

CHAPTER 111: PAWNBROKERS

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§ 111.03 RECORDS OF ARTICLES RECEIVED REQUIRED.

(A) All pawnbrokers and other used property businesses covered by the provisions of this chapter shall keep a record, legibly handwritten in ink or typewritten, which record shall contain:

(1) A description of all goods, articles or things purchased, pawned, pledged or received;

(2) The amount of money pledged, advanced or paid for the articles described in (1) above;

(3) The date of pawning, pledging, or receiving the goods, articles or things;

(4) The name, residence, and signature of the person pawning, pledging, selling or delivering the goods, articles, or things received.

(5) The weight of any material that is customarily sold by weight.

(6) A business covered by the provisions of this chapter that is in receipt of a quantity of relatively low priced items not separately identifiable by serial number or description may describe these items in general: e.g., "a bag of used children's clothing including jeans, shoes and sweatshirts"; or "a bag of used kitchen utensils including tupperware, pots and pans". This type of description may not be used to record receipt of more valuable kitchen items such as silverware and china.

(B) Any entry made in the record book shall not be obliterated, erased or defaced. The record, as well as the articles pledged, pawned, sold or received, shall be open during regular business hours to inspection by any law enforcement officer and the District Attorney.

(C) In addition to the record book and any other records required, a pawnbroker or other used property business shall, at the time of taking,

§ 111.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PAWNBROKER. *PAWNBROKER* shall be defined as provided in ORS 726.010.

BUSINESSES THAT DEAL IN OR SELL USED (SECOND HAND) PROPERTY. Any person engaged in the business of, conducting, managing, purchasing, transferring, holding or selling used or second hand property. It includes, but is not limited to, antique dealers, precious metal and gem dealers, scrap and junkyard operators and used and second hand store operators and dealers. It does not include used vehicle sellers and dealers, livestock auctions, bankruptcy or court appointed trustees, or private persons conducting "yard sales" or similar private sales of personal property.
(Ord. 97-01, passed 4-2-97)

§ 111.02 COMPLIANCE WITH STATE LAW REQUIRED; FEE.

There shall be no fee required by the provisions of this chapter. Pawnbrokers shall obtain and maintain a valid state pawnbroker's license pursuant to ORS Chapter 726. Other used property businesses shall, in addition to complying with the provisions of this chapter, comply with all other state statutes, regulations and requirements.
(Ord. 97-01, passed 4-2-97)

receiving or purchasing any article, describe the article on a form provided by the Sheriff's Department, or on a form generated by the receiving business that provides the same information as the Sheriff's form. A copy of this form is attached hereto and incorporated herein. The pawnbroker or other business regulated by this chapter shall fill in all the blank spaces on this form with such data as is required by the form and require the person transferring the property to sign his/her name to the form. Further, property regulated by this chapter shall only be accepted after the transferor has presented proper identification. During regular business hours of each business day, every person regulated by the provisions of this section shall allow the Sheriff or his designee to take one copy of the completed forms describing articles purchased or accepted during that business day.

(D) To aid businesses regulated by this chapter in identifying stolen property before it is pawned or otherwise accepted, the Sheriff will periodically provide these businesses with stolen property lists.

(E) The records required by this section must be maintained by all businesses regulated by this chapter for a period of not less than one year. The information that is required to be furnished to law enforcement officers pursuant to this section is to aid in the investigation of the theft of property. Since the information required by this section may relate to the personal privacy of persons doing business with such dealers, as well as certain trade secrets and practices of such dealers, such information shall be considered confidential and privileged from disclosure to the maximum extent possible under applicable laws, to all persons other than the District Attorney and law enforcement officers.
(Ord. 97-01, passed 4-2-97)

§ 111.04 PROPERTY SALES.

(A) No property purchased or received by any dealer covered by the provisions of this chapter shall be sold for a period of ten days after purchase or receipt. The only exception to this ten

day rule is that the person that pawned, pledged or sold the property may retrieve it during this ten day period. Such property shall be maintained in substantially the same form as purchased or received and shall not be commingled so as to preclude identification during this ten day holding period.

(B) Whenever a law enforcement officer, upon reasonable belief that specific property is the subject of theft, notifies any dealer covered by the provisions of this chapter not to dispose of any specifically described property, that property shall not be sold, exchanged, dismantled, or otherwise disposed of for a period not to exceed 30 days.
(Ord. 97-01, passed 4-2-97)

§ 111.05 EXEMPTIONS.

(A) Any entity that believes it should be exempt from the provisions of this chapter may make application for exemption in writing to the Sheriff stating the reasons therefore: e.g., an auctioneer, an estate sale, or a non-profit charitable organization such as a church youth group that accepts only donated property for resale at a fund raising rummage sale.

(B) The Sheriff will act upon all requests for exemption and provide a written response thereto within five working days of receipt of the request.
(Ord. 97-01, passed 4-2-97)

§ 111.99 PENALTY.

(A) Violation(s) of this chapter are declared a nuisance under the provisions of ORS 203.065(3). Pursuant to ORS 203.065, violators may be prosecuted by the District Attorney or made the defendant in a civil proceeding for redress of a violation, or both.

(B) In accordance with ORS 203.065(1), violation(s) of this chapter shall be punishable, upon conviction, by a fine of not more than \$500 for a noncontinuing offense and a fine of not more than \$1,000 for a continuing offense. These penalties are in addition to penalties that may be imposed for violation(s) of any state or federal law.
(Ord. 97-01, passed 4-2-97)

