

ORDINANCE NO. 5837

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE TITLE 7 BY AMENDING CHAPTER 7.90 PREVIOUSLY ENTITLED BUYING AND SELLING USED JEWELRY, GEM STONES, AND SILVERWARE AND RETITLING IT TO SECONDHAND DEALERS AND TRANSIENT MERCHANTS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany is amending Albany Municipal Code Section 7.90, previously entitled Buying and Selling Used Jewelry, Gem Stones, and Silverware, and retitling it to Secondhand Dealers and Transient Merchants, to update the ordinance and reduce property crime in Albany; and

WHEREAS, adopting the requirement for an electronic property management reporting system, and operations will be improved; and

WHEREAS, electronic reporting will ensure quality investigations and will identify repeat offenders for enhanced prosecution; and

WHEREAS, it is in the best interest of public safety to identify regulated properties and prohibit activities that promote increased property crimes.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Amending Albany Municipal Code Title 7. The Albany Municipal Code Title 7 is hereby amended by expanding Chapter 7.9 formerly entitled Buying and Selling Used Jewelry, Gem Stones, and Silverware and retitling to Secondhand Dealers and Transient Merchants as follows:

Sections:

- 7.90.010 Purpose.
- 7.90.020 Definitions.
- 7.90.030 Special License Required.
- 7.90.035 Minimum Standards.
- 7.90.040 Application for Special License.
- 7.90.045 Transient Merchants-Surety Bond Required.
- 7.90.050 Issuance and Renewal of Special License.
- 7.90.070 Subsequent Locations.
- 7.90.080 Reporting of Secondhand Dealer Transactions.
- 7.90.090 Regulated Property Sale Limitations.
- 7.90.100 Tagging Regulated Property for Identification.
- 7.90.110 Inspection of Property and Records.
- 7.90.120 Prohibited Acts.
- 7.90.130 Penalties.
- 7.90.140 Revocation or Suspension of License.
- 7.90.150 Appeals.
- 7.90.155 Administrative Policies and Procedures.

2012 List of Regulated Property

7.90.010 Purpose.

The purpose of adopting this Chapter is to regulate certain business activities that present an extraordinary risk of being used by criminals to dispose of stolen property. Despite the best efforts of legitimate secondhand dealer businesses, this risk is present because these businesses process large volumes of

goods and materials that can be the subject of theft. This Chapter is intended to reduce this type of criminal activity by providing timely police awareness of such property transactions and by regulating the conduct of persons engaged in this business activity. These regulations are necessary and the need for the regulations outweighs the regulatory effect that may result from their adoption.

7.90.020 Definitions.

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

1. "Acceptable identification" means either a current driver's license, a State of Oregon Identification Card issued by the Department of Motor Vehicles, an Oregon Concealed Handgun License or two current United States, state- or local government-issued identification cards, one of which has a photograph of the seller. The City of Albany will create and distribute a poster listing the acceptable identification for display within the regulated businesses.
2. "Acquire" means to take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales; consignments; memoranda between a Dealer and a private party seller; leases; trade-ins; loans; and abandonments. Any acquisition of regulated property by a Dealer will be presumed to be an acquisition on behalf of the Secondhand Dealer business. Notwithstanding the foregoing, "acquire" does not include:
 - a. Any loans made in compliance with state laws by persons licensed as pawnbrokers by the State of Oregon; or
 - b. Memoranda between a Secondhand Dealer and a person engaged in the business of selling regulated property.
 - c. Acquisition of property for consignment sale wherein payment is not made to the owner within 14 days of consignment.
3. "Business Location" means any physical location where the Dealer conducts business.
4. "Chief of Police" means the Chief of the Albany Police Department or his/her designee.
5. "Criminal conviction" refers to any offense defined by the statutes of the State of Oregon or ordinances of the City of Albany, unless otherwise specified. Any conviction for conduct other than that denoted by the statutes of the State of Oregon or ordinances of the City of Albany, as specified herein, will be considered to be equivalent to one of such offenses if the elements of such offense for which the person convicted would have constituted one of the above offenses under the applicable Oregon statutes or City of Albany ordinance provisions.
6. "Dealer" or "Secondhand Dealer"
 - a. Means any:
 - (1) Sole Proprietorship, partner-ship, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that either:
 - (i) Acquires regulated property at or from business locations within the City of Albany, or on behalf of such a business regardless of where the acquisition occurs, or
 - (ii) Offers for sale regulated property.

