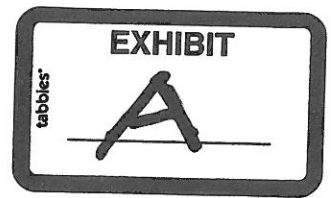


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**CHAPTER 741
Secondhand Dealers**

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741.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Secondhand" means that which has been used, or which has been previously traded or sold by a retailer, but does not include that which is received for credit upon the purchase price of similar new merchandise.
- (b) "Regular business" means the purchasing, selling, exchanging or receiving of secondhand items, precious stones or manufactured articles as set forth herein on more than three days in any calendar year.

741.02 LICENSE REQUIRED.

- (a) No person, partnership, corporation or other entity, unless duly licensed as provided in this chapter, shall engage in the regular business of purchasing, selling, exchanging or receiving secondhand items, except as set forth in Section 741.16.
- (b) No person, partnership, corporation or other entity, shall engage in the business of purchasing, selling, exchanging or receiving secondhand precious stones or any secondhand manufactured article composed wholly or in part of gold, silver, platinum or other precious metal, unless first duly licensed as provided in this chapter.

741.03 LICENSE APPLICATION REQUIREMENTS.

- (a) Every applicant for a license shall make an application in writing to the ~~County Executive or his designee~~ Office of Consumer Affairs, which application shall set forth:
 - (1) Name and residence address of the applicant.
 - (2) Name under which the business is to be conducted.

- (3) Name of every person owning or having a proprietary interest in the business.
- (4) Name of every person to be employed in the business.
- (5) Location where the business is to be conducted.
- (6) Type of articles to be purchased, sold or exchanged.
- (7) The location of other similar businesses in which the applicant or any person listed in subsection (a)(3) hereof, has any ownership or possessory interest.

(b) The application shall be made by the person who is to conduct the business and shall contain references from at least two residents of Summit County as to the character of the applicant.

(c) No license shall be issued to any applicant if the applicant or any of the person owning or having a proprietary interest in the business has been convicted of any felony involving fraud, theft, receiving or possessing stolen property in the five years immediately preceding the date of the license application. The ~~County Executive or his designee~~ Office of Consumer Affairs shall not issue a license until thirty days have passed from the date of the application so that the ~~County Executive or his designee~~ Office of Consumer Affairs can thoroughly check the background of those persons as required by this chapter.

741.04 INSPECTIONS AND TESTS OF WEIGHTS AND MEASURES; CERTIFICATION.

Every applicant for a license shall obtain an inspection and test from the Summit County Division of Weights and Measures of any and all scales, balances or other instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices used at the location indicated on the application. The ~~County Executive or his designee~~ Office of Consumer Affairs shall receive a certification from the Division of Weights and Measures that the required inspection and testing has taken place and that the scales, balances, instruments, devices, appliances and accessories give a correct weight. The ~~County Executive or his designee~~ Office of Consumer Affairs shall not grant the application without the proper certification. The certification issued by the Division of Weights and Measures is valid only for the location indicated on the application. It is not transferable to any other person, partnership, corporation or any other entity.

741.05 LICENSE FEE AND TERM.

Upon approval of the application by the ~~County Executive or his designee~~ Office of Consumer Affairs and after payment of a fee of twenty-five dollars (\$25.00), the ~~County Executive or his designee~~ Office of Consumer Affairs shall issue a license to the applicant. The license shall expire annually on December 31. The license shall contain the name under which the business is to be conducted and the location where the business is to be conducted.

741.06 LICENSE RENEWAL AND FEE.

Prior to the expiration of the annual license issued pursuant to Section 741.05, the license holder shall apply for a renewal of such license with the ~~County Executive or his designee~~ Office of Consumer Affairs. The applicant shall update and correct any information initially supplied pursuant to Section 741.03(a), and shall pay a license renewal fee of twenty-five dollars (\$25.00).

741.07 LICENSE TRANSFER AND DISPLAY.

Licenses issued under this chapter shall not be transferable to any person, partnership, corporation or other entity and the business may be conducted only at the location for which the license is issued. The license shall be so placed as to be made conspicuously visible.

741.08 CHANGE IN OWNERSHIP, INTEREST.

Every licensee under the provisions of this chapter shall inform the ~~County Executive or his designee~~ Office of Consumer Affairs in writing within five days of any change in persons conducting, owning or having a proprietary interest in the business.

