

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING CHAPTER 9.70 OF THE RIVERSIDE MUNICIPAL CODE
ENTITLED ECOATM MACHINES AND OTHER SIMILAR DEVICES OR
MACHINES.

The City Council of the City of Riverside does ordain as follows:

Section 1: The Table of Contents of Chapter 9.70 entitled “ecoATM Machines and Other
Similar Devices or Machines” is hereby amended as follows:

“Chapter 9.70

ECOATM MACHINES AND OTHER SIMILAR DEVICES OR MACHINES

Sections:

9.70.010 ecoATM machines and other similar kiosk machines.

9.70.020 Authority and purpose.

9.70.030 Definitions.”

Section 2: Section 9.70.10 of the Riverside Municipal Code formerly entitled “Findings”
and is now entitled “ecoATM machines and other similar kiosk machines” and is hereby repealed in
its entirety and replaced with the following:

**“machines and other similar kiosk machines that allow people to sell their personal
electronic devices in exchange for immediate cash, store credit, or charitable donation
can only be operated in the City of Riverside if they are in full compliance with standard
security measures required by state law, including but not limited, to *Business &
Professions Code Section 21625 et. seq.* In addition, ecoATM machines or similar kiosk
machines can only be operated in the City of Riverside if they have implemented the
following protocols to cooperate with the Riverside Police Department:**

**A. As required by *Business & Professions Code Section 21628(a)(2)*, the identification of
the seller or pledger of the property shall be verified by the person taking the
information, who may use technology, including, but not limited to, cameras or
software, or both, to obtain information and verify identity remotely. The
verification shall be valid if the person taking the information reasonably relies on
any one of the following documents, provided that the document is currently valid**

1 or has been issued within five years and contains a photograph or description, or
2 both, of the person named on it, and, where applicable, is signed by the person, and
3 bears a serial or other identifying number:

4 (i) A passport of the United States.

5 (ii) A driver's license issued by any state or Canada.

6 (iii) An identification card issued by any state.

7 (iv) An identification card issued by the United States.

8 (v) A passport from any other country in addition to another item of identification
9 bearing an address.

10 (vi) A Matricula Consular in addition to another item of identification bearing an
11 address.

12 **B. As required by *Business & Professions Code* Section 21628(a)(6), the kiosk machine
13 must capture a legible fingerprint from each seller as prescribed by the Department
14 of Justice;**

15 **C. As required by *Business & Professions Code* Section 21628(a)(3)(A) and (C), all
16 second hand dealers must report a property description of the personal property to
17 the California Pawn & Secondhand Dealer System ("CAPSS"), including but not
18 limited to: the serial number. In the case of the receipt or purchase of a handheld
19 electronic device by a secondhand dealer, the serial number reported may be the
20 International Mobile Station Equipment Identity ("IMEI"), or the mobile
21 equipment identifier ("MEID"), or other unique identifying number assigned to that
22 device by the manufacturer.**

23 **D. When technically possible, the kiosk machine must check each mobile device's
24 electronically embedded serial or unique identifying number (i.e. the IMEI or
25 MEID) at the point of sale to determine if the device has previously been reported as
26 stolen. The unique identifying number of a device must be checked through a
27 company that compiles a comprehensive database of stolen devices based on
28 information from nationwide phone carriers, local law enforcement, and the FBI. If
the machine recognizes the mobile device as one that had been reported as stolen or**

one where the owner of the device remotely enabled a “kill switch” to remove their information from the device, the machine shall reject the transaction. If the device does not have an electronically embedded unique identifying number or cannot power on, the identifying number can be captured when manually retrieved.

- E. As required by *Business & Professions Code* Section 21630, all secondhand dealers must electronically transmit to CAPSS no later than the next business day after the date of transaction, excluding weekends and holidays, or if not then possible due to an electrical, telecommunications, or other malfunction, as soon as reasonable thereafter, the report of acquisition of tangle personal property. Law enforcement is provided access to CAPSS.
- F. Any person or company who owns or operates a kiosk machine in the City of Riverside shall not require a warrant or subpoena to provide an inventoried mobile device to law enforcement;
- G. Any person or company who owns or operates a kiosk machine in the City of Riverside must respond to any law enforcement request to research and/or return reported stolen mobile devices that may have been collected by the kiosk machine;
- H. The kiosk machine must be capable of being opened remotely for law enforcement personnel who need access to a mobile device inside the kiosk machine;
- I. Any person or company who owns or operates a kiosk machine in the City of Riverside must hold all inventory collected for a minimum of 30 days; and
- J. Any person or company who owns or operates a kiosk machine in the City of Riverside must work with law enforcement to create and maintain a “do not buy” list that bans individuals from utilizing these machines. If an individual is identified by the Riverside Police Department as having sold a stolen device at a kiosk machine, that individual shall be electronically banned from conducting further transactions at kiosk machines.
- K. EcoATM machines or similar kiosks operated in the City of Riverside shall not be located in any residential zones. In addition, they cannot be located outdoors, but rather must be located inside of a retail store or shopping mall.”

Section 3: Section 9.70.040 of the Riverside Municipal Code entitled “ecoATM Machines and Other Similar Machines Prohibited” is hereby repealed in its entirety.

Section 4: The City Council has reviewed the matter and, based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor have a significant impact on the environment.

Section 5: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2019.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

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1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2018, and that thereafter the said ordinance was duly and regularly
4 adopted at a meeting of the City Council on the _____ day of _____, 2019, by the
5 following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
11 City of Riverside, California, this _____ day of _____, 2019.

12 _____
13 City Clerk of the City of Riverside
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