

COUNTY COURT JOURNAL

FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF TILLAMOOK COUNTY, OREGON

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JUNE WACKER  
COUNTY CLERK

SEAL

In the Matter of an )  
Ordinance Regulating )  
Antique Dealers, Precious )  
Metal and Gem Dealers, )  
Scrap Metal Dealers, and )  
Secondhand Dealers, and )  
Declaring an Emergency )

ORDINANCE NO. 24

The Board of Commissioners of Tillamook County,  
Oregon ordains as follows:

Section 1 Purpose.

The purpose of this ordinance is to provide strict regulation of certain business activities that the Board of Commissioners 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 materials that are processed in such businesses. Therefore, this ordinance is intended to reduce this type of criminal activity by providing more timely police awareness of such business transactions. The Board of Commissioners finds that the regulations provided herein are necessary, and the need for the regulations outweighs any anti-competitive effect that may result from their adoption.

Section 2. Definitions.

(1) "Antique Dealer" means any person, engaged in, conducting, managing, or carrying on the business of purchasing antiques, from any person, not representing a bona fide business, who appears with such article at the dealer's place of business.

(2) "Antique" means any item of property, that is possessed or valued because of its character, craft, style, rarity, and association with an earlier period of time, that is purchased from any person in any one day for more than fifty (\$50.00) dollars by an antique dealer. As herein defined, "antique" does not include vehicles and components.

(3) "Bona Fide Business" means a business which is run from a permanent location as demonstrated by the maintenance of business premises and a valid business license if such a license is required by the jurisdiction in which the business is located.

(4) "Person" means any real person, partnership, association or corporation.

(5) "Precious Metal and Gem" means any metal or gem that is valued for its character, rarity, beauty or quality, including gold, silver, platinum, diamonds, rubies, emeralds, sapphires and pearls, and any other such gems, whether as a separate item or in combination as a piece of jewelry; but excluding the following items when being purchased by a bona fide business for investment purposes:

- (a) Gold bullion bars (0.995 fine or better);
- (b) Silver bullion bars (0.995 fine or better);
- (c) All coins, whether actual currency or commemorative, from all countries.

As used in this section, the term "for investment purposes" means that the business purchases such items and retains them, in the same form as they were purchased, for resale to persons who are purchasing such items primarily as an investment.

(6) "Precious Metal and Gem Dealer" means any person, engaged in, conducting, managing or carrying on a business for the purpose of purchasing precious metals or gems from any person, not representing a bona fide business, who appears with such article at the dealer's place of business.

(7) "Proper identification" means identification issued by a governmental agency which has a picture of the person affixed to it; examples of proper identification are a driver's license, Oregon identification card, student identification card, military identification card.

(8) "Purchase" means to transfer property from a person, not representing a bona fide business, to any dealer regulated by this ordinance, for any valuable consideration.

(9) "Scrap Metal" means the following used, wornout, or discarded non-ferrous metals: brass, copper, lead, aluminum, titanium, zirconium, tungsten and nickel, and does not include items that contain both ferrous and non-ferrous metals.

(10) "Scrap Metal Dealer" means any person, engaged in, conducting, managing or carrying on a business for the purpose

of purchasing scrap metals from any person, not representing a bona fide business, who appears with such article at the dealer's place of business.

(11) "Secondhand Dealer" means any person, engaged in, conducting, managing or carrying on a business that purchases used: (a) television; (b) hi-fi, stereo, radios, tape recorders/players, (c) amplifiers, video recording equipment and accessories; (d) cameras, projectors and accessories; (e) tools; (f) office equipment including typewriters, calculators, recorders, transcribers and computers; (g) guns and equipment; (h) sewing machines; (i) jewelry; (j) clocks and watches; (k) silverware; (l) air conditioners; (m) electronic testing, regulating and repair equipment; (n) citizen's band and walkie-talkie equipment; (o) microwave ovens; (p) telephones; (q) and items of a similar nature, from any person, not representing a bona fide business, who appears with such article at the dealer's place of business.

Section 3. Record forms.

(a) All antique dealers, precious metal and gem dealers, scrap metal dealers, and secondhand dealers within the unincorporated areas of Tillamook County shall, at the time of purchasing any article in the business for which he or she is regulated by this ordinance from any person, not representing a bona fide business, who appears with such article at the dealer's place of business, place the description of

the article purchased upon a form which shall be provided by the Tillamook County Sheriff's Department. In lieu of the use of forms supplied by the Sheriff's Department, the dealer may utilize his or her own forms if such forms have been approved by the Sheriff or his or her designee. The form provided for herein shall be of such size, shape and color and shall require such information relating to the regulations of this ordinance, as the Sheriff or his or her designee may direct. This information shall include a physical description of the seller and descriptive information about the seller's vehicle, if any. The description of any article so purchased shall be such description as may be called for by the form. The dealer shall fill in all of the blank spaces on such form with such data as is required by the form and require the person selling any article regulated by this ordinance to sign his or her name on such form; such form shall be filled out in clearly legible printing. Further, property regulated pursuant to this ordinance shall only be purchased by the dealer after the seller has presented proper identification. Since the information that is required to be furnished pursuant to this section to aid in the investigation of the theft of property is of a confidential nature and related to the personal privacy of persons doing business with such dealers, as well as certain trade secrets and practices of such dealers, such information shall be considered to be confidential and privileged from disclosure to the maximum extent possible under applicable laws.

(b) The dealer's copy of all such forms shall be retained for a period of not less than one (1) year.

(c) Every person regulated by the provisions of this section shall mail or deliver to the Sheriff or his or her designee, at the close of each business day, all of such forms, or legible copies thereof, describing articles purchased by him or her during that business day.

Section 4. Property sales.

(a) No property purchased by any antique dealer, precious metal and gem dealer, scrap metal dealer, or secondhand dealer, as regulated by this ordinance, shall be sold for a space of ten (10) full days after purchase. Such property shall be maintained in substantially the same form as purchased and shall not be commingled so as to preclude identification during this ten (10) day holding period. Notwithstanding this requirement, the Sheriff, or his or her designee, may authorize, in cases in which it is shown that extreme financial hardship will result from holding an item for the ten (10) day period, the sale or transfer of such item before the expiration of this period.

(b) Whenever the Sheriff, or his or her designee, upon reasonable belief that the specific property is the subject of theft, notifies in writing, any antique dealer, precious metal and gem dealer, scrap metal dealer or secondhand dealer not to dispose of any specifically described

property purchased, the property shall be retained in substantially the same form and shall not be sold, exchanged, dismantled, or otherwise disposed of for a period of time, not to exceed thirty (30) days, as determined by the Sheriff or his or her designee.

Section 5. Articles to be tagged.

Any antique dealer, precious metal and gem dealer, scrap metal dealer, or secondhand dealer purchasing any article in the business for which he or she is regulated by this ordinance from any person, not representing a bona fide business, who appears with such article at the dealer's place of business, shall affix to the article a tag upon which shall be written a number in legible characters, which number shall correspond to the number on the record forms required to be kept by Section 3.

Section 6. Inspection of articles and records.

All persons licensed to do business as an antique dealer, precious metal and gem dealer, scrap metal dealer or secondhand dealer, and any person employed by such dealer, shall permit the Sheriff, or his or her designee, upon presentation of official identification, entry to such business premises for the limited purpose of inspecting any articles purchased in the business as regulated by this

ordinance and currently being held pursuant to Section 4, and/or the records incident thereto, to ensure compliance with the provisions of this ordinance. Any such inspection shall only be authorized during normal business hours.

Section 7. Application of the Ordinance.

This ordinance shall be in effect in the unincorporated area of Tillamook County.

Section 8. Penalties.

The intentional or knowing violation of, or participation in the violation of, any section of this ordinance, by any person engaged in a business regulated under this ordinance, is punishable, upon conviction by a fine of not more than five hundred (\$500) dollars or by imprisonment for a period not to exceed six (6) months.

Section 9. Emergency.

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect immediately upon its adoption.

DATE OF FIRST READING: *April 4, 1984*

DATE OF SECOND READING: *April 18, 1984*



ADOPTED this 18<sup>th</sup> day of April, 1984.

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

Lynn Rosik  
Lynn Rosik, County Counsel

Gerald A. Woodward  
Gerald A. Woodward, Chairman

RECORDING SECRETARY:

F. E. Knight, Commissioner

Barbara Legoo  
Barbara Legoo

Carol Williams  
Carol Williams, Commissioner