

AN ORDINANCE LICENSING AND REGULATING)
PAWNBROKERS, SECONDHAND DEALERS, AND)
AUTO WRECKERS, AND REPEALING ORDINANCES)
NO. 1090 and 1300.)

ORDINANCE BILL NO. 45
for 1980

ORDINANCE NO. 1811

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Pawnbrokers Act Adopted. Chapter 426 of Oregon Revised Statutes otherwise known as the "Pawnbrokers Act" is hereby incorporated by reference into this ordinance, together with any amendments thereto, and any violation or failure to comply with such provisions shall be a violation of this ordinance.

Section 2. Definitions.

(1) "Person" means natural persons, co-partnerships, corporations, and associations.

(2) "Secondhand Dealer" means any person engaged in the business of buying, selling, or otherwise dealing in secondhand goods, either as a separate venture or incidental to another business; provided however, that a person who received secondhand goods solely by donation or solely in trade on new merchandise shall not be considered a secondhand dealer. The term secondhand dealer does not include the following:

a) A person engaged in the business of buying and selling used automobiles;

b) A person engaged in business as an antique dealer, where a majority of the items bought and sold are at least fifty (50) years old;

c) A person engaged in an irregular and temporary basis in the sales of used personal items from his place of residence through conducting a "garage sale" or "yard sale";

A "garage sale" or "yard sale" which is conducted at a residence for more than three (3) consecutive days, or more

than ten (10) days in one calendar year is deemed to be a secondhand business and is required to be licensed as herein provided.

(3) "Pawnbroker" means any person engaged in the business of loaning money for himself or for any other person upon personal property, personal security, pawns or pledges, or the business of purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors or their assigns at prices agreed upon at or before the time of such purchase.

(4) "Auto Wrecker" means any person engaged in the business of storing, dismantling and wrecking used automobiles or parts thereof.

Section 3. Licensing: No person shall conduct, keep, manage, operate, or assist in the conducting, keeping, managing or operating, either as owner, licensee, principal, agent, master, employee, attorney, or otherwise, in a room or place within the City of Lebanon, any secondhand store, junk store, pawnbrokers store, or auto wreckers unless a license for said room or place as hereinafter provided for shall have been first obtained.

Section 4. Application. An applicant for a license required by this ordinance shall submit in writing to the City Administrator or his designate the following:

(a) The name, description, date of birth, Social Security number, residence, and a recent photograph of the applicant or if the applicant is a corporation, firm, or other legal business entity, the names, descriptions, dates of birth, Social Security numbers, residences, and recent photographs of the officers or directors thereof.

(b) The particular location for which the license is desired.

(c) The type of business to be licensed, whether secondhand dealer, pawnbroker or auto wrecker.

Section 5. License Fees: The fee for a license required by this ordinance shall be Fifty Dollars (\$50.00). The license fees shall be payable annually, and shall expire on the 30th day of June of each fiscal year in which such license is issued. The license fees shall not be prorated for the balance of any fiscal year.

Section 6. Investigation. The Chief of Police shall cause an investigation to be made to determine whether the applicant meets all the requirements of this ordinance. The license may be denied or revoked if the Chief of Police determines that:

(a) The applicant has been convicted of a crime or a violation of any City Ordinance or State Statute involving any of the following: assault, disorderly conduct, fraud, theft, littering, attractive nuisances, rubbish or discarded junk or vehicles.

(b) The applicant has presented any false or misleading information in making application for the license.

Section 7. Transfer: No license issued as provided in this ordinance shall be transferred or assigned.

Section 8. Display: It shall be the duty of every person to whom a license is issued, as provided in this ordinance, to display such license in a conspicuous manner in the business to which said license relates.

Section 9. Records. Every secondhand store, junk dealer, pawnbroker and auto wrecker shall keep a permanent bound book in which shall be kept an itemized statement and account of all personal property purchased by said store, the date of such purchase; following which shall appear the signature of the vendor or person from whom such personal property was received, sold, or given away, and a brief description of such person or persons and property received or sold. Such records shall, at all times, be open to inspection by the police officers of the City of Lebanon as well as the county, state and federal officers. Such records

must be maintained for at least three (3) years prior to their destruction.

Section 10. Minors, Intoxicated Persons. No person licensed under this ordinance or his agent, shall purchase or receive any item from a minor without first having written permission from his parent, or legal guardian, nor shall he receive or acquire any items from an intoxicated person.

Section 11. Reports: The Chief of Police may cause written reports to be made to the Police Department each day by persons licensed under this ordinance. These forms shall be furnished by the Chief of Police and shall contain all information so requested before any purchase or sale is consummated by any licensee or his agent under this ordinance.

Section 12. Penalty. A violation of this ordinance shall constitute a Class B Misdemeanor and shall be punished as provided by ORS 161.545 through 161.685.

Section 13. Repeal. Ordinances No. 1090 and 1300 are hereby repealed.

Passed by the Council by a vote of 5 for and 0 against and approved by the Mayor this 27th day of August, 1980.

Michael F. Wheaton
Mayor

ATTEST:

Edwin R. Arz
Recorder