

---

**CHAPTER 868**  
**Secondhand Dealers**

- 868.01 Application of Chapter.
- 868.02 Purpose; Intent.
- 868.03 Definitions.
- 868.04 License Required; Suspension or Revocation.
- 868.05 Records Required.
- 868.06 Report Forms.
- 868.07 Holding Period.
- 868.08 Property Held on Order of Sheriff.
- 868.09 Merchandise Tags Required.
- 868.10 Enforcement by Sheriff.
- 868.11 Appeals.
- 868.99 Penalty.

**CROSS REFERENCES**

- Secondhand watches - see ORS 695.210 et seq.
- Auctions - see ORS Ch. 698
- Pawnbrokers - see ORS Ch. 726
- Sales of unclaimed property - see ADM. 229.01
- Peddlers and solicitors in parks - see S.U. & P.S. 1064.14

---

**868.01 APPLICATION OF CHAPTER.**

This chapter shall apply only to those secondhand dealers within the unincorporated areas of the County.

(Ord. 85-2. Passed 4-3-85.)

**868.02 PURPOSE; INTENT.**

The purpose of this chapter is to provide regulations for certain business activities which the Board of County Commissioners finds present an extraordinary risk in concealing criminal behavior involving the theft of property and its possible resale. The risk is present, despite the best efforts of legitimate dealers in the secondhand market, because of the large volume of goods and materials that are processed in such businesses without systematic identification of the goods and/or persons subject to criminal prosecution. Therefore, this chapter is intended to reduce this type of criminal activity by providing more timely police awareness of such business transactions and by imposing certain restrictions. The Board finds that the regulations provided in this chapter are necessary to provide for the protection of the residents of the County and their property.

(Ord. 85-2. Passed 4-3-85.)

**868.03 DEFINITIONS.**

As used in this chapter:

- (a) Merchandise - means the following: guns; jewelry; serialized and marked items; silverware, silver or silver-plated items; gold ware, gold or gold-plated items; cameras or camera equipment; bicycles; coins; musical instruments; chainsaws; tools; and electronic equipment of any kind, including, but not limited to, tape recorders, stereos, stereo components, computers and computer software.
- (b) Peace Officer - means a member of the State Police, the Sheriff, a marshal, a municipal police officer or an investigator of the Criminal Justice Division of the Department of Justice of the State.
- (c) Proper Identification - means a motor vehicle operator's license or a State issued identification card.
- (d) Secondhand Business - means a business engaged in conducting, managing or carrying on the business of buying, selling or otherwise dealing in specified secondhand merchandise.
- (e) Secondhand Dealer - means a person, on his or her own account or as an agent of another, including employees, partnerships, associations and corporations, engaged in conducting, managing or carrying on the business of buying, selling or otherwise dealing in specified secondhand merchandise, and all persons listed as owners of the secondhand business on the business license application. Excluded from this definition are isolated sales not in the regular course of any business and occasional garage sales held at the same location on less than four days during any thirty-day period.

- (1) All secondhand dealers shall be responsible for the acts of their employees, and any violation of this chapter by any employee shall be imputed to the employer and/or secondhand business. The employer and/or the secondhand business may suffer any of the penalties provided in this chapter as the result of a violation by an employee.

(f) Sheriff - means the County Sheriff, his or her Deputy or his or her duly authorized representative.

(Ord. 85-2. Passed 4-3-85.)

#### **868.04 LICENSE REQUIRED; SUSPENSION OR REVOCATION.**

(a) Secondhand dealers are required to purchase annually a business license for the operation of a secondhand business. The fee for such license shall be set by order of the Board of County Commissioners. The Board may revise such fee from time to time as it deems appropriate.

