

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

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Date 10-24-91  
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IN THE MATTER OF THE AMENDMENT )  
OF CHAPTER 210, A SECONDHAND )  
DEALERS AND PAWN SHOP ORDINANCE )  
\_\_\_\_\_ )

ORDINANCE NO. 62.1

WHEREAS, concerned citizens of Klamath County including the president of the Klamath Falls City Council, the heads of all local law enforcement agencies, and the District Attorney have urged that the Board of County Commissioners adopt an ordinance regulating the County secondhand stores and pawn shops; and

WHEREAS, the Board of County Commissioners recognizes the importance of such an ordinance to the investigations and the tracing and recovering of stolen property;

WHEREAS, Ordinance No. 62, was passed by the Board of County Commissioners on May 22, 1991 and became effective on August 20, 1991; and

WHEREAS, several secondhand store dealers and pawn shop owners expressed concern at the time specified in the Ordinance that goods must be held prior to sale and requested review of the Ordinance; and

WHEREAS, the Board of County Commissioners passed Order No. 92-066 on August 28, 1991 which modified sections of the Ordinance and rescinded one section of the Ordinance;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS ORDAINS AS FOLLOWS:

1. Order No. 92-066 is hereby withdrawn.
2. This Ordinance replaces Ordinance No. 62 and specifically revokes Ordinance No. 62.
3. As it is necessary for the peace and safety of the community, this Amended Ordinance is declared to be an emergency Ordinance, and therefore is to take effect immediately following its enactment.
4. The Amended Ordinance is as follows:

**CHAPTER 210  
SECONDHAND DEALERS**

**210.001 Application of Chapter.** This Chapter shall apply to those secondhand dealers within the unincorporated areas of the

County and within the incorporated area of any city upon consent of the governing body or the electors of the city.

**210.002 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.

**210.003 Definitions.** As used in this Chapter:

(1) "Detailed Description" means the following: birthdate, height, weight, color of eyes, color of hair, and sex.

(2) "Merchandise" means the following: guns, jewelry; serialized and marked items; silverware, silver or silver-plated items; goldware, 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. Excluded from the definition of merchandise shall be gold or silver bullion coins, and gold, silver or platinum bullion that has been assayed and is properly marked as to its weight and fineness. Also excluded from the definition of merchandise shall be serialized and marked appliances and electronic equipment taken in as a trade-in on a new like appliance or electronic equipment by a dealer who is in the business of selling new appliances and electronic equipment.

(3) "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.

(4) "Proper identification" means a motor vehicle operator's license or a State issued identification card.

(5) "Secondhand business" means a business engaged in conducting, managing, or carrying on the business of buying, selling, or otherwise dealing in specified secondhand merchandise.

(6) "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 applications. Excluded from this definition are isolated sales not in the regular course of any business, occasional garage sales and flea markets held at the same location

on no more than five (5) days during any thirty-day (30 day) period, and auctions. 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.

(7) "Sheriff" means the County Sheriff, his or her Deputy, or his or her duly authorized representative.

**210.100 Records Required.**

(1) 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. These forms will be no carbon required duplicate forms. The form shall be printed and subdivided, as directed by the Sheriff, and will contain space with proper captions for the furnishing of all information required by this Chapter.

(2) Secondhand dealers shall complete the form at the time of purchasing or accepting consignment of specified merchandise. The form shall be filled out in clear, legible printing. All specified merchandise must be listed in detailed description thereof. Specified merchandise regulated pursuant to this section shall only be purchased or consignment accepted by the dealer after the seller has presented proper identification or after the buyer has obtained a detailed description of the seller. The seller must sign the completed form.

(3) The secondhand dealer shall complete each form by listing the merchandise tag number for the specified merchandise; the hour and day when such articles were purchased or consigned; the number of articles of specified merchandise purchased or consigned; the description of such specified merchandise including any brand names, model number, serial number, and inscriptions; complete name, address, and either the identification number on the seller's motor vehicle operator's license or a state issued identification card, or the detailed description of the seller; the signature of the seller, and the name of the authorized buyer/clerk.

(4) The 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.

(5) The secondhand dealer shall turn over a copy of the completed form to any peace officer as defined in Section 210.003 (2) upon request of that peace officer.

(6) 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.

**210.200 Holding Period.** All specified merchandise acquired by any secondhand dealer shall be held in possession of the secondhand dealer for a period of not less than forty-eight (48) hours, not including Saturdays, Sundays, and holidays, 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 forty-eight (48) hour holding period.

**210.300 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 210.100.

**210.400 Enforcement.** The Sheriff and his or her representatives are hereby authorized and directed to enforce this Chapter. Any peace officer as defined in Section 210.003 (2) is hereby authorized to enforce this Chapter.

**210.500 Penalty.**

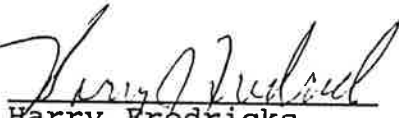
(1) Whoever violates or fails to comply with any of the provisions of this Chapter shall be fined not more than five hundred dollars (\$500) for a first offense.

(2) For a second offense, a person shall be fined not more than one thousand dollars (\$1,000).

(3) For a subsequent offense, a person shall be fined not more than one thousand dollars (\$1,000).

**210.600 Severability.** The provisions of this Ordinance are severable, and any invalid section, subsection, sentence, clause, phrase or portion of this Ordinance if for any reason is held invalid or unconstitutional in a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not effect the validity of the remaining portions of the Ordinance.

DATED this 23<sup>rd</sup> day of October, 1991.

  
Harry Fredricks  
Chairman

  
Ed Kentner  
Commissioner

  
Wes Sine  
Commissioner