- (2) Pawnbroker licensed under the Oregon Pawnbroker's Act, ORS 726.020, 726.990.
- b. Dealers that acquire or offer for sale not more than 50 items of regulated property in any one-year period will be categorized as an "Occasional Secondhand Dealer." The term "Dealer" in this Chapter and all regulations herein refer to Secondhand Dealers, Occasional Secondhand Dealers and Pawnbrokers unless specifically stated otherwise.
- c. "Dealer" does not include:
 - (1) A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(C) 3 organizations; or
 - (2) A person whose only business transactions with regulated property in the City of Albany consist of the sale of personal property acquired for household or other personal use; or
 - (3) A person whose only business transactions with regulated property in the City of Albany consist of a display space, booth, or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any calendar year.
7. "Held Property" means any regulated property that cannot be sold, dismantled or otherwise disposed of for a prescribed period of time as more specifically enumerated in Section 7.90.090.
8. "Investment purposes" means the purchase of personal property by businesses and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.
9. "Medication" means any substance or preparation, prescription or over-the-counter, used in treating or caring for ailments and/or conditions in humans or animals.
10. "New" means anything conspicuously not used.
11. "Pawnbroker" means any business required by Oregon Revised Statute 726.040 to hold an Oregon pawnbroker's license. Pawnbrokers are required by Chapter 7.90 to have a Secondhand Dealer License. As a Dealer, all transactions occurring within their business (loans, buys, or consignments) are subject to all requirements within this Chapter unless otherwise stated.
12. "Person" means a natural person.
13. "Precious Metals" means an item that consists of or incorporates gold in eight karat or greater purity, silver, platinum or palladium. Item of precious metal does not include dental gold, unrefined metal ore, an electronic product, any part of a mechanical system on a motor vehicle, gold or silver coins or bullion in any form. Refer to Oregon Revised Statute 646A.064.
14. "Principal" means any person who will be directly engaged or employed in the management of the Secondhand Dealer business, including any owners and any shareholders with a five percent or greater interest in the company.
15. "Receive" means to take property into the inventory, possession, or control of a Dealer.

16. "Regulated property" means property of a type that has been defined in this Chapter that is frequently the subject of theft, including new items as defined in this section as well as used items such as precious metals, precious gems, watches, sterling silver, electronic equipment, photography equipment, tools, musical instruments and cases, firearms, sporting equipment, and household appliances. In order to enhance the Police Department's ability to reduce property crimes and recover stolen goods, a list of regulated property has been established and may be updated by June 30th of each year by the Chief of Police or designee. A copy will be kept on file in the Police Department.
17. "Remanufactured" means that an item has been altered to the degree that the main components are no longer identifiable as the original item.
18. "Seller" means any person who:
 - a. Offers items of regulated property in exchange for money or other property; or as collateral for a loan; or
 - b. Donates or abandons items of regulated property.
19. "Trade Show" means an event open to the public, held in a venue other than a Dealer's business location, at which vendors of a specific type of merchandise may exhibit, buy, sell, or trade items that may include regulated property.

Events commonly known as flea markets or swap meets, in which goods of many types are exhibited, sold or traded, are not considered trade shows for the purpose of this Chapter.
20. "Transaction Report" means the record of the information required by Section 7.90.080, transmitted to the Albany Police Department by the means required in Section 7.90.080.
21. "Transient Merchant" means any person:
 - a. Engaged in the business of purchasing or acquiring regulated property from business locations within the City of Albany;
 - b. Engaged as an itinerant or temporary business under the provisions of the Albany Municipal Code, Chapter 5.10; and
22. "Used" means anything that has been put into action or service.
23. "Electronic database" means the computerized record keeping system the Albany Police Department utilizes to manage data, including, but not limited to, Secondhand Dealers' transaction reports.

7.90.030 Special License Required.

1. No person or business shall engage in, conduct or carry on a secondhand dealer business in the City of Albany without a valid Secondhand Dealer Special License issued by the City of Albany.
2. Upon acquiring or offering for sale more than 50 items or over a total of over \$500.00, of regulated property during any one-year period, an Occasional Secondhand Dealer shall apply for and obtain a Secondhand Dealer Special License before acquiring any more items of regulated property.

3. Any person or business that advertises or otherwise holds him/her out to be acquiring or offering for sale regulated property within the City of Albany will be presumed to be operating as a Dealer subject to the terms of Chapter 7.90.
4. The sale and or purchase of regulated property at events commonly known as “garage sales,” “yard sales,” or “estate sales” and online purchases are exempt from these regulations if all of the following are present:
 - a. No sale exceeds a period of 72 consecutive hours; and
 - b. No more than three sales are held at the same location in any 12-month period.

7.90.035 Minimum Standards.

1. No person or business may operate as a Dealer within the City of Albany unless the person or business maintains a fixed physical business location.
2. Dealers shall comply with all applicable federal, state and local regulations.

7.90.040 Application for Special License.

1. An applicant for a Secondhand Dealer Special License shall complete and submit an application that sets forth the following information:
 - a. The name, address, telephone number, birth date and principle occupation of all principles that will be directly engaged or employed in the management or operation of the business or the proposed business;
 - b. The name, address and telephone number of the business or proposed business and a description of the exact nature of the business to be operated;
 - c. Written proof that all principals are at least 18 years of age;
 - d. A brief summary of the applicant’s business history in any jurisdiction including:
 - (1) The license history of the applicant, and
 - (2) Whether the applicant or any principal has ever had any business-related license or permit revoked or suspended, the reasons therefore, and the business activity or occupation of the applicant or principal subsequent to the suspension or revocation;
 - e. Whether the applicant will be a sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, Limited Liability Company, Limited Liability Partnership or any other form of organization for doing business.
 - (1) If a partnership, the application must set forth the names, birth dates, addresses, telephone numbers, and principle occupations, along with all other information required of any individual applicant, of each partner, whether general, limited, or silent, and the respective ownership shares owned by each.
 - (2) If a corporation, or limited liability company, the application must set forth the corporate or company name, copies of the articles of incorporation or organization and the corporate by-laws or operating agreement, and the names, addresses, birth dates, telephone numbers, and principle occupations, along with all other information required of any individual applicant, of every officer,

director, members or managers, and shareholder (owning more than five percent of the outstanding shares) and the number of shares held by each;

- f. If the applicant does not own the business premises, a true and complete copy of the executed lease (and the legal description of the premises to be permitted) must be attached to the application;
2. The Secondhand Dealer shall notify the Chief of Police or designee of any changes in the information required in Subsection 1 of this Section within 10 business days.
3. The personal and business information contained in the application forms required pursuant to Section 7.90.040 are subject to the requirements of the Oregon Public Records Law, ORS 192.410 et seq.

7.90.045 Transient Merchants-Surety Bond Required.

No person shall engage in business as a transient merchant until such merchant has filed with the City Recorder of the City a 25,000.00 dollar bond, with a surety company licensed to do business in the State of Oregon as surety, for the benefit of any person damaged by false, fraudulent, or misleading representations of the transient merchant in the conduct of his/her business.

Any person, business or corporation operating as a transient merchant in the City of Albany shall maintain any purchases within the City of Albany for a period of 14 days and have it available for inspection during regular business hours.

7.90.050 Issuance and Renewal of Special License.

1. Upon the filing of an application for a Secondhand Dealer Special License, the Chief of Police or designee shall conduct an investigation of the applicant and all principals according to the requirements in Section 7.90.040. The Chief of Police or designee shall issue the license within 30 days of receiving the application if no cause for denial exists.
2. Except as provided in Section 7.90.050 the Chief of Police shall deny an application for a Secondhand Dealer Special License if any of the following apply:
 - a. The applicant, or any person who will be directly engaged in the management or operation of the business, or any person who owns a five percent or more interest in the business, has previously owned or operated a business regulated by Chapter 7.90, and
 - (1) The license or permit for the business has been revoked and not reinstated for cause that would be grounds for revocation pursuant to Chapter 7.90, or
 - (2) The business has been found to constitute a public nuisance and abatement has been ordered;
 - b. Any person listed on the initial application or renewal application has been convicted of one or more crimes involving either bribery, deception, dishonesty, forgery, fraud, theft, or any attempt or conspiracy to commit any of the listed offenses;
 - c. Any statement in the application is false or any required information is withheld.

3. Notwithstanding Section 7.90.050, the Chief of Police may grant a permit after consulting with the City Council despite the presence of one or more of the enumerated factors if the applicant establishes to the Chief of Police's reasonable satisfaction that:
 - a. The behavior evidenced by such factor is not likely to recur; or
 - b. The behavior evidenced by such factor is remote in time; or
 - c. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to the purpose of Chapter 7.90.
4. Secondhand Dealer Special Licenses are valid yearly and will automatically renew at 12:00 a.m. on January 15th of each year unless the Special License is revoked or surrendered. The licenses are nontransferable and are valid only for a single business location. When the business location is to be changed, the license holder shall provide the address of the new location in writing to the Chief of Police or designee for approval at least 14 days prior to the change.
5. Secondhand Dealer Special Licenses must be displayed at the business location in a manner readily visible to patrons.
6. Upon denial of an application for a Secondhand Dealers Special License, the Chief of Police or designee shall give the applicant written notice of the denial.
 - a. Service of the notice will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested.
 - b. Mailing of the notice will be prima facie evidence of receipt of the notice.
 - c. The denial will be effective three days after the notice is sent.
7. Denial of a license may be appealed to the Albany Municipal Court by filing written notice of an appeal within 10 days of the date of denial in accordance with Section 7.90.150.

7.90.070 Subsequent Locations.

1. Dealers must file an application for a permit for a subsequent or additional business location with the Albany Police Department; provided the information required for the subsequent or additional business location is identical to that provided in the application for the prior location with the exception of that required by Section 7.90.040.
2. Secondhand Dealer Special Licenses issued for subsequent or additional business locations will be subject to all the requirements of this Chapter, and the term of the permit issued for a subsequent or additional location will expire on the same date as the initial permit.

7.90.080 Reporting of Secondhand Dealer Transactions.

1. Dealers shall provide to the Albany Police Department all required information as set forth by the Albany Police Department for each regulated property transaction (not including sales). The Chief of Police may designate the format for the transfer of this information and may direct that it be communicated to the Criminal Investigations Unit by means of mail, the Internet, or other computer media.
 - a. In any such case that the Chief directs that the information be transmitted via computer media, the Chief may also direct the system that will be utilized in order to ensure conformity among all Secondhand Dealers.

- b. If, after establishing the format and requirements for the transmission of computerized reports of transactions, the Chief of Police alters the required format, Dealers will be given at least 60 days to comply with the new format requirements. If unable to implement the reporting system before the deadline, a Dealer must submit a written request for additional time to the Chief of Police before the deadline.
 - c. Secondhand Dealers are required to report only new transactions with a dollar amount of 20.00 dollars or more. Multiple transactions by an individual in a single day will be aggregated for an overall dollar amount. Loan renewals do not need to be reported.
 - d. Within three days of a purchase, a secondhand dealer shall report the transaction to the Police Department.
2. The Chief of Police may specify the format of the transaction report form. The Chief of Police may require that the transaction report form include any information relating to the regulations of this Chapter. Dealers may utilize their own forms, in lieu of those supplied by the Albany Police Department, if the Chief of Police has approved such forms. The Declaration of Proof of Ownership will be considered to be included in references in this Chapter to the transaction report form, as appropriate.

7.90.090 Regulated Property Sale Limitations.

- 1. Regulated property is subject to the following limitations:
 - a. **Holding Period.** Regulated property acquired by any Secondhand Dealer must be held for a period of 14 full days from the date of acquisition. Firearm transactions conducted by Federal Firearm Licensed dealers are exempt from the 14 day hold. Pawnbroker loan transactions are exempt from the 14-day hold requirements of Section 7.90.090 because of the redeemable nature of the loans and the holding requirements in ORS 726. However, if the loan is converted to a buy by the pawnbroker within 14 days from the date of the pawn transaction, the difference between the original date of the pawn and the buy will count toward the 14-day hold requirement. All other provisions of Section 7.90.090 remain in effect.
 - b. **Requirements of Held Property.** All held property must remain in the same form as when received, must not be sold, dismantled or otherwise disposed of to allow for identification and examination by the Albany Police Department. Held property must be kept at the business location during this holding period so that it can be inspected during normal business hours (as provided in Section 7.90.110). Held property, other than property on Police Hold, may be held in a place within public view, as long as the other requirements of Section 7.90.090, Subsection 1.b, are met.
 - c. **Consignment Sales:** Items consigned to a Secondhand Dealer, must be reported as purchases when accepted.
 - d. **Held property requirements do not apply if:**
 - (1) The property is received from a Secondhand Dealer regulated by the City of Albany who has already satisfied the holding requirements of this Chapter and the Dealer records the original transaction report number on the transaction report completed for the new transaction; or

- (2) If a customer, who originally purchased property from a Secondhand Dealer, returns it to that Dealer with the original receipt.
2. Notwithstanding Section 7.90.090, the Chief of Police may determine that certain types of transactions pose a reduced risk of being an outlet for the sale of stolen property and therefore may modify the hold period and/or reporting requirements for those types of transactions. Those transactions and the modified requirements are described in Section 7.90.120.
3. Upon reasonable belief that an item of regulated property is the subject of a crime, any peace officer may provide notice to any Dealer that a specifically described item of regulated property must be held in a separate Police Hold area for a period not to exceed 30 days from the date of notification, and is subject to the requirements of Section 7.90.090, Subsection 1.b, above. The hold may be extended an additional 30 days upon notice provided to the Dealer that additional time is needed to determine whether a specific item of regulated property is the subject of a crime. The Dealer shall comply with the hold notice and notify the Albany Police Department Detective Unit of the hold notice no later than five calendar days from the day the notice was received, either by telephone, fax, e-mail or in person. A Dealer must notify the Detective Unit of his/her intent to dispose of any item of regulated property under Police Hold at least 10 days prior to doing so.
 - a. A Police Hold area must meet the following criteria:
 - (1) Located out of public view and access, and
 - (2) Marked "Police Hold," and
 - (3) Contain only items that have been put on Police Hold.
 - b. If it is not possible or practical to move an item to or store an item in the Police Hold area, a Dealer may submit a written request to the Chief of Police or his/her designee for approval to keep the item with other held property. Approval may be granted with the understanding that the item will be clearly marked as being on Police Hold and kept from public view and access.
4. Upon probable cause that an item of property is the subject of a crime, the Chief of Police or his/her designee may take physical custody of the item or provide written notice to any Dealer to hold such property for a period of time as determined by the Chief of Police, not to exceed the statute of limitations for the crime being investigated. Any property placed on hold pursuant to this subsection is subject to the requirements found in Section 7.90.090, Subsection 1.b, and will be maintained in the Police Hold area unless seized or released by the Police. Seizure of property will be carried out in accordance with Oregon Revised Statutes.
5. If a Dealer acquires regulated property with serial numbers, personalized inscriptions or initials, or other identifying marks which have been destroyed or are illegible due to obvious normal use, the Dealer shall continue to hold the property at the business location for a period of 90 full days after acquisition. The Dealer must notify the Albany Police Department by writing "90 day hold" next to the item on the transaction report or by an electronic means approved by the Albany Police Department. The held property must conform to all the requirements found in Section 7.90.090, Subsection 1.b.
6. If a Dealer receives information that leads to an objectively reasonable basis to believe that any property already at his/her business location has been previously lost or stolen, he/she must report that belief to the Albany Police Department by day's end. The notice must include the transaction report number and any additional information regarding the name of the owner, if known.

