

City of St. Helens
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No fee

City of St. Helens
SECONDHAND DEALERS & PAWNBROKERS
LICENSE APPLICATION
SHMC Ch. 5.16

Please read St. Helens Municipal Code Chapter 5.16, complete this application and return to City Hall at least 30 days prior to the date the license is requested to be effective.

Name of business: _____ Business Phone: _____

Applicant Gender (check one) Male Female

First Name: _____ Middle Name: _____ Last Name: _____

Home Phone: _____ Alternate Phone(s): _____

Home Address: _____ City, State: _____

Date of Birth: _____ Driver's Lic. State/No.: _____

Principal Occupation: _____

Business

Principal business address: _____

Please explain the type of business to be conducted: _____

Do you have a valid City of St. Helens Business License? Yes No

If yes, Business License No. _____

Is your business a corporation, partnership, or association? Yes No

If yes, please check which: Corporation Partnership Association

If the business is a corporation, partnership, or association, please list the name, address, date of birth, and driver's license state/number of each officer, partner, agent, etc.*:

First Name: _____ Middle Name: _____ Last Name: _____

Address: _____ Date of Birth: _____

_____ Driver's License No.: _____

Title: _____ Driver's License Issuing State: _____

**If more space is needed, please attach additional listing.*

I hereby certify under penalty of perjury and false swearing that the information I have provided is true and correct.

Applicant Signature _____

Date Signed _____

FOR OFFICE USE ONLY

Date Received: _____

Date Forwarded to Police Dept.: _____

Received by: _____

PD Sign & Date: _____

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Can be used to list additional information that does not fit on the front.

Chapter 5.16 SECONDHAND DEALERS

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5.16.010 Purpose.

The purpose of this chapter is to provide strict regulation of certain business activities that the council finds present an extraordinary risk of being used as a means of concealing criminal behavior involving the theft of property. This risk is present despite the best efforts of legitimate dealers because of the large volume of goods and material that are processed in such businesses. Therefore, this chapter is intended to reduce this type of criminal activity by providing more timely police awareness of such business transactions. The council finds that the regulation provided herein are necessary, and the need for the regulation outweighs any anticompetitive effect that may result from their adoption. (Ord. 2491 § 1, 1986)

5.16.020 Licenses and fees.

Every person who is a pawnbroker or secondhand dealer shall obtain from the city an annual license to conduct such business. The fees to be charged for the annual license shall be those fees established by the general licensing ordinance of the city. (Ord. 2491 § 2, 1986)

5.16.030 Exclusions.

The terms of this chapter, except those terms relating to licensing, shall not apply to the following:

- (1) To sales conducted by sheriffs, constables or other public officers who are acting according to law in their official capacity.
- (2) To regularly licensed business establishments whose gross sales of new merchandise are more than 60 percent of its gross sales. Anyone relying upon this exclusion shall file with the city, upon demand, a written statement as approved by the city showing gross sales.

- (3) To the business of selling at auction livestock, poultry or agricultural products.
- (4) To a single auction sale that is conducted by the owner of the goods, or someone under his immediate supervision and control, upon the premises of the owner where such goods have been held or stored. No more than one such auction sale may be held on the premises during any 12-month period.
- (5) To garage, basement or occasional sales as herein defined.
- (6) To charitable or religious organizations. (Ord. 2491 § 3, 1986)

5.16.040 Definitions.

The following words and phrases shall have the meaning ascribed to them in this section:

