

**ORDINANCE NO. 279****AN ORDINANCE REGULATING THE SALE OR RESALE OF CERTAIN USED OR CERTAIN MERCHANDISE AND LICENSING SECONDHAND STORES AND GEM AND PRECIOUS METAL DEALERS; AND REPEALING ORDINANCE NO. 101, AS AMENDED**

The City of Coos Bay ordains as follows:

**Section 1: Purpose.** The purpose of this ordinance is to provide a means to monitor the sale and resale of valuable used merchandise and gems and precious metals in the City of Coos Bay to deter trafficking in stolen merchandise and to provide revenue to pay expenses incurred therein.

**Section 2: Definitions.**

**Gem and precious metal dealer.** Any person who owns, manages or operates a business, including transient merchants, for the purpose of buying, receiving, selling, or in any way exchanging precious metals or gems including, but not limited to gold, silver, zirconium, platinum, diamonds, rubies, sapphires, emeralds, and turquoise.

**Licensee.** A gem or precious metal dealer or secondhand which has a license pursuant to this ordinance.

**Person.** An individual, corporation, partnership, or other legal entity or entity-in-fact.

**Police Department.** The City of Coos Bay Police Department.

**Public Safety Officer.** A police officer or any designee of the City of Coos Bay Police Chief.

**Secondhand stores.** Any place in which items of used personal property, other than motor vehicles, are purchased, bartered, pawned or consigned and placed on sale or resale as part of a regular course of business, but excluding yard sales, moving sales, and other similar one-time sales occurring at a residence.

**Section 3: License Required.** No person shall conduct, keep, manage, operate, or assist in the conducting, keeping, managing, or operating any gem and precious metals dealership or secondhand store, as owner, officer, principal, agent, employee or otherwise, unless a license is first obtained from the City.

#### **Section 4: License Application.**

(a) Written application for a license shall be filed with the City of Coos Bay Finance Department. Applications for licenses by or on behalf of a corporation, partnership or other business entity shall be made by an agent properly authorized by that entity.

(b) Each application shall be accompanied by an irrevocable consent to inspect and examine the licensed premises and business records of the licensee applicant at any time during the term of the license by any officer of the Police Department.

(c) The Police Department shall examine and investigate the background and qualifications of all applicants for licenses and shall make a recommendation whether or not to issue the license.

(d) The license shall not be granted if:

(1) The applicant's activity will not comply with any city ordinance or state or federal law;

(2) The applicant does not have the knowledge or skill required to engage in the licensed activity;

(3) The applicant's activity would endanger property, public health or public safety; or

(4) The applicant's past or present violations of laws or ordinances presents a reasonable question about his or her ability to perform the licensed activity without danger to property, public health or public safety.

(e) Approval or denial of the license shall be based on consideration of all available evidence indicating whether the applicant meets the requirements of this ordinance.

(f) The license required by this ordinance shall be in addition to, and not in lieu of any business licenses required by other city ordinances or state or federal laws.

**Section 5: License Fee.** The license fee shall be set by Council resolution. License fees shall be payable at the time of application. Licenses shall commence on the day issued and shall expire on the 31st day of December of the calendar year in which the license is issued. License fees shall not be prorated for any portion of any calendar year.

**Section 6: License Display.** Every licensee must display the license in a conspicuous manner in the licensee's business premises.

**Section 7: Transferability.** Licenses may not be assigned or otherwise transferred.

**Section 8: Record of Purchases; Restrictions on Resale; Prohibited Transactions.**

(a) Every licensee shall keep a permanent record of all items purchased, traded, pledged or consigned from private persons with a resale value of \$50.00 or more.

(b) (1) Records of such transactions may be a permanent bound volume or prenumbered forms. Entries shall be handwritten in ink or typed so that removal of an entry will be obvious.

(2) Records shall contain the following information:

(A) A complete description of the property received in the transaction;

(B) Date of receipt of the property;

(C) Price or consideration paid for property or value of property consigned, pledged or traded;

(D) Name, address, telephone number, date of birth, social security number, and other identifying information as to the person selling, consigning, pledging or trading the property;

(E) Signature of the seller; and

(F) Notation of the type of identification shown by the seller, consignor, pledger or trader.

(c) The record of purchases shall be available during regular business hours to the inspection of any public safety officer of the City. Records shall be maintained for not less than three years.

(d) All property purchased from any person shall be retained by the licensee for a period of not less than ten (10) days from the date of purchase or receipt, provided each business day the licensee forwards to the police department a copy of the record of purchases made that day. If daily reports are not provided to the police department, then all property purchased or received must be held for a period of thirty (30) days from the date of purchase.

(e) No licensee shall buy or receive any article from persons under the influence of alcohol or drugs or from any person under the age of eighteen (18) years.

**Section 9: Revocation.**

(a) The city manager may revoke any license if the licensee, licensee's employees or agents have permitted the licensee's business premises to be used in violation of this or any ordinance of the city, or any state or federal law.

(b) The licensee shall be notified, in writing, of the effective date of revocation, the reasons for revocation, and the licensee's right to appeal. Notice may be given either by mailing the notice of revocation by first class mail to the business address of the licensee or by leaving the notice at the licensed premises.

#### **Section 10: Appeal.**

(a) Any person whose application for a license has been denied, or a licensee whose license has been denied renewal or revoked, may, within seven business days after the notice of denial or revocation is mailed, appeal such action. The notice of appeal shall be in writing and filed with the city recorder.

(b) The notice of appeal shall contain the following information:

- (1) The name and address of the appellant;
- (2) The nature of the action being appeal;
- (3) The reason the action is incorrect;
- (4) A statement of facts establishing the contentions of the appellant.

(c) A licensee who fails to file a notice of appeal within the time permitted waives all rights to an appeal. If the action appealed is revocation, revocation does not take effect until final decision on the appeal. At the hearing, the appellant may present evidence, testimony and oral argument.

**Section 11: Penalties.** Violation of any provision of this ordinance is punishable upon conviction by a penalty not to exceed \$750.00 per violation, and each day that the violation persists shall be a separate and distinct violation.

**Section 12: Repeal.** Ordinance No. 101, as amended by Ordinances No. 196 and 204, is repealed.

**Section 13: Severability.** Each provision of this ordinance is severable, and if any provision of this ordinance shall be declared invalid by a court of competent jurisdiction, the remaining provisions shall nevertheless remain in full force and effect.

**Section 14: Savings Clause.** All licenses in effect at the time this ordinance is enacted shall remain in full force and effect until the expiration of the term of the license.

**Section 15: Emergency Declared.** The City Council of the City of Coos Bay finds that the health, safety and welfare of the City of Coos Bay requires this ordinance to have immediate effect. Therefore, the City Council hereby declares the existence of an emergency and this ordinance shall be in full force and effect from the time of its passage and approval.

Passed by the Council and approved by the Mayor September 7, 1999.