

ORDINANCE NO. 1325

AN ORDINANCE REQUIRING USED ARTICLE DEALERS, JUNK DEALERS AND PAWNBROKERS TO BE LICENSED AND PROVIDING REGULATIONS THEREOF FOR THEM TO NOTIFY THE POLICE OF ALL PURCHASES AND SALES, PRESCRIBING THE FORM OF SUCH REPORTS AND REGULATING SUCH BUSINESS; PRESCRIBING A PENALTY FOR THE VIOLATION THEREOF; REPEALING ORDINANCES NOS. 546 and 564.

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1: Licenses - - requirement:

(1.) It shall be unlawful for any person, to commence or continue a substantial part of its business the collection, lending money upon, purchase, exchange and sale of used articles without having first secured from the City a license so to do. Whenever "person" is used in this ordinance it shall mean and include any person, firm, partnership, association, company or organization of any kind.

(2.) This article shall not apply to a person dealing in new and used automobiles, new or used furniture, new or used farm implements and machinery, or conducting a similar business when the used automobiles, furniture, farm implements or machinery is taken in by such person as a part of the sale of a new item, but shall be deemed to apply to those places which devote a substantial portion of their business to the buying, selling, exchanging or lending upon used articles.

Section 2: Licenses -- Application:

(1) Every person desiring to engage as a substantial portion of his business in the collection, acquisition, and purchase of used articles shall, before engaging in such business, file his application with the city recorder. The application shall state his name, residence, the street and number of the location of his business, and the name or names of the owner or owners thereof, and if a corporation the names of the three largest stockholders, and if an assumed name the name and addresses of all interested parties.

(2) The license fee for a general used article, store, junk dealer or pawnbroker shall be \$25.00 per calendar year. The license fee herein required shall be payable annually and shall expire on the 31st day of December of each calendar year in which such license is issued. The license fees shall not be prorated for the balance of any calendar year. No license shall be issued for any less sum than above set out during any portion of a calendar year.

(3) Such application shall be referred to the Chief of Police who shall cause an investigation to be made as to the reputation of the applicant as a law-abiding citizen and he shall ascertain from the applicant the character of the place which he intends to operate. The Chief of Police shall approve or disapprove in writing the application and return it to the city recorder.

(4) In case of disapproval, by the Chief of Police, the applicant may then appeal to the city council from such refusal to grant the license. The council shall thereupon hold a hearing of all matters pertinent thereto and notify the applicant to attend and present his case. The council shall then make its own determination as to whether the license should be issued.

Section 3; Licenses -- Issuance. In case of approval by the Chief of Police or subsequent approval by the council, the recorder shall issue the license for the remainder of the calendar year.

Section 4: Licenses -- Assignment. No license granted under the provisions herein shall be assignable. All licenses issued pursuant to this ordinance shall be made in the same manner as for the initial issuance of a license.

Section 5: Licenses -- Posting. Each license so secured shall be posted in a conspicuous place in the place of business for which it has been issued. The license shall show on its face the date of its expiration.

Section 6: Records. The city recorder is hereby authorized and directed to prepare blanks in tabulated form, to be filled out in ink by the licensees giving such information as he deems necessary for the ready identification of goods purchased or acquired by the licensee. Each such licensee shall make up a record of all purchases, as determined necessary by the Chief of Police at the time of purchase, upon the forms provided by the city recorder, and keep them in an orderly manner, for a period of two years, open for inspection of and delivery to police officers. Such licensee shall require the seller of merchandise to sign the form reporting the purchase of the merchandise and to affix his address to the form.

Section 7: Restriction on Purchases. No purchase or acquisition of items subject to this ordinance may be made from any person under the age of 18 years unless he is accompanied by one of his parents or his guardian, which parent or guardian must also sign the form mentioned under Records above, and no such purchase or acquisition may be made from any person incapable of intelligent dealing or under the influence of narcotic drugs or intoxicating liquor.

Section 8: Restriction on Sales. No used article so purchased or acquired shall be sold if any police officer of the city notifies the purchaser not to sell the same or permit the same to be removed from the premises, but the restriction upon sale may not exceed ten (10) days.

Section 9: Enclosure of Business:

(1) A person conducting a secondhand goods business shall conduct such business in either a building or an enclosure surrounded by a solid wall, evergreen hedge, or painted board fence at least six feet high and of such character as to prevent view of the goods from without the property.

(2) The wall, fence or hedge shall be maintained

in a good sightly condition and in good repair at all times.

(3) This section shall be read in conjunction with the provisions of the zoning ordinances of the city of Hood River and shall be construed as an amendment of those provisions only so far as the section sets up additional or further requirements or changed requirements in connection with the operation of a used article business, junk dealer, or pawnbroker.

Section 10: Compliance with State Law. Any person engaged in a business affected by this ordinance shall comply with the state law with reference to such business in addition to complying with the provisions of this ordinance.

Section 11: Penalties. Any person violating this ordinance shall be subject to a fine of not less than \$5.00 and not exceeding the sum of \$200.00, or shall be subject to be imprisoned in the city jail for a period not exceeding thirty (30) days, or to both fine and imprisonment.

Section 12: Cancellation of License. The council may cancel any license issued under this ordinance for a violation thereof in any court. The council may cancel upon its finding that the licensee, employee, or person in charge of the licensed premises is or has been in violation of any ordinance of the City of Hood River in connection with the operation of the licensed business provided that not less than three (3) days written notice has been delivered to the licensee personally or such notice has been left attached to a door of the licensed premises.

Section 13: Repeal of Ordinance No. 546 and No. 564. Ordinance No. 546 of the City of Hood River enacted March 5, 1917 as amended by Ordinance No. 564 enacted March 4, 1918 is repealed.

Section 14: Partial Invalidity. Each provision of this ordinance shall be independent so that if any provision shall be judicially declared to be invalid that all other provisions of this ordinance shall remain in full force and

effect.

Read for the first time: January 8, 1973.

Read for the second time: January 8, 1973.

PASSED by the Council of the City of Hood River  
this 8<sup>th</sup> day of January, 1973.

  
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City Recorder

APPROVED by the Mayor of the City of Hood River  
this 8<sup>th</sup> day of January, 1973.

  
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Mayor