- (1) "Crimes of moral turpitude" means a crime which requires as an element of the crime a knowing or intentional act and has one of the following characteristics: fraud, deceit, dishonesty, harm to a specific victim, or illegal activity undertaken for personal gain.
- (2) "Hearings officer" means the city council, or an outside party not affiliated with the city, hired or selected to conduct an appeals proceeding.
- (3) "Pawnbroker" means any person engaged in conducting, managing or carrying on the business of loaning money for himself or for another, upon personal property, personal security, pawn or pledges, or engaged in 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) "Pawnshop" means any room, store or place in which a pawnbroker business is carried on or conducted.
- (5) "Secondhand dealer" means any person who buys, sells or otherwise deals in secondhand tools, goods, wares or merchandise or other articles and things usually found in a secondhand store, except books, or any person who goes from house to house, or place to place, within the city, purchasing or soliciting the purchase of gold, silver or other precious metals or jewelry.
A "secondhand dealer" shall also include an auction market operator.
A "secondhand dealer" shall include the owner or occupant of any premises where a sale of secondhand or used merchandise commonly known as a "garage sale" or a "basement sale" is conducted, except such sales as satisfy all of the requirements of a "garage sale," "basement sale" or "occasional sale" as defined herein.
For the purposes of SHMC [5.16.050](#) through [5.16.090](#), a "secondhand dealer" shall include an antique dealer or anyone holding himself out as an antique dealer.
- (6) "Garage sale," "basement sale," or "occasional sale" means a sale of quantity of merchandise, clothes, household goods, personal property, etc., previously used or acquired for use by any person, which sale is of a duration of less than three days and which sale is more than 12 months from any previous such sale on the same premises. (Ord. 3055 § 1, 2007; Ord. 2491 § 4, 1986)

5.16.050 Application requirements.

The applicant for a secondhand dealer's license shall provide the information required on the city's secondhand dealer license application, and the appropriate nonrefundable license fee, at least 30 days prior to the date the license is requested to be effective. The application shall require:

- (1) The name, address, telephone number, date of birth, and principal occupation of the applicant.
- (2) If the proposed business is a partnership, corporation, limited liability company, or any other business entity recognized by the state of Oregon, the names, addresses, and dates of birth of all partners, officers, directors, members, or any other person who will be directly engaged or employed in the management or operation of the entity. If the applicant intends to conduct the business under an assumed name, the assumed name also shall be stated.

(3) The address of the place where the licensee will conduct his business and a statement of the kind of business which the applicant intends to conduct.

(4) Any other information appropriate to determine the ownership, location, management, purpose, and any other factors related to the operation of a secondhand dealer, and the appropriate non-refundable secondhand dealer license fee as set by resolution.

(5) The applicant to sign under penalty of perjury and false swearing. (Ord. 3055 § 2, 2007; Ord. 2491 § 5, 1986)

5.16.055 License characteristics.

(1) Nontransferable. A license issued pursuant to this chapter is nontransferable.

(2) Revocable. A license issued pursuant to this chapter may be revoked as provided in SHMC [5.16.155](#) and [5.16.160](#). (Ord. 3055 § 3, 2007)

5.16.060 Police-approved register to be kept.

Every pawnbroker and secondhand dealer shall keep a book record of all articles purchased or received by him, which record shall at all times during business hours be open to the inspection of any police officer.

(1) Such record shall include the signature and address of the person pledging any articles or things, or from whom the purchase is made by any pawnbroker or secondhand dealer licensed under the provisions of this chapter for all pledges or purchases on the business premises; for off-premises purchases, only the date and the address of the purchase must be recorded.

(2) Such record shall show the hour of the day when such article was received on deposit, pledged or purchased, the number of the pawn ticket, amount loaned, if any, the amount of a purchase, and a complete description of each article left on deposit, pledged or purchased.

(3) Each pawn ticket issued shall be numbered consecutively, and if stubs are used in connection with such pawn tickets, each stub shall be numbered consecutively to conform to the ticket.

(4) If any article so left on deposit, pledged or purchased has engraved thereon any number, word or initial, or contains any setting of any kind, the description of such article in such record shall contain such number, word or initial and shall show the kind of settings and the number of each kind.

(5) The record shall be made in the English language, in ink, in a clear, legible manner.

(6) No secondhand dealer shall be required to record such description of any property purchased from manufacturers or wholesale dealers having an established place of business, or secured from any person doing business and having an established place of business in the city, but such goods shall be accompanied by a bill of sale or other evidence of legitimate purchase and must be shown to the chief of police or any police officer upon written order of the chief of police.

(7) The record concerning articles or material shall be kept for at least one year after the date of receipt of such articles or material at the places of business.

(8) When any licensee discontinues his business, such records or duly authenticated copies thereof shall be delivered to the city of St. Helens or disposed of as directed by it. (Ord. 2491 § 6, 1986)

5.16.070 Record forms.

In addition to other records and reports required to be kept by this title, all pawnbrokers and secondhand dealers shall, at the time of taking, receiving or purchasing any article in the business for which he is licensed, place the description of the following articles or things pledged, pawned, received or purchased upon a form which shall be provided by the police department:

(1) Jewelry, gems, or precious metals with market value over \$30.00.

