

TITLE 7

BUSINESS REGULATION

CHAPTER 710

SECOND-HAND AND JUNK DEALERS CODE

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A. GENERAL PROVISIONS

710.005 Title

This chapter shall be known as the "Second Hand and Junk Dealer Code of Linn County."

[Adopted 81-494 §1.1 eff 1/1/82]

710.010 Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare of the citizens of Linn County, by:

(A) assuring that the businesses regulated by the ordinance are located in appropriate zones.

(B) minimizing public and private losses due to unregulated second hand and junk dealers.

(C) aiding law enforcement officers in the recovery of stolen property.

(D) discouraging sales of stolen property.

[Adopted 81-494 §1.3 eff 1/1/82]

710.100 General provisions

As used in this chapter, unless the context requires otherwise:

(A) "Affected business" means any second hand dealer or junk dealer.

(B) "**Board**" means the Linn County Board of Commissioners.

(C) "**Clerk**" means the Linn County Clerk.

(D) "**Licensed business**" means any business licensed under this chapter.

(E) "**Investigating officer**" means an officer or employee of a Linn County Department who has taken part in any investigation pursuant to LCC 710.300.

(F) "**Person**" means any natural person, and any firm or corporation.

(G) "**Second hand dealer**" or "**junk dealer**" means any person engaged in the business of buying, trading or otherwise acquiring or selling, trading, or otherwise disposing of used or second

hand goods and personal property items for the purpose of reselling any parts or portions of, or the salvagable materials from, such goods or items of personal property, or for the purpose of reselling such goods or items in the same condition as when they were acquired, or after reconditioning or otherwise improving such goods or items, and any person engaged in a business which combines said purposes, except that junk dealer or second hand dealer shall not include:

(1) A person who conducts a single auction or sale on the premises where the goods have been stored or held by the owner of the goods.

(2) A person engaged in the business of selling at auction, livestock, poultry or other agricultural products, or any auction mart or auctioneer licensed by the State Board of Auctioneers.

(3) Any business that is licensed by the State of Oregon as a Dealer or Wrecker of vehicles under the provisions of Chapter 481, Oregon Revised Statutes, and which business is conducted exclusively as such a Dealer or Wrecker of vehicles.

[Adopted 81-494 §1.4 eff 1/1/82]

710.200 License required

No person shall conduct or operate an affected business or advertise or otherwise hold out that the person is conducting or operating an affected business in any area of the county outside the limits of an incorporated city without first obtaining a license from the county in the manner prescribed in this chapter.

[Adopted 81-494 §1.5 eff 1/1/82]

710.210 Applications

Applicants for all licenses required for this chapter shall be made to the Clerk on a form to be provided by the Clerk, which application shall state the name and address of the applicant, the license desired, the location of the premises to be used in conducting the business, the consent of the applicant to an investigation of said premises, the time covered by the application, the fee to be paid, and the signature of the applicant or its duly

authorized representative; each application shall contain additional information as the Clerk may require for administering the issuance of the licenses applied for, and be accompanied by the proper fee.

[Adopted 81-494 §1.6 eff 1/1/82]

710.220 License applications

Applications for all licenses and reports and correspondence pertaining thereto, shall be filed with the Clerk, and after issuance of a license, shall be maintained by the Clerk for not less than three (3) years.

[Adopted 81-494 §1.7 eff 1/1/82]

710.230 Signatures

Each license issued shall be authenticated by the Clerk.

[Adopted 81-494 §1.8 eff 1/1/82]

710.300 Processing the application

Upon receipt of an application for a license under Linn County Code 710.210, the Clerk shall refer the application to the Sheriff, Health Department, Building and Planning Department, Road Department and any other County officer deemed appropriate by the Clerk. The Sheriff, Health Department, Building and Planning Department, Road Department and any other officer shall conduct such investigation as may be necessary to determine whether the applicant is in compliance with this chapter and applicable law relating to zoning, sanitation, road access and public safety. Each investigating officer charged with the duty of making an investigation shall make a report thereon to the Clerk within fifteen (15) days after the time of receipt of the referral.

[Adopted 81-494 §1.9 eff 1/1/82]

710.310 Cooperation with investigations required

Whenever investigation of the premises used for, or in connection with, an affected business is provided for or required by this chapter, the licensee or person in charge of the premises shall admit the officers charged with making the investigation. Such investigations shall be made only during reasonable hours.

710.320 Issuance and denial of licenses

(A) If it appears to the Clerk that the applicant has complied with this chapter and if no adverse reports from the investigating officers have been received by the Clerk within fifteen (15) days after referral of the license application, the Clerk shall issue the license.

(B) If the applicant has not complied with this chapter or, if adverse reports have been received by the Clerk within the fifteen (15) day period specified for investigations, the Clerk shall refer the application to the Board. In such cases the Board shall hold a hearing thereon and upon a finding that all applicable laws, including all applicable Linn County Ordinances have been complied with, shall order the Clerk to issue the license. The Board shall send a written notice of its decision to the applicant and if the Board has not ordered the Clerk to issue the license, it shall include the reasons therefore. Subsequent appeals of the action of the Board under this section shall be in accordance with ORS Chapter 34.

[Adopted 81-494 §1.11 eff 1/1/82]

710.330 License fees

(A) The license year for the purpose of fees is the calendar year. All fees for licenses shall be paid in advance at the time the application is made to the Clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by the month and the fee shall be paid for each month or fraction thereof during which the business has been or will be conducted. All license fees shall be paid into the county general fund. The license fee shall be refunded if the license application is denied, at the time that written notice of the denial is sent to the applicant.

(B) If the business activity of the affected business is solely for charitable purposes, the license fee may be waived by the Board.

[Adopted 81-494 §1.12 eff 1/1/82]

710.340 Expiration of license

All annual licenses shall expire on the last day of the calendar year, which shall be noted on the face of the license issued.

[Adopted 81-494 §1.13 eff 1/1/82]

710.350 License renewal

At any time within thirty (30) days before the end of the calendar year, the clerk may, unless ordered otherwise by the Board, issue to a currently licensed business, a license to continue to operate the same business during the succeeding year. However, such renewal shall not be issued until the licensed business has submitted a license application and all fees for the renewed license are paid.

[Adopted 81-494 §1.14 eff 1/1/82]

710.360 Posting license

A person conducting a licensed business shall keep the license for such business posted in a prominent place on the premises at all times.

[Adopted 81-494 §1.15 eff 1/1/82]

710.370 License revocation

When any licensed business fails to comply with any provision of this or any other applicable county ordinance, the Board may revoke any license granted. Before revoking a license, the Board shall set a time for the licensed business to appear before it to be heard, either in person or by representative, in opposition to such action. The Board shall give the licensee at least ten (10) days notice in writing, such notice to be served by the Sheriff in the same manner as prescribed by law for the service of complaints in civil actions, which notice shall set forth the time for hearing, the action intended to be taken, and the reason for such action. After the hearing, the Board shall thereupon make and enter in its journal, an order setting forth its findings, determination or action. A copy of the order shall be given the licensee by the Clerk mailing a copy thereof by certified mail to the licensee at the licensee's last address as shown by the license records.

[Adopted 81-494 §1.16 eff 1/1/82]

710.400 Nuisances

No person operating, maintaining or engaging in an affected business shall:

(A) permit the unsightly accumulation or spread of litter;

(B) permit or encourage excessive noise, smoke or odor upon the premises to the annoyance of the public or adjacent property owners;

(C) fail or neglect to maintain order upon the premises.

[Adopted 81-494 §1.17 eff 1/1/82]

710.410 Traffic hazards

No person operating, maintaining or engaging in an affected business with access to, or upon a public road, shall so conduct the affected business in a manner so as to cause a continuing or repeated hazard to traffic upon the road.

[Adopted 81-494 §1.18 eff 1/1/82]

710.420 Federal and State laws and regulations

The licensed business shall comply with all applicable federal and state laws and regulations in addition to regulations imposed or designated licensed business under the provisions of this and other county ordinances.

[Adopted 81-494 §1.19 eff 1/1/82]

B. Provisions Applicable to Specific Businesses

710.500 Second-hand and junk dealers fees

The license fee for the business of second hand dealers and junk dealers is as established by that Ordinance of July 25, 1979, and as such Ordinance may hereafter be amended.

[Adopted 81-494 §2.1 eff 1/1/82]

710.600 Second-hand and junk dealers regulations

(A) Every licensee as a second hand dealer or junk dealer shall keep at their place of business a record book in which shall be entered a dated daily true account of transactions showing:

(1) a general description of all property purchased.

(2) the type and quantity or weight of property purchased.

(3) the name, address, description and signature of the seller or person making delivery.

(4) a description of any motor vehicle and the license number thereof, used in the delivery of such articles.

(5) If the transaction occurred at any location other than the licensee's place of business, the address or a description of the location where the sale occurred.

(B) The record book shall, during all business hours and at such other times as reasonably may be required by law enforcement officers, be open to inspection by any law enforcement officer. The record concerning articles or materials shall be kept for at least one year after the date of receipt of such articles or material at the place of business. When any licensed second hand dealer or junk dealer discontinues said business, such records or duly authenticated copies thereof shall be delivered to the Board or disposed of as directed by it.

(C) Licensees shall at all times confine such business:

(1) within a building, or

(2) upon premises surrounded by a sight-obscuring fence no less than six feet in height which shall completely enclose that area of the premises used for storing and displaying items used by that business.

(D) The sight-obscuring fence referred to in LCC 710.600 (C) shall at all times satisfy the following conditions:

(1) It shall obscure from the normal view of persons passing the premises on foot or in normal conveyances the items stored thereon.

(2) It shall meet or exceed the "group j" occupancy classification of the Linn County Building Code and as such will require a building permit.

(3) It shall comply with the requirements of Section 30.120 and Section 30.130 of the

Linn County Zoning Ordinance of 1980, regarding vision clearance, fences and walls.

(E) Notwithstanding LCC 710.600(C) and (D), an orderly display of a minimum number of items may be maintained outside the sight-obscuring fence or building.

[Adopted 81-494 §2.2 eff 1/1/82]

710.900 Penalties

Violation of any of the provisions of this chapter is a Class "A" infraction, and may be enforced pursuant to the Linn County Enforcement Ordinance.

[Adopted 81-494 §1.1 eff 1/1/82; amd 84-067 § 3 eff 11/28/84; amd 88-536 §9 eff 10/12/88]

Statutory References and Authorities:

ORS 203

Legislative History of Chapter 710:

Adopted 81-494 eff 1/1/82

Amendments to 81-494

#1 84-067 eff 12/28/84

#2 85-039 eff 3/6/85

#2 88-536 eff 10/12/88

#3 95-177 eff 5/10/95 (renumbering)

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