

**CHAPTER 55****SECOND-HAND GOODS DEALERS**

55.01 DEFINITION. The term "second-hand goods dealer" means any person, firm, or corporation, other than a pawnbroker or a junk dealer, who purchases, collects, trades, sells or deals in any secondhand goods, antiques, or used articles whatsoever.

55.02 COMPLIANCE WITH CHAPTER PROVISIONS.

1. No person shall engage in, or carry on the business of second-hand goods dealer in the City, without first paying the fee and procuring the license provided for in this Chapter, nor shall any person carry on such business in any manner contrary to its provisions.
2. Every clerk, servant, agent, or employee of any second-hand goods dealer must be at least eighteen (18) years old and shall be subject to, and bound by all Chapter provisions, and liable for the same penalties and to the same extent as his employer or principal for any violation thereof.

55.03 EXEMPTIONS. This Chapter shall not apply to:

1. Any person, firm, or corporation selling new, unused articles and receiving or taking in used articles for trade from the purchasers of the new articles against the purchase price of new articles, where such new articles are sold for their market value.
2. Any person collecting antique items for personal use only.
3. Casual and occasional sales of new and used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at the time of sale, is not engaged for profit in the business of selling goods of that or a similar nature. This exemption includes those sales commonly referred to as "garage sales" provided that such sales are conducted by the seller on no more than four occurrences in a calendar year and for no more than three consecutive days during each occurrence. Any casual or occasional sales which do not fall within this exemption are subject to applicable municipal zoning restrictions and licensing requirements.
4. Articles received by second-hand goods dealers for which no consideration is given or promised.

5. The purchase or acquisition of coins or bullion by a numismatist or the purchase or acquisition of stamps by a philatelist.
6. Casual and occasional sales of new or used vehicles, whether the vehicle is operational or not, by the owner thereof to the public from his/her residential property, on a non-recurring basis, under the following conditions:
  - a. "Sale" means the sale or lease under any terms and conditions, or any other transfer of legal or equitable interest or ownership in a single vehicle (collectively Transaction); and
  - b. The transaction does not represent that of a person or entity engaged for profit in the business of selling or leasing goods of that or a similar nature, and,
  - c. No more than three (3) such transactions occur from the residential property within any twelve (12) month period.
  - d. Any transaction which is not conducted in accordance with this section is subject to applicable municipal zoning restrictions and licensing requirements.

55.04 LICENSE FEES. Any person, partnership, firm, corporation or association desiring a second-hand goods dealer license under this Chapter shall make a written, signed application to the Clerk on forms provided by the Clerk. All annual fees for licenses under this Chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees, may from time-to-time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.

55.05 ISSUANCE AND CONTENTS OF LICENSE. Upon receiving the license fee, the Clerk shall issue a license to the person applying therefor. The license shall state the name and place of residence of the person licensed, the business to be transacted, the place where the business is to be carried on, the date when issued, and the date when it will expire.

55.06 EXPIRATION DATE OF LICENSE. Each second-hand goods dealer's license shall expire one year after the date of its issuance.

55.07 SEPARATE LICENSE FOR EACH PLACE OF BUSINESS. Any person conducting several or separate places of business shall pay the license fee and procure a license for each place of business. The license shall be sufficient for all clerks, agents, servants, or employees engaged or employed at the place named in the license.

55.08 NONPAYMENT OF LICENSE FEE MISDEMEANOR. No person shall engage in business as a secondhand goods dealer without paying the fee provided and obtaining the license required in this Chapter, and each day said violation continues shall be considered a separate offense.

55.09 RECORDS.

1. Every second-hand goods dealer shall keep a book in which he or she shall accurately and legibly enter, in ink, in the English language, at the time of purchasing or receiving any personal property:
  - A. The name of the person from whom the property is purchased or received, his or her place of residence, his or her drivers license number, the state of issue of the drivers license, a photo identification of the person, and the expiration date of the drivers license;
  - B. A particular, detailed, and accurate description of each article, including any serial number;
  - C. The estimated value of each article;
  - D. The amount paid, advanced, or loaned;
  - E. The date and hour of transaction.
2. The license and the book shall, at all times, be open to examination or inspection by any police officer.
3. Every second-hand goods dealer shall require each person from whom any property is purchased or received, to print and sign his or her name on an inventory sheet provided by the Chief of Police. The inventory sheet shall be the property of the City of Windsor Heights.
4. Any person shall be guilty of a misdemeanor who shall:
  - A. Fail to keep or maintain any record required in this Chapter;
  - B. Fail to make any entry in such record;
  - C. Intentionally or knowingly makes any false or unintelligible entry, or any entry which he has reason to believe is untrue, or delete any entry;
  - D. Fail to make the inquiries necessary to enable him or her to make such entries or any of them;
  - E. Fail to require any person to show documentation establishing that person's identification;

F. Fail to produce the license or book when requested by a police officer;

G. Destroy, alter, or negligently permit any book or record kept pursuant to this Chapter to be destroyed, damaged, altered, rendered unintelligible, or lost.

55.10 SCREENING REQUIREMENTS FOR SECOND-HAND DEALERS. All second-hand dealers storing any goods outside or in any yard or lot, other than used operable motor vehicles or other large mobile machinery, shall completely surround such outside storage yard or lot with a solid opaque fence of uniform design and color not less than six feet in height which substantially screens the area in which such goods or articles are stored. Such fence shall be constructed and completed by May 31, 1985, shall be kept in good repair and not used for any advertising, signs or displays, and shall have a suitable gate, likewise opaque, which shall be closed and locked when the owner or his agent are not in attendance. All such fences shall be set back two feet from all property lines and shall comply with other requirements of this Code.

55.11 EXAMINATION OF PREMISES BY POLICE OFFICERS. No second-hand goods dealer shall refuse, resist or attempt to prevent any police officer from making examinations with or without warrants of the premises occupied by such second-hand goods dealer, for the purpose of discovering stolen property.

55.12 SEGREGATION OF SUSPECTED STOLEN GOODS. Each second-hand goods dealer shall, upon the request of a police officer, segregate items or categories of items which said officer reasonably suspects may be stolen goods. All segregated items shall be held for thirty (30) days unless sooner released from segregation by the written permission of the officer ordering such segregation.

55.13 RELEASE OF STOLEN PROPERTY TO POLICE DEPARTMENT. A second-hand goods dealer shall release to the Police Department any property determined by a police officer to be stolen property. The Police Department, upon receiving such stolen items, shall issue to the second-hand goods dealer in possession of the items, a receipt particularly describing the item, the date and time it was released to the police department, and the name and signature of the officer making receipt therefor.

55.14 SEARCH FOR STOLEN PROPERTY. Whenever any police officer shall have reason to believe that any second-hand goods dealer has in his or her possession or on his or her premises any stolen property, the officer shall have the right and duty to enter and make such an examination of the premises of such dealer for the purposes of discovering such stolen property.

55.15 PREVENTION. It shall be unlawful for any person to knowingly hinder, obstruct, prevent or attempt to prevent any police officer acting pursuant to Section 55.14 from entering upon or making examination of the premises of any second-hand dealer, for the purposes of discovering stolen

property.

55.16 CONCEALING ARTICLES TO PREVENT IDENTIFICATION. No second-hand goods dealer shall conceal, secrete, or destroy for the purposes of concealing, any article purchased or received by the dealer for the purpose of preventing identification thereof by any officer or any person claiming the same.

55.17 DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS AN ADVERSE CLAIM. No second-hand goods dealer shall sell, melt up, break up, dismantle, or otherwise dispose of any article which he or she has reason to believe has been stolen, or which is adversely claimed by any person, or which he or she has been notified not to sell or otherwise dispose of by any police officer until such time as he or she receives written permission from the Chief of Police to release the item.

55.18 DISPOSAL OF ARTICLES. No second-hand goods dealer shall sell or otherwise dispose of, dismantle, destroy or melt any article covered by this Chapter until after fifteen (15) days after receiving such property.

55.19 PURCHASES FROM INTOXICATED PERSON. No second-hand goods dealer shall purchase or receive any personal property from any intoxicated person or any person who appears to be under the influence of any drug.

55.20 DEFACED PROPERTY. No second-hand goods dealer shall deface, alter, or remove any serial number or identifying marks from an article in his or her possession, or take possession of any such defaced or altered property.

55.21 LICENSE - TRANSFER PROHIBITED. Each license issued under this Chapter shall be personal to the licensee, shall be restricted to the licensee, and shall be void upon transfer or assignment to another person.

55.22 REVOCATION - GROUNDS. The following reasons shall be grounds for the revocation of any license issued under the provisions of this Chapter:

1. Fraud. That the licensee has made fraudulent or untrue statements in his application for a license.
2. Violation. That the licensee has violated any of the provisions of this Chapter.
3. Operation. That the licensee has conducted the business in such a manner as to endanger the public welfare, health, safety, order or morals.

The procedures set forth in Sections 52.19 through 52.21 of this Code shall apply to any revocation under this Chapter.

55.23 MISDEMEANOR. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor.