shall be erased, obliterated or defaced.

(b) (1) *Description of secondhand property required.* The description of each article of secondhand property, other than digital audio discs or digital video discs which shall be governed by Section 4-264-052, shall include the following information: the brand name; the model number, if available; any serial number or other identification number installed by the manufacturer; and a description of every other identifying marking, such as an inscription, a social security number, a name, a nickname or an address, appearing on the item.

(2) *Additional descriptive information – When required.* In addition to the information required to be provided under subsections (a) and (b)(1) of this section, the description of secondhand watches, jewelry, cell phones and other wireless communication devices shall include the following information:

(i) *Watches.* The description of each watch shall include: the brand name; model number, if available; a description of the metal or metals of its composition; a description of the band; a description of the face by number, color and cut, shape and type of stone or stones, if any; and a description of any inscriptions appearing on the watch. In addition, each watch shall be photographed in color.

(ii) *Jewelry.* The description of each item of jewelry shall include: the type of jewelry; a description of the metal or metals of its composition; the weight of said metal or

metals; the type, cut and shape of each stone; and a description of all inscriptions. Each ring shall also be identified by ring size. In addition, each ~~watch~~ and item of jewelry shall be photographed in color.

(iii) Cell phones and other wireless communication devices. The description of each cell phone or other wireless communication device shall include the Mobile Equipment Identifier (MEID), International Mobile Station Equipment Identity (IMEI) or Electronic Serial Number (ESN) of the wireless communication device.

(c) Description of seller – Required. The description of each person who sells an item of secondhand property to the licensee shall consist of the person's name, residence address, ~~birth~~ date of birth, social security number, weight, height and gender. If the person has no social security number, the licensee shall record this fact.

(d) Identification of seller – Required. Every licensee shall require two forms of identification to be shown to ~~him or her~~ the licensee by each person selling an article of secondhand property to the licensee. At least one of the two forms of identification must list the person's name, date of birth and residence address. Except as provided in subsection (e) of this section, at least one of the two forms of identification must be a photographic identification issued by a federal, state or local governmental entity. Forms of identification may include, but are not limited to ~~;~~, a state driver's license, a state identification card, a passport, a military identification card, a social security card, or a credit card or utility bill.

(e) Photograph of customer by licensee – When required. If the customer does not have a photographic identification card issued by a federal, state or local governmental entity, the licensee shall photograph the customer. The photograph shall be in color. On the reverse side of the photograph, the licensee shall record the customer's name, residence address, date of birth, social security number, gender, height and weight. If the customer has no social security number, the licensee shall record this fact. Two forms of identification shall also be required. At least one of the two forms of identification ~~must~~ shall include the person's name, date of birth and residence address.

(f) Inspection of records. ~~Such~~ The records required under this section shall, at all times during the licensee's business hours, be open to ~~the inspection of~~ by the mayor, or any member of the police force, or any investigator of the department of business affairs and consumer protection.

SECTION 6. Section 4-264-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-070 Disassembling, melting and rebuilding articles.

(Omitted text is unaffected by this ordinance)

(2) In the case of jewelry, watches, ~~or~~ other precious metals or precious stones, cell phones or other wireless communication devices, the record required under subsection (a)(1) of this section shall also contain a receipt, signed by the seller under the penalty of law, which (i) describes such article of secondhand property, including its weight in the case of jewelry, watches or other precious metals or precious stones, and its Mobile Equipment Identifier (MEID), International Mobile Station Equipment Identity (IMEI) or Electronic Serial Number (ESN) in the case of cell phones or other wireless communication devices; and (ii) contains a statement indicating that the seller accepts the stated price received for said article of secondhand property; and (iii) contains a statement that the seller is of lawful age; that the driver's license number or other government-issued identification number and all other identifying information provided by the seller are true and correct; and that the seller is the lawful owner of the article of secondhand property with absolute authority to sell such article of property.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 4-264-075 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-264-075 Removal of identifying marks prohibited.

No licensee shall remove, alter or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an article of secondhand property that was purchased by the licensee until after the ~~ten-day~~ thirty-day holding period required by Section 4-264-070 has expired. In addition, no licensee shall purchase an article of secondhand property where the manufacturer's make, model, or serial number, personal identification number or identifying marks engraved or etched upon the article of secondhand property has been removed, altered or obliterated.

SECTION 8. This ordinance shall take full force and effect ten days after its passage and publication.

A handwritten signature in black ink, appearing to read "Willie B. Cochran", written over a horizontal line.

Alderman Willie B. Cochran, 20th Ward

Chicago, July 30, 2014

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Aldermen Cochran, Mitts, Thompson, Reilly, Fioretti, Tunney, Graham, Sposato, Arena, Silverstein, and Cappleman (which was referred on June 25, 2014), to amend Chapter 4 of the Municipal Code of Chicago regarding cell phones and other wireless communication equipment, begs leave to recommend that Your Honorable Body *pass* the substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on July 23, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts", written over a horizontal line.

EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION