

ORDINANCE BILL NO. 5 FOR 2006

ORDINANCE NO. 1180

AN ORDINANCE AMENDING SECONDHAND DEALERS ORDINANCE, AND DECLARING AN EMERGENCY

Whereas, the Police Department of the City of Sweet Home desires to regulate the process of dealing in secondhand goods to reduce the transfer of stolen property;

Whereas, the Police Department of the City of Sweet Home desires to have this Amendment to the Secondhand Dealers Ordinance in effect as soon as possible to preserve the public peace and safety in gaining the additional information there from as soon as possible to help prevent stolen property transfers.

The City of Sweet Home does ordain as follows:

Section 1. Section 3 of Ordinance Number 1159 is amended to read as follows:

Section 3. License-Application-Requirements.

An applicant for a license required by this Ordinance shall submit in writing to the Chief of Police or his designate the following:

A. The name, description, date of birth, Social Security Number, driver's license number, residence and a recent photograph of the applicant, any operator(s) and agent(s) of the Secondhand Dealer and those employee(s) of the Secondhand Dealer that buy, sell, trade or otherwise deal in secondhand goods with the public. If the applicant is a corporation, firm or other legal business entity, the names, description, dates of birth, driver's license numbers, Social Security Numbers, residences and recent photograph of any operator(s), agent(s), officer(s), member(s), and director(s) thereof and those employee(s) thereof that buy, sell, trade or otherwise deal in secondhand goods with the public.

B. The specific place of business for which the license is desired.

C. The information required by Subsection 3A any time a person is to be hired or is to assume one of the positions named therein at least 10 days before said position is filled so that the Chief of Police or his designate can conduct the appropriate investigation.

Section 2. Section 5 of Ordinance Number 1159 is amended to read as follows:

Section 5. License-Application-Investigation-Grounds for denial or revocation.

The Chief of Police shall cause an investigation to be made to determine whether the person(s) required by Section 2 and 3 to submit information to the Chief of Police meet

all the requirements of this ordinance that pertain to them. The license shall be denied or revoked by the Chief of Police if the Chief of Police determines that:

A. The said applicant, operator(s) or agent(s) of the Secondhand Dealer; officer(s), member(s), director(s) of the Secondhand Dealer or employee(s) of the Secondhand Dealer that buy, sell, trade or otherwise deal in secondhand goods with the public have been convicted of a felony at any time excluding Driving While Revoked or have been convicted of a Class A Misdemeanor involving fraud, theft or deception within a 15 year period prior to application or during the licensed period.

B. The applicant or any other person listed in Subsection 5A has presented any false or misleading information in making application for the license or in making reports or keeping records as required herein.

Section 3. Section 15 of Ordinance Number 1159 is amended by adding the following sentence at the end of said section to read as follows:


No exemption under this section shall be granted to any person who has not obtained a license to be a Secondhand Dealer under this Ordinance on or prior to February 28, 2006.

Section 4. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval of the Mayor.

PASSED by the Council and approved by the President Pro Tem performing the duties of the Mayor this 28th day of February, 2006.

  
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President Pro Tem

ATTEST:

  
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City Manager - Ex Officio City Recorder