

**CHAPTER 869**  
**Secondhand Dealers**

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**869.01 DEFINITIONS; SCOPE OF PROVISIONS.**

As used in this chapter:

- (a) "Secondhand" means that which has been used or which has been previously traded or sold by a retailer.
- (b) "Selling" includes sale on consignment, delivery, barter, exchange, gift or offer thereof.
- (c) "Secondhand dealer" means any person, firm or corporation dealing in the purchase and sale of any of the following articles:
  - (1) Secondhand furs;
  - (2) Secondhand office machinery and equipment;
  - (3) Secondhand tools of artisans and laborers;
  - (4) Secondhand musical instruments;
  - (5) Secondhand precious stones or manufactured articles composed wholly or in substantial part of gold, silver, platinum or other precious metal;
  - (6) Secondhand computers, electronic, audio, visual and/or entertainment equipment or devices, including, without limitation, laptops, docking stations, televisions, video monitors, dvd or blue ray players, record players, tape players, recording devices, other stereo equipment, dvd's, compact discs or records, cameras, camcorders, webcams, video game consoles or accessories, video game discs, cell phones, satellite phones, iPhones, iPods, MPS players, radio receivers or transmitters, pagers, chargers, GPS systems, radar or laser detectors, electronic organizers, Bluetooth devices and dvd or cd burners; or
  - (7) Sports, entertainment or other memorabilia or collectibles.
- (d) A person, firm or company meeting one or more of the following criteria shall not be considered a "secondhand dealer" under the terms of this chapter.

- (1) A not-for-profit entity recognized as tax exempt by the Internal Revenue Service and/or registered by the Ohio Secretary of State as a not-for-profit corporation; or
- (2) A person conducting a garage or yard sale meeting the criteria established in Chapter 816; or
- (3) A retail business which inventory consists primarily (ninety-five percent or more) of items that are at least thirty years old and considered antiques or collectibles.

(Ord. 2014-15. Passed 6-25-14.)

### **869.02 SECONDHAND DEALER LICENSE AND LICENSE FEE.**

No person shall operate as a secondhand dealer in the Municipality without first obtaining a license from the Building and Zoning Inspector. The annual license application fee for each dealer in secondhand articles shall be one hundred dollars (\$100.00). Application fees are not refundable. All licenses shall expire on December 31st of the year of issuance. The fee for a first license issued after June 1st of any calendar year shall be seventy-five dollars (\$75.00). Every applicant for a license shall make application in writing to the Building and Zoning Inspector on a form prescribed by the Building and Zoning Inspector setting forth the name under which the business will be conducted, the name and address of every person having a financial interest in the business, the name and address of the on-site manager(s), the location at which the business will be conducted, and any other pertinent information requested by the Building and Zoning Inspector. Licenses under this chapter are not transferable. A change in financial interest of the business in the amount or in excess of fifty percent ownership interest shall require that a new application for a license be filed with the Building and Zoning Inspector.

(Ord. 2014-15. Passed 6-25-14.)

### **869.03 SECONDHAND DEALER RECORDS; INSPECTION.**

(a) Every dealer in secondhand articles shall keep a bound book with page numbers in sequence in which shall be legibly written in English at the time of every purchase or sale, a description of every article so purchased or sold that includes the serial or other number or numbers and any monograms, inscriptions or other marks of identification that may appear on the article; a description of the articles or pieces comprising old gold, silver, platinum, or other metals, and any monograms, inscriptions or other marks of identification thereon; a photograph of the item; the name, residence and general description of the person from whom such purchase was made or to whom sold and a photocopy of photo identification from the seller or buyer such as a driver's license or state issued i.d. card; the date and time of the purchase or sale; and the consideration received by the seller for the article or articles. The holder of a Federal license to smelt precious metals shall not be held by reason thereof to be exempt from the provisions of this chapter.

(b) Every license under the provisions of this chapter, at the time of acquiring through purchase or exchange of any secondhand article, shall attach a tag with a

designating number thereon, legibly printed in ink, in the English language, to each article and shall make an entry of such number in the book.

(c) Such book shall at all reasonable times be open to inspection by any law enforcement officer or the Building and Zoning Inspector during regular business hours. Such book shall be substantially bound and of a size not less than six inches in length and breadth. In addition to such book, every person selling to or buying an item from a licensee shall, at the time of such sale or purchase, fill out on a blank form or index card, in the person's own handwriting, information that includes the person's name; age; address; and driver's license, state i.d. number or other photo identification i.d. number. No entry on such form or card shall be erased, obliterated, altered or defaced.

