

BEFORE THE BOARD OF COMMISSIONERS

MULTNOMAH COUNTY, OREGON

Ordinance No. 375

An Ordinance regulating businesses which buy and resell used personal property, providing for exceptions and penalties for violations.

Multnomah County ordains as follows:

SECTION 1. TITLE AND SCOPE

This ordinance shall be known as the Multnomah County Second Hand Dealer Ordinance, hereinafter "this ordinance", and shall apply only within the unincorporated areas of the County.

SECTION 2. PURPOSE AND POLICY

The board finds that businesses which buy and resell personal property often provide an opportunity for disposal of stolen personal property and encourage persons who traffic in stolen goods, despite the best efforts of such dealers to avoid such consequences and to cooperate with law enforcement agencies in reporting suspicious circumstances; that the greater public good will be served, law enforcement will be assisted in its criminal investigative function and persons will be discouraged from stealing property with the expectation of disposing of such property through such businesses if certain restrictions are imposed upon the conduct of businesses which buy and resell used personal property. This ordinance shall be liberally construed to effectuate the purposes expressed herein.

SECTION 3. DEFINITIONS

Unless the context otherwise requires, the following definitions shall apply:

- (A) Antique is any manufactured item which is regarded as a relic or of such ancient origin of at least one hundred years of age and by virtue of which conditions is valued and marketable by and to collectors of such objects.
- (B) Dealer is any person, including partnerships, associations, and corporations, who engages in the business of buying used personal property at

the dealer's place of business, as defined in this section, for the purpose of reselling such property, whether to retail purchaser-consumers or to other dealers or related businesses for the purpose of resale, recycling or remanufacturing, provided however that term does not include retailers of new merchandise who may take in trade an item of used merchandise to credit against the purchase price of the new item, nor does such definition include businesses involving used automobiles or used or rebuilt automobile parts, except for automobile batteries and tires, nor liquidators of businesses who sell new property in the course of liquidation activity. Advertising by a private person to purchase such defined property constitutes dealership under this ordinance.

- (C) Scrap metal is any nonferrous metal, including brass, copper, lead, aluminum, titanium, zirconium, tungsten and nickel which has been salvaged or scrapped from its originally-manufactured form for the purpose of marketing, including industrial ingots, pellets, wires, sheets, products and scraps.
- (D) Secondhand goods include all used personal property not otherwise defined herein including, but not limited to, tools, household furnishings, firearms, recreational equipment, sporting goods, appliances, electronic equipment and office equipment.
- (E) Exempt from this ordinance are stamps, coins and investment bullion.
- (F) Used vehicle parts shall include only batteries and tires.

#### SECTION 4. REQUIREMENTS

- (A) Dealers shall prepare a transaction record upon purchase of any item to be resold or otherwise included in the dealer's inventory, which record shall include the description of the item purchased, the identity of the seller as verified by two items of identification, signature of the seller and the price paid by the dealer, which record shall be prepared on a form prescribed and supplied, upon request, by the Sheriff of Multnomah County. Excepted from this requirement are dealers who obtain goods which have been subject to a similar holding period in any jurisdiction immediately prior to purchase by such dealer.
- (B) The original copy of the transaction record required herein shall be mailed at the conclusion of each

dealer's business day to the Division of Public Safety and the dealer shall retain a copy thereof for a period of one (1) year.

- (C) Upon receipt of the purchased property for which a transaction record is required, the dealer shall attach to such purchased property a tag upon which the dealer shall inscribe the date corresponding to the date assigned to the transaction record required herein.
- (D) After preparation of the transaction record and tagging of property, it shall be kept separate from any existing inventory of the dealer for a period of twenty (20) days, during which period the property shall be subject to inspection by the Sheriff, or his representative, and it shall be retained in the condition as originally purchased by the dealer.
- (E) Notwithstanding Section 4(D), requiring the twenty (20) day holding period for purchased property, a dealer may apply to the Sheriff or his designee for relief from such requirement and upon a sufficient showing of "good cause", the Sheriff or his designee may authorize the dealer to dispose of any item subject to the holding period, conditioned upon said dealer obtaining and recording the identity of any purchaser of any item released from the holding requirement.
- (F) All dealers shall maintain and make available for inspection during regular business hours, upon request of the Sheriff or his representative, all records of transactions and tagged property segregated for the required holding period.
- (G) Dealers whose business is of a transient nature, resulting in the expected duration of stay within Multnomah County not to exceed twenty (20) days, shall notify the Sheriff during the first day of operation within Multnomah County of the intent to engage in such business and shall prepare, maintain and make available for inspection by the Sheriff or his designee such records and property as are required herein, and may request of the Sheriff authorization to sell items purchased within Multnomah County during such period of transient duration, despite the holding period requirement.

SECTION 5. PENALTIES

- (A) Upon conviction for initial violation of any requirements imposed by this ordinance, the court may impose a fine not to exceed \$500.00.
- (B) Upon subsequent conviction for repeated violations of any requirements imposed by this ordinance, the court may impose a fine not to exceed \$1000.00 for each such conviction.
- (C) In lieu of penalties provided herein, this ordinance may be enforced civilly, pursuant to ORS 30.315(1)(e), to enjoin any business from further operation in violation thereof.

SECTION 6. FEE REQUIRED.

An annual fee of \$15.00 shall be paid by each dealer to Multnomah County by January 1st to defray costs of administering this ordinance.


Adopted this 7th day of April, 1983.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

(SEAL)


  
Gordon Shadburne, Presiding Officer

AUTHENTICATED this 7th day of April, 1983.

  
Dennis Buchanan, County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By   
Paul G. Mackey  
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