7. If a peace officer seizes any property from a Dealer, the Dealer must notify the Albany Police Department of the seizure no later than five calendar days from the day the seizure occurs. The Dealer must provide the name of the agency, the name of the peace officer, the number of the receipt left for the seizure, and the seized property information. Notification to the Albany Police Department may be given by telephone, fax, email, or in person.

7.90.100 Tagging Regulated Property for Identification.

Dealers shall affix a tag to every item of regulated property, which must contain a unique, legible number. That unique number must either be the same as the transaction report number for that item or be referenced to the transaction report required by the Albany Police Department. After the holding period has expired, the transaction number must remain identifiable on the property until the sale of the property.

1. After the applicable holding period has expired, hand tools, or items that are sold with other like items and have no identifiable numbers or markings need not remain tagged.
2. After the applicable holding period has expired, items that are remanufactured need not remain tagged.

7.90.110 Inspection of Property and Records.

Upon presentation of official identification, a Dealer shall allow any representative of the Albany Police Department to enter the business location to ensure compliance with the provisions of Chapter 7.90. The inspection will be for the limited purpose of inspecting the business location, regulated property, and related records as provided in this Chapter. Except by mutual agreement with the Dealer or by court order, any inspection under this Section may occur only during the Dealer's normal business hours.

7.90.120 Prohibited Acts.

1. It is unlawful for any person regulated by Chapter 7.90:
 - a. To receive any property from any person or other act:
 - (1) Known to the principal, employee or Dealer to be prohibited from selling by a court order,
 - (2) Under the age of 18 years unless the person's parent or guardian completes the applicable information on the Declaration of Proof of Ownership,
 - (3) Consignment sales: To consign an item, provide customer with a cash advance and agree or contract to have the customer buy back the item with a fee after a specified time. This is a loan transaction falling under the Oregon Pawnbroker Act, ORS 726.
 - b. To receive property prohibited by this Chapter, including:
 - (1) Medications,
 - (2) Gift cards, in-store credit cards, or activated phone cards,
 - (3) Property with serial numbers, personalized inscriptions or initials or other identifying marks that appear to have been intentionally altered or rendered illegible;

2. Any violation of Chapter 7.90 is punishable, upon conviction, by a fine of not more than \$2,500.00 and a jail sentence of up to one year.

7.90.130 General Penalties

Any violation of Chapter 7.90 shall be deemed a misdemeanor as provided under Chapter 1.04, subsection 010 through 020, unless the City requests it to be treated as a violation.

1. Violation- a civil penalty of not more than \$1,000.00 or such sum as may be provided in the ordinance defining the offense.
2. Misdemeanor- a fine of not more than \$2,500.00 or imprisonment not to exceed one year, or both such fine and imprisonment.

