

ORDINANCE NO.

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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and is now entitled “ecoATM machines and other similar kiosk machines” and is hereby repealed in  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 or has been issued within five years and

1 contains a photograph or description, or both, of the person named on it, and, where  
2 applicable, is signed by the person, and bears a serial or other identifying number:

- 3 (i) A passport of the United States.
- 4 (ii) A driver's license issued by any state or Canada.
- 5 (iii) An identification card issued by any state.
- 6 (iv) An identification card issued by the United States.
- 7 (v) A passport from any other country in addition to another item of identification bearing  
8 an address.
- 9 (vi) A Matricula Consular in addition to another item of identification bearing an address.

- 10 B. As required by *Business & Professions Code* Section 21628(a)(6), the kiosk machine  
11 must capture a legible fingerprint from each seller as prescribed by the Department of  
12 Justice;
- 13 C. As required by *Business & Professions Code* Section 21628(a)(3)(A) and (C), all second  
14 hand dealers must report a property description of the personal property to the California  
15 Pawn & Secondhand Dealer System ("CAPSS"), including but not limited to: the serial  
16 number. In the case of the receipt or purchase of a handheld electronic device by a  
17 secondhand dealer, the serial number reported may be the International Mobile Station  
18 Equipment Identity ("IMEI"), or the mobile equipment identifier ("MEID"), or other  
19 unique identifying number assigned to that device by the manufacturer.
- 20 D. When technically possible, the kiosk machine must check each mobile device's  
21 electronically embedded serial or unique identifying number (i.e. the IMEI or MEID) at  
22 the point of sale to determine if the device has previously been reported as stolen. The  
23 unique identifying number of a device must be checked through a company that compiles  
24 a comprehensive database of stolen devices based on information from nationwide phone  
25 carriers, local law enforcement, and the FBI. If the machine recognizes the mobile  
26 device as one that had been reported as stolen or one where the owner of the device  
27 remotely enabled a "kill switch" to remove their information from the device, the  
28 machine shall reject the transaction. If the device does not have an electronically

1 embedded unique identifying number or cannot power on, the identifying number can be  
2 captured when manually retrieved.

- 3 E. As required by *Business & Professions Code* Section 21630, all secondhand dealers must  
4 electronically transmit to CAPSS no later than the next business day after the date of  
5 transaction, excluding weekends and holidays, or if not then possible due to an electrical,  
6 telecommunications, or other malfunction, as soon as reasonable thereafter, the report of  
7 acquisition of tangible personal property. Law enforcement is provided access to CAPSS.
- 8 F. Any person or company who owns or operates a kiosk machine in the City of Riverside  
9 shall not require a warrant or subpoena to provide an inventoried mobile device to law  
10 enforcement;
- 11 G. Any person or company who owns or operates a kiosk machine in the City of Riverside  
12 must respond to any law enforcement request to research and/or return reported stolen  
13 mobile devices that may have been collected by the kiosk machine;
- 14 H. The kiosk machine must be capable of being opened remotely for law enforcement  
15 personnel who need access to a mobile device inside the kiosk machine;
- 16 I. Any person or company who owns or operates a kiosk machine in the City of Riverside  
17 must hold all inventory collected for a minimum of 30 days; and
- 18 J. Any person or company who owns or operates a kiosk machine in the City of Riverside  
19 must work with law enforcement to create and maintain a “do not buy” list that bans  
20 individuals from utilizing these machines. If an individual is identified by the Riverside  
21 Police Department as having sold a stolen device at a kiosk machine, that individual shall  
22 be electronically banned from conducting further transactions at kiosk machines.”

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

25 Section 4: The City Council has reviewed the matter and, based upon the facts and  
26 information contained in the staff reports, administrative record, and written and oral testimony,  
27 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3)  
28 and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter

1 3, in that it will not result in a direct or reasonably foreseeable indirect physical change in the  
2 environment nor have a significant impact on the environment.

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

7 ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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9 \_\_\_\_\_  
10 WILLIAM R. BAILEY, III  
11 Mayor of the City of Riverside

12 Attest:

13 \_\_\_\_\_  
14 COLLEEN J. NICOL  
15 City Clerk of the City of Riverside

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25 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
26 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the  
27 \_\_\_\_\_ day of \_\_\_\_\_, 2018, and that thereafter the said ordinance was duly and regularly  
28 adopted at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the  
following vote, to wit:

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Ayes:

Noes:

Absent:

Abstain:

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

\_\_\_\_\_  
City Clerk of the City of Riverside

19-0357