(b) The license shall be issued by the County Administrator or his or her designate on an application conforming to this section. The application shall be signed by and shall list the true name and address of each owner of the business and the address of any premises on which the business maintains its specified merchandise, its office and the records required by this chapter. If any interest in the business changes ownership, or if the location of the business changes, a report of such change shall be delivered to the licensing officer before any further business is transacted and on or before the day on which any such change in ownership or location occurs. Such report shall be in writing and signed by all owners of the business. No person shall own, operate or have any ownership interest in a business regulated by this chapter, or work in such a business as an employee, unless there is a valid current license for the business. The business license shall be displayed in view of the public inside the place of business. No person shall knowingly submit a false application or report or falsify any record required by this chapter.

(c) If any dealer or owner listed on such business license application has a record of conviction of a property crime involving burglary or a theft related crime in the prior five years, he or she will not be eligible for a business license.

(d) Upon a conviction, as described in subsection (c) hereof, of any dealer or owner listed on such business license application, the business license shall be revoked for five years.

(e) In addition to the penalties provided in Section 868.99 (a) and (b), the County Administrator or his or her designate may suspend a business license, after a conviction for a violation of any of the provisions of this chapter, if he or she finds such violation to be reckless or willful. Such business license may be suspended for a period not to exceed six months upon a finding of such a reckless or willful violation.

(f) In no event shall a business license be issued to a person whose name appeared or should have appeared on the application for a business license, or on a report of a change of ownership, to continue the operation of any business, for which a license has been suspended or revoked, during the period of such suspension or revocation.

(Ord. 85-2. Passed 4-3-85.)

### **868.05 RECORDS REQUIRED.**

(a) Secondhand dealers at the time of purchasing or consigning specified merchandise shall complete a form, to be provided by the Sheriff's Department, with such data as are required by this section. Such form shall be filled out in clear legible printing, in English. Any specified merchandise must be listed in detailed description thereof. Specified merchandise regulated pursuant to this section shall only be purchased or consigned by the dealer after the seller has presented proper identification and signed the completed form. Such records shall, at all reasonable times, be open to the inspection of the Sheriff or any peace officer whose primary assignment or agency of employment is in Jackson County. All such records shall be kept on the premises of the business of such secondhand dealer.

(b) A dealer's copy of all such forms shall be retained on the premises of the secondhand dealer's business for not less than one year and shall be available for inspection, upon request, by the Sheriff or his or her representative.

(c) No secondhand dealer shall be required to furnish reports in connection with the purchases or consignments of specified merchandise acquired from manufacturers, wholesalers or other distributors or dealers having established businesses; provided, however, that such secondhand dealer shall keep and maintain bills of sale, receipts or other evidence of such purchases for a period of one year and make them available for inspection upon request of the Sheriff.

(Ord. 85-2. Passed 4-3-85; E. Ord. 86-16. Passed 4-9-86; P. Ord. 86-17. Passed 4-23-86.)

**868.06 REPORT FORMS.**

- (a) All forms, for the purpose of making reports to the Sheriff as required by this chapter, shall be furnished by the Sheriff, free of charge, upon request.
- (b) All such report forms shall be printed and subdivided, as the Sheriff may direct, to contain space with proper captions for the furnishing of all information required by this chapter.
- (c) The secondhand dealer shall complete each form, which shall include a merchandise tag number for specified merchandise; the hour and day when such articles were purchased or consigned; the number of articles of specified merchandise purchased or consigned; a description of such specified merchandise, including any brand name, model number, serial number or inscription; the complete name, address and identification of the seller, including his or her driver's license number or a detailed description of such person; the signature of the seller; and the name of the authorized buyer/clerk.
- (d) Each secondhand dealer shall, on each Tuesday of a calendar week, deliver to the Sheriff, or to his or her deputy or duly authorized representative, the completed forms of all specified merchandise purchased or consigned during the prior calendar week. This does not preclude the secondhand dealer from delivering or mailing the form daily if he or she so desires.
- (e) All completed forms furnished to the Sheriff by the terms of this section shall be retained by the Sheriff in a secure place and may be destroyed after one year.

(Ord. 85-2. Passed 4-3-85; E. Ord. 86-16. Passed 4-9-86; P. Ord. 86-17. Passed 4-23-86.)

**868.07 HOLDING PERIOD.**

All specified merchandise acquired by a secondhand dealer shall be held in the possession of the secondhand dealer for not less than ten calendar days prior to any sale, transfer or other disposition. Such specified merchandise shall be maintained in substantially the same form as purchased or consigned and shall not be changed so as to preclude identification during the ten-day holding period.

(Ord. 85-2. Passed 4-3-85; E. Ord. 86-16. Passed 4-9-86; P. Ord. 86-17. Passed 4-23-86.)

**868.08 PROPERTY HELD ON ORDER OF SHERIFF.**

(a) Whenever the Sheriff or his designee, upon reasonable belief that the specific specified merchandise is the subject of theft, notifies in writing any secondhand dealer not to dispose of any specifically designated specified merchandise purchased or consigned, the specified merchandise shall be retained in substantially the same form and shall not be sold, exchanged, dismantled or otherwise disposed of for a period of time not to exceed thirty (30) days, as determined by the Sheriff or his designate.

(b) Notwithstanding subsection (a) hereof, all specified merchandise shall be retained by the secondhand dealer for an additional thirty days, as may be required by the Sheriff, for further investigation and/or criminal court proceedings, provided that written notice of such additional retention period has been given. Any notice of this section shall be effective from the time of actual delivery to any secondhand dealer or his or her employee or agent.

(Ord. 85-2. Passed 4-3-85; E. Ord. 86-16. Passed 4-9-86; P. Ord. 86-17. Passed 4-23-86.)

**868.09 MERCHANDISE TAGS REQUIRED.**

A secondhand dealer receiving specified merchandise shall affix to the specified merchandise a tag, upon which shall be written a number in clear, legible characters, which number shall correspond with the number on the form required to be kept, as provided in Section 868.05.

(Ord. 85-2. Passed 4-3-85.)

**868.10 ENFORCEMENT BY SHERIFF.**

The Sheriff and his or her representatives are hereby authorized and directed to enforce this chapter.

(Ord. 85-2. Passed 4-3-85.)

**868.11 APPEALS.**

(a) If the County Administrator or his or her designate, in writing, denies or suspends any business license issued pursuant to this chapter, the applicant or person to whom such business license was issued shall have the right to appeal such decision to the Board of County Commissioners. Such appeal shall be filed in the office of the County Administrator within ten days from the date of the decision of the County Administrator or his or her designate. If the tenth day falls on a County holiday or weekend, the last day to file any such appeal shall be the next County working day.

(b) Each appeal shall be filed with an attached written statement of the grounds for such appeal.

(c) No appeal shall be deemed filed unless the grounds therefor are attached, in writing, to the appeal.

(d) No appeal shall be heard unless it has been filed within the time specified in subsection (a) hereof.

(Ord. 85-2. Passed 4-3-85.)

**868.99 PENALTY.**

(a) Whoever violates or fails to comply with any of the provisions of this chapter shall be fined five hundred dollars (\$500.00) for a first violation.

(b) For a second violation, a person shall be fined not more than one thousand dollars (\$1,000). In addition, the County Administrator or his or her designate may suspend the secondhand dealer's license for a period not to exceed thirty days, subject to Section 868.04(e).

(c) For a subsequent violation, a person shall be fined not more than one thousand dollars (\$1,000). In addition, the County Administrator or his or her designate may suspend the secondhand dealer's license for a period not to exceed six months, subject to Section 868.04(e).

(d) The Court may impose a fine of two hundred dollars (\$200.00) per day upon any secondhand dealer who continues to operate or cause to be operated a secondhand business, the license for which has been suspended or revoked, during the period of such suspension or revocation.

(Ord. 85-2. Passed 4-3-85; E.Ord 2003-29. Passed 10-15-03; P. Ord 2003-28. Passed 10-29-03)