

ORDINANCE NO. 1168

AN ORDINANCE CONCERNING SECONDHAND STORES AND REPEALING ORDINANCES 357A AND 971

The people of the City of Prineville ordain as follows:

Section 1. Except as set out in Section 2 below, no person, firm, or corporation shall operate or conduct in the City of Prineville, a secondhand store, or engage in the business of buying, receiving, or selling used or secondhand goods or merchandise, without first having obtained from the city a license therefore, signed by the City Manager.

Section 2. This Ordinance shall not apply to: a) consignment sales; or b) individuals who purchase or sell at yard sales, garage sales, or similar type sales; or c) sales of vehicles licensed through Oregon Department of Motor Vehicles.

Section 3. Application for such license shall be made in writing to the City Manager and shall set forth the name and address of the applicant and the legal description of the premises where it proposes to conduct business. The City Manager may grant or reject the application. The license, if granted, shall extend for a term of one year.

Section 4. Grounds for denial, suspension, or revocation of a license include, but shall not be limited to:

- a) A false statement in the application;
- b) Conviction of a crime that is a felony in Oregon or an offense in the nature of theft, deception, or moral turpitude;
- c) Failure of the licensee to have obtained all necessary planning department and building permits for the business premises;
- d) Conducting business without a license;
- e) Employing people to work at the secondhand store who have been convicted of a crime described in b) above;
- f) Violation of any provision of this Ordinance, any other City ordinance, or State or Federal law, rule, or regulation.

However, the City Manager may issue such a license to an applicant who does not comply with one or more of the above listed factors if the City Manager believes that the behavior evidenced by such factor is not likely to recur, is remote in time, or occurred under circumstances which diminish the seriousness of the factor.

Section 5. Applicants shall pay a fee for the original license described in Section 3 above. Upon license renewal each licensee shall pay a fee based upon the number of purchases of used or

secondhand goods or merchandise they made during the prior license year ("transaction fee"). If the license is not granted, the license fee shall be returned to the applicant. . If a license is revoked or suspended during the term of a license there shall not be any refund of any part of the license fee. No license fee shall be required for a secondhand store owned by a non-profit corporation. Non-profit corporations must provide proof of their non-profit status. The license fees shall be set by resolution of the City Council.

Section 6. No licensee hereunder shall, either personally or by agent or employee, purchase from any person any used or secondhand goods or merchandise unless he shall at such time prepare on forms to be furnished by the City Manager a statement written in ink or indelible pencil, giving an accurate description of such goods or merchandise; the name of the seller; day and hour of purchase; and the price paid; and secure the signature of the seller thereto. No entry on such statement shall be changed, erased, obliterated, or defaced.

Section 7. Licensees shall deliver or cause to be delivered statements received by such licensee to the Chief of Police or his representative on a schedule set by the Chief of Police. The statements shall be preserved by the Chief of Police.

Section 8. All articles so purchased shall be retained for a period of three days by the purchaser, in the condition the same were in when purchased, before the same shall be sold or disposed of.

Section 9. Any person who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, be fined in the sum not to exceed \$500.

Section 10. In addition to the fine, the license issued pursuant to this Ordinance may be revoked or suspended if this Ordinance is violated.

Section 11. In the event that an application for license is denied or is revoked or suspended after issuance, the applicant or licensee may file a notice with the City Manager of his intent to appeal the denial, suspension, or revocation to the City Council. The City Council shall hold a hearing and determine the appeal within 30 days from the date of filing of the notice of intent to appeal. The decision of the City Council shall be final and conclusive.

Section 12. Ordinances 357A and 971 are hereby repealed.

Passed by the City Council this _____ day of February, 2010.

Executed by the Mayor this _____ day of February, 2010.

Mike Wendel, Mayor

Steve Forrester, City Administrator/Recorder