741.09 LICENSE REVOCATION AND SUSPENSION.

The conviction of any licensee under the provisions of this chapter, or any person owning or having a proprietary interest in the business, or of any employee of the business licensed under this chapter, for any felony involving fraud, theft, receiving or possessing stolen property or for violation of any provision of this chapter, shall constitute grounds for immediate suspension or revocation by the County Executive or his designee of the license issued to such business.

741.10 RECORD BOOKS.

Every licensee under the provisions of this chapter shall keep a bound book in which shall be printed in ink, in English, at the time of the purchase of any article regulated by this chapter, an accurate description thereof, the price paid the seller therefor, the age, address, name and a physical description (including height, weight, and hair color) of the person from whom such purchase was made, the date and hour of the purchase, the driver's license number or State Identification Card number, or other personal identification of the seller; such information shall be printed in the book by the licensee or his employee. The seller shall sign his name opposite where the buyer has printed the same. Pages shall not be removed from the bound book. Such book shall at all times be open to the inspection of any member of the County Sheriff's Department or of any police department having jurisdiction in the area in which the business is located. Entries therein shall be consecutively numbered and shall not be erased, obliterated, altered, defaced or removed.

741.11 REQUIRED FORMS.

(a) In addition to the book required by Section 741.10, every licensee under the provisions of this chapter shall at the time of every purchase, enter with typewritten or printed letters, in ink, on a blank form to be furnished by the County Executive, such information as may be called for by such blank form; such information shall be printed on the card by the licensee or his employee except that the seller shall sign his name where required on the card. No entry on such card shall be erased, obliterated, altered or defaced.

(b) Every licensee under the provisions of this chapter shall mail by noon of the following weekday to the ~~County Executive or his designee~~ Office of Consumer Affairs, to such address as the ~~County Executive or his designee~~ designate Office of Consumer Affairs, such blanks furnished by the County Executive properly filled in and signed by the seller, in

accordance with the provisions of this section, for all transactions of the preceding business day; except that any licensee licensed under the provisions of this chapter for the first time shall, for the first forty-five days he conducts business within the County hand deliver such blanks to the ~~County Executive or his designee~~ Office of Consumer Affairs properly filled in and signed by the seller on every weekday before the hours of 12:00 noon for all transactions of the preceding business day. The County Executive may, in his discretion, waive the first forty-five day hand delivery requirement and require only mail delivery.

741.12 TAGGING ARTICLES.

Every licensee under the provisions of this chapter, at the time of acquiring through purchase or exchange 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 provided in Section 741.10.

741.13 CHANGE OR REMOVAL OF ARTICLES.

(a) No licensee under the provisions of this chapter or agent or employee thereof shall disassemble, take apart, change the form of, sell or remove from the corporate limits of Summit County, any of the goods, articles, or things sold to him, which are regulated by this chapter, until the same have been in his possession at least ten days.

(b) Any of the goods, articles, or things which are set forth in this chapter in the possession of any licensee under the provisions of this chapter shall be made available at any time for the inspection of any member of the Sheriff's Department or any police department having jurisdiction over the area within which the business is conducted.

741.14 PURCHASES FROM MINORS; HOURS OF OPERATION.

No person shall receive, by sale, barter, exchange or otherwise, any article mentioned in this chapter from a minor under the age of eighteen years. There shall not be any purchase from any person or persons between the hours of 11:00 p.m. and 8:00 a.m. on every day of the week.

741.15 ADVERTISEMENT.

No business licensed under the provisions of this chapter shall be advertised through the use of any medium, without including within such advertisement the license number from the license received from the ~~County Executive or his designee~~ Office of Consumer Affairs.

741.16 EXCEPTIONS.

The provisions of this chapter shall not apply to:

- (a) Persons who deal primarily in furniture;
- (b) Persons who deal primarily in secondhand automobiles;
- (c) Persons who deal primarily in coins;
- (d) Persons engaged in the business of a pawnbroker and who have complied with the provisions of law and the statutes of the State of Ohio with respect to the conduct of such pawnbroking business;
- (e) Sales of any sort whatsoever by governmental entities, departments or offices;
- (f) Sales of any items at Sheriff's sales; or
- (g) Sales made by a receiver in bankruptcy.

(Ord. 81-285. Approved 7-2-81.)

741.17 NONAPPLICABILITY IN CONFLICT.

This chapter shall not apply within any municipality or township which has enacted a measure which regulates or prohibits the conducting of a secondhand dealer business.

741.99 PENALTY.

(a) Whoever violates any provision of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00); for a second offense such person shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six months, or both.

(b) In addition to the penalty provided in subsection (a) hereof, the Prosecuting Attorney may, and at the request of the County Executive, shall, seek to enjoin any person, partnership, corporation or other entity from conducting a business which does not have