

## 5.44 – Secondhand and Junk Stores

### Sections

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### 5.44.010 – Licenses - Exceptions


- A. It is unlawful for any person to operate a business as a dealer in junk, dismantled or wrecked motor vehicles or parts thereof, and secondhand articles without having first obtained and kept in effect a license therefor. Such secondhand articles shall include, but not be limited to, used household goods and personal items, metals and gems.
- B. This chapter shall not apply to those isolated transactions commonly known as "garage sales" or "rummage sales;" provided that the same are held a maximum of twice yearly.
- C. This chapter shall not apply to antique dealers, flea market dealers, and consignment dealers except to the extent any of them shall in the course of business purchase jewelry, gems and/or precious metals.
- D. This chapter shall not apply to not-for-profit organizations operating a business as described in subsection A above if the articles sold are originally donated to the organization.
- E. Organizations operating a business as described in subsection A that have obtained the secondhand articles from a not-for-profit organization, and the articles to be sold were originally donated to that not-for-profit organization, and the organization does not purchase any secondhand articles from the general public, shall be exempt from Section 5.44.020 and Section 5.44.040, but shall otherwise comply with the requirements of this Chapter.

(2011-M-49 : § 1; 1983-M-27 : § 1 (part))

### 5.44.020 – Records required - Inspection of records and goods

Every secondhand or junk store dealer shall keep a permanent record book in which shall be legibly written in ink, at the time of each purchase, an accurate account and description of the article or thing so purchased or sold, and the name and residence of the person to whom or from whom such purchase was made. The record book as well as every article of merchandise shall at all reasonable times be open to the inspection of any member of the police force. The form of such record shall be as set forth in Exhibit "A" attached to this chapter.

#### Exhibits:

 Exhibit A 5.44.020.pdf

(1983-M-27 : § 1 (part))

### 5.44.030 – Stolen goods

Every secondhand or junk store dealer who receives or is in possession of any goods, articles or things of value which may have been lost or stolen, shall upon demand produce such article or thing to any member of the police department for examination, and it shall be the duty of every dealer hereunder to report to the police department any article or thing which was sold to him or which is offered to him for purchase if he has reason to believe that the article or thing was stolen.

(1983-M-27 : § 1 (part))

### **5.44.040 – Dealing with minors**

No secondhand or junk store dealer shall, in the course of his business, make any transaction with any person less than eighteen years of age, except with the written consent of the parent or guardian of the minor given in the presence of the dealer.

(1983-M-27 : § 1 (part))

### **5.44.050 – Licensee not to operate certain businesses**

No secondhand or junk store dealer shall receive or hold a license to carry on a business as a pawnbroker.

(1983-M-27 : § 1 (part))

### **5.44.060 – Time for purchases restricted**

It is unlawful for any licensee hereunder to purchase in the course of business any goods, articles or things whatsoever from any person or persons whomever, between the hours of ten p.m. one day and eight a.m. of the following day. Notwithstanding the foregoing, this Section shall not prohibit organizations described in Section 5.44.010(E) from accepting deliveries starting at 7:00 a.m., unless otherwise prohibited by this Code.

(2011-M-49 : § 2; 1983-M-27 : § 1 (part))