(Ord. 2014-15. Passed 6-25-14.)

#### **869.04 SECONDHAND DEALER WEEKLY REPORTS TO POLICE.**

Every secondhand dealer shall make out a weekly report containing all the particulars of secondhand purchases made by the licensed establishment during the preceding business week and deliver such report to the Police Department. The Chief of Police may designate that such reports be made on a form furnished by the Police Department for such purpose.

(Ord. 2014-15. Passed 6-25-14.)

#### **869.05 SECONDHAND DEALER MINIMUM HOLDING PERIOD.**

(a) No person licensed as a secondhand dealer shall sell or offer to sell or remove, disassemble, repair, paint, take apart, or change the appearance of any secondhand good, article, or thing that has been purchased by the licensee for a period of at least fourteen days from the date of acquisition.

(b) Any of the goods, articles or things that are set forth in this chapter in the possession of any licensee shall, upon request, be made available for inspection to any member of the Village of Northfield Police Department during regular business hours.

(Ord. 2014-15. Passed 6-25-14.)

#### **869.06 LIMITATIONS ON SECONDHAND DEALERS.**

(a) No secondhand dealer shall carry on such business without a valid current license or at any other place than the location designated in the license. Except as provided in Section 869.07, no dealer in secondhand articles shall continue to carry on business after the expiration, suspension or revocation of the license.

(b) No secondhand dealer shall purchase any secondhand articles at any time from a minor. No secondhand dealer shall purchase any secondhand articles from any person between the hours of 10:00 p.m. and 8:00 a.m.

(Ord. 2014-15. Passed 6-25-14.)

**869.07 LICENSE REVOCATION; APPEALS.**

(a) The Building and Zoning Inspector may at any time revoke or suspend any license granted under the authority of this chapter for failure to comply with the terms of this chapter or any law or ordinance applicable to the business so licensed; fraud, misrepresentation or a false statement contained in the license application; or fraud, misrepresentation or a false statement made in the course of carrying on the business of a secondhand dealer.

(b) The Building and Zoning Inspector shall revoke any license granted under the authority of this chapter if the licensee has been convicted of receiving stolen property or theft.

(c) In case of the refusal to issue or renew a license by the Building and Zoning Inspector, the applicant or licensee may appeal such decision to the Village Council. Notice of such appeal shall be in writing and be filed with the Administrative Clerk/Building Department Secretary within ten days of the Building and Zoning Inspector's decision. Within twenty-one days after the filing of such notice, Council shall proceed to hear the appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. No notice of the hearing is required to be provided to adjoining property owners. Council shall render a decision within ten days of the conclusion of the hearing. Council may sustain, disapprove or modify the action of the Building and Zoning Inspector.

(d) In the absence of conditions posing an imminent threat to health, safety or property, as determined by the Building and Zoning Inspector, or unless a license has been revoked by the Building and Zoning Inspector because the licensee has been convicted of receiving stolen property or theft as provided in subsection (b) of this section, a licensee who is otherwise lawfully operating but whose license has been revoked or suspended, or which the Building and Zoning Inspector has refused to renew, may continue operating during the pendency of an appeal under this section until Council issues a decision affirming a suspension of, revocation of, or refusal to renew the license.

(Ord. 2014-15. Passed 6-25-14.)

**869.08 RESPONSIBILITY OF THE LICENSEE.**

Every act or omission of an agent or employee that constitutes a violation of any provision of this chapter shall be deemed an act or omission of the licensee if such act or omission occurs with the authorization, knowledge or approval of the licensee, or as a result of the licensee's negligent failure to supervise the agent's or employee's conduct. The licensee shall also be punished for such act or omission in the same manner as if the licensee committed the act or caused the omission.

(Ord. 2014-15. Passed 6-25-14.)

**869.09 BUSINESSES IN OPERATION PRIOR TO EFFECTIVE DATE OF CHAPTER.**

Businesses to which this chapter is applicable that were in operation prior to the effective date of this chapter shall file an application to be licensed pursuant to this chapter and be in compliance with this chapter prior to August 15, 2014.

(Ord. 2014-15. Passed 6-25-14.)

**869.99 PENALTY.**

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the first degree, and in addition to any other penalty provided by law, shall be fined up to one thousand dollars (\$1,000) per offense. Every day during which noncompliance or a violation continues shall constitute a separate offense.

(Ord. 2014-15. Passed 6-25-14.)