

ORDINANCE NO. 0-91-16

AN ORDINANCE MAKING IT UNLAWFUL TO POSSESS PERSONAL PROPERTY WITH A MANUFACTURER'S SERIAL NUMBER OR OTHER IDENTIFICATION MARK WHICH HAS BEEN REMOVED, DEFACED, MARRED, COVERED, ALTERED OR DESTROYED: DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

**SECTION 1:** It shall be unlawful for any person to knowingly possess personal property with a manufacturer's serial number or other identification mark attached in the ordinary course of business which has been removed, defaced, marred, covered, altered, or destroyed.

**SECTION 2:** "Personal property" shall include, but is not limited to, household appliances, televisions, cameras, jewelry, video cassette ~~Recorders~~/players, microwave ovens, radios, tape players and firearms.

**SECTION 3:** It is a defense to a prosecution under this section that the person reported such possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons.

**SECTION 4:** Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars for the first offense, and for any subsequent conviction shall be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars, or be imprisoned not less than one (1) day nor more than thirty (30) days, or both so fined and imprisoned.

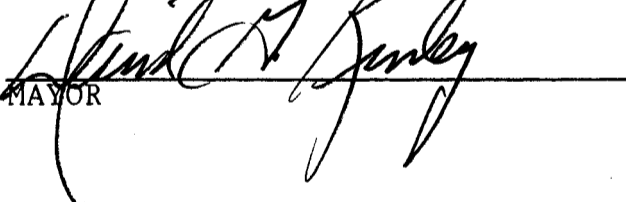
**SECTION 5:** That it is ascertained and declared that it is necessary for the public peace and welfare of the citizens of the City of Conway, Arkansas, an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage and publication.

PASSED this 19th day of March, 1991.

ATTEST:

  
CITY CLERK

APPROVED:

  
MAYOR



## MEMORANDUM

CITY OF CONWAY

TO: David Kinley, Mayor

FROM: Timothy P. Daley, Chief *Timothy P. Daley*

DATE: March 5, 1991

SUBJECT: Proposed Ordinance

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Please find enclosed for your review a copy of a proposed ordinance which we request be adopted by the City of Conway. The ordinance was drafted by City Attorney Mike Murphy at the request of Detective Chip Stokes of the Criminal Investigation Division, with my concurrence.

The proposed ordinance deals with a long standing problem in the city where pawn dealers, secondhand merchants and individuals have been freely allowed to purchase, possess and sell items on which the serial number has been altered or removed. This situation allows a merchant or individual to traffic in these items without any possibility of police intervention and provides the criminal element with a readily available means of disposal. The ordinance is designed to place accountability on the person at the point of sale which will deter some offenders from committing these thefts. The ordinance will also further enhance the efforts of our Criminal Investigation Division by allowing them more latitude in dealing with the individuals that are caught in possession of this property but no other charges are pending at the time.

This ordinance would go a long way in helping us with our continuing efforts to provide better law enforcement to our community. I would very much appreciate any assistance you can provide.

If I may be of further assistance please feel free to contact me.

CC: City Council Members