7.90.140 Revocation or Suspension of License.

1. Along with the other regulatory enforcement authority granted under this Chapter, the Chief of Police may, after consulting with the City Council, revoke or suspend any license issued pursuant to this Chapter:
 - a. For any cause that would be grounds for denial of a license; or
 - b. Upon finding that any violation of the provisions of this Chapter, federal, state or other local law has been committed and the violation is connected with the operation of the permitted business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location by the Dealer or any principal or employee engaged or employed in the management or operation of the business location; or
 - c. A lawful inspection has been refused; or
 - d. If payment of civil penalties has not been received by the City of Albany within 10 business days after the penalty becomes final; or
 - e. If any statement contained in the application for the License is false.
2. The Chief of Police, upon revocation or suspension of any License issued pursuant to this Chapter, shall give the Dealer written notice of the revocation or suspension.
 - a. Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
 - b. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
3. Revocation will be effective and final 15 days after the giving of notice unless the revocation is appealed in accordance with Section 7.90.150.
4. Suspension will be effective immediately upon the giving of notice, for the period of time set in the notice not to exceed 30 days.

7.90.150 Appeals.

1. Any Dealer or person whose initial application or renewal application for a Secondhand Dealer Special License has been denied, or whose license has been revoked or suspended, may appeal the action of the Chief of Police or his designee to the Albany Municipal Court.

2. The filing of a notice of appeal of revocation or suspension of a permit, or of a civil penalty imposed by the Chief of Police under this Chapter, will stay the effective date of the action until the Albany Municipal Court Judge has issued an opinion.

7.90.155 Administrative Policies and Procedures.

1. Any proposed amendments or changes to the Second Hand Dealer Ordinance will be approved by the City Council.
2. The Chief of Police may make available and publish a new Regulated Property List and by June 30th of each year. If no modifications are made, the previous year's Regulated Property list will remain in effect.

2014 List of Regulated Property

1. Used Items-only transactions greater than \$20.00 in a single or aggregate transaction are required to be reported.
 - a. Precious metals, refer to definition under Section 7.90.020
 - b. Precious gems;
 - c. Watches of any type and jewelry containing precious metals or precious gems;
 - d. Sterling Silver including, but not limited to, flatware, candleholders, salt and pepper shakers, coffee and tea sets or ornamental objects;
 - e. Audio equipment;
 - f. Video equipment;
 - g. Other electronic equipment including, but not limited to: global positioning systems (GPS), electronic navigation devices or radar detectors;
 - h. Photographic and optical equipment;
 - i. Electrical office equipment;
 - j. Power equipment and tools;
 - k. Automotive and hand tools;
 - l. Telephones, telephone equipment or cellular telephones;
 - m. Power yard and garden tools;
 - n. Musical instrument and related equipment;
 - o. Firearms including, but not limited to, rifles, handguns, shotguns, pellet guns or BB guns. Firearm transactions conducted by a Federal Firearm Licensed dealer are exempt from the 14 day hold;
 - p. Sporting equipment: e.g. bicycles, kayaks, golf clubs;
 - q. Outboard motors, and boating accessories;
 - r. Household appliances, valued over \$50.00 retail value;
 - s. Entertainment media such as DVD boxed sets, Video Game Cartridges, etc;
 - t. Computers and computer related software and equipment;
2. New items
 - a. New items purchased from a licensed business shall be exempt from regulation under Chapter 7.90 if the Dealer has a bill of lading, receipt, invoice or the equivalent for the new items.
 - b. Items acquired from a manufacturer, manufacturer's representative or distributor that are discontinued or have been used for display or demonstration but not previously sold are new and exempt from regulation under Chapter 7.90.

Section 2. Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

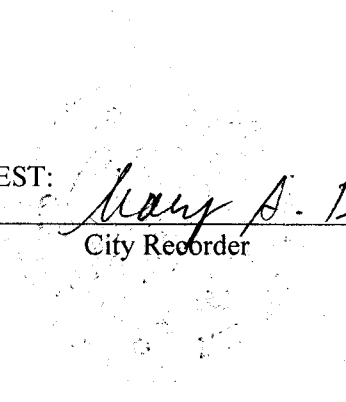
Passed by Council: July 23, 2014

Approved by Mayor: July 23, 2014

Effective Date: July 23, 2014



Mayor

ATTEST: 
Mary A. Dibble
City Recorder