(2) TV, video, and stereo equipment.

- (3) Cameras and camera equipment.
- (4) Firearms, operable or not operable.
- (5) Nonfurniture antique pieces with a market value over \$200.00.
- (6) Power tools.

The form provided herein shall be of such size, shape and color and shall require such information as the chief of police and city council may direct. The description of any article pledged, pawned, received or purchased shall be such description as may be called for by the form. The pawnbroker or dealer shall fill in the blank spaces on such form with such data as is required by the form.

Every person coming within the provisions of this section shall deliver to the chief of police of the city, every Monday before the hour of 12:00 noon, all of such forms describing goods, articles or things pledged, pawned, bought, taken or received by him during the preceding week. All of such forms must be fully completed in the manner specified in this section. (Ord. 2491 § 7, 1986)

5.16.080 Property sales.

No property listed in SHMC [5.16.070](#) shall be sold from the pawnbroker or secondhand dealer's place of business for seven full days after purchase. (Ord. 2491 § 8, 1986)

5.16.090 Sale postponed by chief of police.

Whenever the chief of police, or any police officer, on the written order of the chief of police, a copy of which order shall be served, shall notify any pawnbroker or secondhand dealer not to sell any property received on deposit or purchased, or permit the same to be redeemed, the property shall not be sold, permitted to be redeemed, or otherwise disposed of until such time as may be determined by the chief of police, not exceeding 15 days from the day of notice aforesaid. Any property purchased by the dealer which is proven to be stolen property may be seized by the police department and may be returned to the rightful owner without any recovery of purchase price to the dealer from the owner or the city. (Ord. 2491 § 9, 1986)

5.16.100 Article to be tagged.

Any pawnbroker or secondhand dealer receiving in pledge, by purchase, or otherwise, any article or goods shall affix to the article or goods a tag upon which shall be written a number in legible characters, which number shall correspond to the number in the book required to be kept as heretofore provided or provide an alternative form of identifying article to correspond to the book record approved by the chief of police. (Ord. 2491 § 10, 1986)

5.16.110 Exhibiting signs before obtaining license prohibited.

No person or persons shall exhibit any sign usually known as a "pawnbroker's sign," such as three balls, or any number of balls, or advertise as a pawnbroker or secondhand dealer without first obtaining from the city the license required by this title for such business. (Ord. 2491 § 11, 1986)

5.16.120 Advertising.

Secondhand dealers shall not advertise any feature of their business as rummage sales. (Ord. 2491 § 12, 1986)

5.16.130 Dealings with minors.

No pawnbroker or secondhand dealer shall buy or receive on deposit, or for pledge, any article or thing whatsoever from any person under the age of 18; nor shall any pawnbroker or secondhand dealer sell to any person under 18 years of age any knife having a blade that projects or swings into position by force of spring or by centrifugal force and commonly known as a switchblade knife, any dirk, dagger, ice pick, sling shot, metal knuckles, or any similar instrument by the use of which injury could be inflicted upon the person or property of any other person. (Ord. 2676, 1994; Ord. 2491 § 13,

1986)

5.16.140 Redemption period.

It shall be the duty of every pawnbroker to allow any person accepting a loan for less than \$30.00 a period of six months in which to pay for same before the same becomes forfeitable; and all sums over \$30.00 a period of one year before the same becomes forfeitable. (Ord. 2491 § 14, 1986)

5.16.150 Inspection of articles and records.

All persons licensed to do business as a pawnbroker, an antique dealer or secondhand dealer, and any person employed thereby, shall permit the chief of police, or his designee, upon presentation of official identification, entry to such business premises for the limited purpose of inspecting any articles purchased or for sale in the business as regulated by this chapter and currently being held pursuant to SHMC [5.16.070](#) and/or the records incident thereto, to ensure compliance with the provisions of this chapter. Any such inspection shall only be authorized during normal business hours. The chief of police, or his authorized designee, will first present proper credentials to the appropriate party and request entry. If such entry is refused, the chief of police, or his authorized designee, will have recourse to any remedy provided by law to obtain entry. (Ord. 3055 § 5, 2007; Ord. 2491 § 15, 1986)

5.16.155 Denial and revocation criteria.

Upon the application for a license by a pawnbroker or secondhand dealer, the city recorder shall refer the same to the city police for investigation preparatory to issuing a license. If it shall appear from such investigation or otherwise that a pawnbroker or secondhand dealer license should not be granted to said applicant or applicants, the chief of police shall notify the city recorder to that effect. The chief of police shall set forth the criteria given in this section that support his decision to deny a license. The applicant may appeal from this finding in accordance with SHMC [5.16.165](#), but while the appeal is pending a license shall not be granted. The city may deny or revoke a license on a finding that:

- (1) The applicant fails to meet the requirements of this chapter, or is doing business in violation of this chapter, zoning regulations, or applicable federal, state, or local law.
- (2) The applicant has provided false or misleading information, or has omitted disclosure of a material fact on the application, related materials, or license.
- (3) The applicant does not have the state-issued license required by ORS 726.040.
- (4) The applicant's past or present violations of law consist of crimes of moral turpitude, including, but not limited to, theft or the receipt of stolen property. (Ord. 3055 § 4, 2007)

5.16.160 Revocation and suspension procedure.

(1) When any licensee fails to comply with any provision of this chapter, the city administrator may, by order, revoke or suspend any license granted by the city. Before taking any such action, the city shall set a time for the licensee to appear before it to be heard, either in person or by attorney, in opposition to such action. The city administrator shall give the licensee at least 10 days' notice by registered mail addressed to the licensee at his last address, as shown by the license records, of the time of the hearing, of the action intended to be taken and the reason for such action. Within 30 days after such hearing, the city administrator shall make and enter in city records an order setting forth its findings, determination and action, notice of which shall be given the licensee by mailing a copy thereof by registered mail to the licensee at his last address as shown by the license records. The licensee shall have the right to appeal such determination in accordance with SHMC [5.16.165](#).

(2) In the event a licensee is convicted for any violation of this chapter, such conviction shall be sufficient ground for summary suspension or revocation of his license without notice and hearing by order made and entered as provided in subsection (1) of this

section. (Ord. 3055 § 5, 2007; Ord. 2491 § 16, 1986)

5.16.165 Appeals.

Any person aggrieved by the city's decision to deny or revoke their secondhand dealer license may appeal such action to a hearings officer through the following procedures:

(1) A person appealing the city's action shall, within 10 days of such action and notice, file a written notice of appeal with the city recorder. The written notice shall include: the name and address of the appellant, the nature of the decision being appealed, the reason(s) the original decision is alleged to be incorrect, and the result the appellant desires on appeal.

(2) The city recorder shall fix the time for the appeal to be heard by the hearings officer, place the hearing of the appeal upon the calendar of the hearings officer, and notify the appellant of the time fixed no less than 10 days prior to that time.

(3) The appellant shall pay a nonrefundable appeals fee to facilitate the appeal.

(4) The appellant shall be entitled to appear personally, or by counsel, to present such facts and arguments as may tend to support his or her appeal.

(5) The hearings officer shall take such action upon the appeal as he or she sees fit and such action by the hearings officer shall be final.

(6) A decision to revoke a license made by the city shall be stayed pending the outcome of an appeal properly filed pursuant to this section. However, a decision to deny a license made by the city shall be enforced pending the outcome of an appeal properly filed pursuant to this section.

(7) Failure to strictly comply with the applicable appeal requirements, including, but not limited to, the required elements for the written notice of appeal, time for filing, and payment of the applicable appeal fee, shall constitute jurisdictional defects resulting in the summary dismissal of the appeal.

(8) If the appellant loses on appeal, the appellant will be held financially responsible for the cost to the city of the appeal, including, but not limited to, the hiring of the hearings officer, if any. (Ord. 3055 § 4, 2007)

5.16.170 Penalties.

A violation of any of the provisions of this chapter shall constitute a Class C misdemeanor. (Ord. 3055 § 13, 2007; Ord. 2491 § 17, 1986)

5.16.180 Injunction.

Any violation of the provisions of this chapter may be restrained or enjoined by suit in circuit court. (Ord. 2491 § 18, 1986)

This page of the St. Helens Municipal Code is current through Ordinance 3126, passed February 3, 2010.

Disclaimer: The City Recorder's Office has the official version of the St. Helens Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: www.ci.st-helens.or.us
Code Publishing Company