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AGENDA COVER MEMO

AGENDA DATE: January 04, 2006 and January 18, 2006

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Lane County Sheriff's Office

PRESENTED BY: Russel Burger, Sheriff

AGENDA ITEM TITLE: ORDINANCE NO. 7-05/IN THE MATTER OF AMENDING CHAPTER 3 OF LANE CODE REGARDING REGULATION OF AND REPORTING BY USED MERCHANDISE DEALERS AND ELIMINATING THE SECONDHAND BUSINESS LICENSE REQUIREMENT (LC 3.600-3.990)

I. MOTION:

For 01/04: I MOVE THE FIRST READING OF ORDINANCE NO 7-05, AND SETTING THE SECOND READING AND PUBLIC HEARING ON JANUARY 18, 2006 AT 1:30 PM IN HARRIS HALL.

For 01/18: I MOVE THE ADOPTION OF ORDINANCE NO. 7-05 REGARDING THE REGULATION AND REPORTING BY USED MERCHANDISE DEALERS.

II. ISSUE OR PROBLEM: The public safety agencies in the metropolitan area have an on-going problem of timely identification of stolen property when received by used merchandise dealers. In addition, the ordinances regulating used merchandise dealers are inconsistent among the jurisdictions, making it confusing for Sheriff's Deputies, police officers, the dealers and the public.

III. DISCUSSION:

A. Background. Lane County, Eugene, and Springfield have had ordinances regulating secondhand business dealers since the late 1970s. Generally, the ordinances require a used merchandise dealer to keep a record of all purchases and acquisitions of regulated used goods, and to make copies of these records available to peace officers. At least in Lane County, the ordinance also required the dealer to obtain a business license. The ordinances provided penalties for failure to comply. The concept behind the ordinances was to provide a means by which the law enforcement agencies could readily check for stolen property.

B. Analysis. With the reduction in local government budgets, there are fewer resources devoted to such things as recovery of stolen property; however, the problems of theft have not diminished. The objectives of an automated recording system are as follows:

- To detect and return stolen property purchased by used merchandise dealers in an orderly, cost effective, and speedy manner
- To suppress the trafficking of stolen property within Lane County
- To enhance cooperation among the property crimes functions of the law enforcement agencies
- To coordinate the efforts and enhance the ability of each participating unit of local government to track and return stolen property
- To establish a central electronic repository for information related to purchases of used merchandise by used merchandise dealers
- To invite other units of local government within Lane County to participate

The City of Eugene conducted a pilot project in which the business dealers entered the records of used property acquisitions into a computer program and transmitted them to the City of Eugene electronically. This permitted a more timely identification of stolen goods, with attendant improvement in the identification and apprehension of criminals. A side benefit for the business dealers is that the computer program also has inventory management capacity and some believe it deters people from bringing in stolen property.

The three jurisdictions are proposing the adoption of uniform ordinances regulating the used merchandise businesses. The ordinances will provide for electronic reporting by the businesses. Eugene, Springfield and Lane County will enter into an intergovernmental agreement to establish a central electronic repository for the information related to purchases of used merchandise, and to coordinate the cooperative efforts of detecting and returning stolen property. The proposed intergovernmental agreement provides for the City of Eugene to administer the program, and proposes that fees fund the cost of doing so. The businesses who participated in the pilot project indicated a willingness to pay the fee, so long as it is assessed uniformly. Other units of local government would be invited to join.

The proposed ordinance makes a number of changes to Lane County's existing ordinance:

1. The definitions section (LC 3.600) provides greater detail as to what type of property is regulated and what is not. It reflects what the police officers and deputies have indicated are the primary areas of concern in terms of significant stolen property.

2. The recording section (proposed LC 3.605; formerly 3.610) makes only minor changes. It does limit the length of time the business must keep the record.

3. The reporting requirements section (LC 3.610) is new in that it requires delivery of the recording form as the County directs. This is accomplished through an electronic reporting system approved by the County.

4. LC 3.615 provides that there shall be fees established and the fees will reflect the costs associated with providing electronic automated reporting system services to the dealers. The fee shall be set by order of the Board. At the time of the second reading and public hearing on the ordinance, an order will be presented for Board consideration. The fees were presented to the Finance and Audit Committee on November 8, 2005.

5. LC 3.620 makes some relatively minor changes in the limitations on the business purchasing regulated property; proposed LC 3.625 carries forward the earlier limitation that a

business must hold the property for 7 days before reselling. New language permits the Sheriff to provide written notice to a business to hold a particular piece of property up to 180 days.

6. LC 3.635 permits the Sheriff to adopt procedures to deal with the release of property seized by peace officers and to provide for appropriate due process hearings regarding the release.

7. LC 3.990 changes the penalties for violation from a Class A to a Class B, in order to be consistent across the jurisdictions. Class A violation fines are up to \$720; Class B are up to \$360.

8. The Ordinance also eliminates the requirement that a business obtain a secondhand business license. This is a portion of the existing Code that does not appear to have been heavily used by the businesses; in fact, the business license requirement has not been utilized for several years. No one in the Sheriff's office who was asked can remember the last time a license was issued.

The Sheriff would like to implement this new, streamlined used merchandise ordinance as a first step. Sheriff Burger would like to see an automated recording system be required statewide and have the insurance industry advocate and share the cost of the system. Insurance companies do not have to pay claims when stolen property is returned to rightful owners.

C. Alternatives/Options.

1. The Board can choose to adopt the proposed ordinance and establish a multi-jurisdictional, automated, streamlined, approach to the enforcement of local ordinances regulating the purchase of used merchandise. This would enhance cooperation among the property crimes functions of the law enforcement agencies and detect and return stolen property purchased by used merchandise dealers in an orderly, cost effective, and speedy manner.

2. The Board can choose not to adopt the proposed ordinance, and leave the existing secondhand business license in place. This would mean that Lane County would not be participating in the intergovernmental effort to more uniformly regulate the used merchandise dealers. Lane County would not be taking advantage of the opportunity to require electronic reporting as a step in addressing the problems of detecting and returning stolen property. This would also mean that used merchandise dealers outside the city limits of Eugene and Springfield would continue under the current ordinance and file paper slips, which are not reviewed by Lane County, due to lack of resources.

D. Recommendations. The Sheriff recommends the Board of County Commissioners choose alternative #1 above and enact the ordinance.

IV. IMPLEMENTATION/FOLLOW-UP:

The Ordinance will go into effect 30 days after the Board adopts it. A Board Order amending Lane Manual to adopt fees for the program will be presented to the Board at the time and date of the second reading, public hearing of the Ordinance.

V. ATTACHMENTS:

1. Ordinance 7-05
2. Draft Intergovernmental Agreement
3. *Police Use Web to Snare Thieves*, The Register Guard, 11/12/2005

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 7-05

IN THE MATTER OF AMENDING CHAPTER 3 OF LANE
CODE REGARDING REGULATION OF AND
REPORTING BY USED MERCHANDISE DEALERS
AND ELIMINATING THE SECONDHAND BUSINESS
LICENSE REQUIREMENT (LC 3.600 through 3.990)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 3 of Lane Code is hereby amended by deleting, substituting, and adding new sections as follows:

DELETE THESE SECTIONS

3.600 through 3.990
as located on pages 3-2 through 3-5
(a total of 4 pages)

INSERT THESE SECTIONS

3.600 through 3.990
as located on pages 3-2 through 3-5
(a total of 4 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these deletions and substitutions is to add provisions regarding regulation of and reporting by Used Merchandise Dealers and eliminating the Secondhand Business License requirement (LC 3.600 through 3.990).

ENACTED this _____ day of _____ 2005.

Chair, Lane County Board of Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 11/21/2005 Lane County



OFFICE OF LEGAL COUNSEL

at large and identified by listing in the telephone directory issued by the telephone company serving the County.

Sensory Detection Apparatus. A mechanical or electrical device, part of an automatic protection device, which is designed for detection of any physical force or condition inherently characteristic of fire (other than water flow or manual fire alarms) or the unauthorized intrusion into or upon a protected premise.

Sheriff. The Director of the Department of Public Safety of Lane County. *(Revised by Ordinance No. 18-73, Effective 4.5.74)*

3.405 Authority.

This subchapter is consistent with ORS Chapter 670 but is adopted under authority of the Lane County Charter for the purpose of establishing procedures, practices and standards within the County for operation of emergency reporting equipment. *(Revised by Ordinance No. 6-74, Effective 5.17.74; 1-88, 2.26.88)*

3.407 Exclusion.

Section 3.445 does not apply to regulated public telephone utilities duly authorized to operate in the State of Oregon. *(Revised by Ordinance No. 1-88, Effective 2.26.88)*

3.445 Alarm Systems - Cessation of Transmission.

(1) An owner, lessor, installer or supplier shall see to it that a notice is posted containing the current name and telephone numbers of the person to be notified to disable an alarm and secure the premises whenever the alarm system is activated. The notice shall be posted near the alarm and shall be legible from the ground level adjacent to the premises where the alarm system is located.

(2) Upon request of the County or City, an owner, lessor, installer, supplier or person listed on the posted notice shall respond 60 minutes after being notified for a fire alarm system, or within 30 minutes after being notified for all other alarm systems to the premises where the alarm system is located, and shall disable the alarm and secure the premises.

(3) A police officer, deputy sheriff, or fire fighter may disable or cause an alarm system to be disabled if:

(a) A responsible party or person listed on the posted notice does not arrive within the above time requirements after being requested to do so by the County or City; or

(b) The alarm system has transmitted a signal for more than 10 minutes after the arrival of a police officer, deputy sheriff, or fire fighter and no responsible party or person listed on the posted notice is available to respond. *(Revised by Ordinance No. 18-73, Effective 4.5.74; 6-74, 5.17.74; 1-88, 2.26.88; 10-88, 1.4.89)*

USED MERCHANDISE DEALERS

3.600 Definitions.

For the purposes of this subchapter, the following terms shall mean:

Approved identification. A currently valid identification issued by a government agency that includes a physical description and photograph of the person and bears the signature of the person.

Peace Officer. As defined in ORS 133.005.

Purchase. The buying, exchanging, transferring, collecting, consigning or otherwise acquiring of regulated property from another person not a used merchandise dealer, for resale, exchange, or transfer by the purchaser. This includes the taking

possession of regulated property with an expressed or implied agreement or understanding to return regulated property at a subsequent time at a stipulated price or for the payment of a storage or handling fee.

Regulated Property.

(a) Except for property excluded in subparagraph (b) below, any used or secondhand personal property, including, but not limited to, precious metals and gems; watches, jewelry, and household items containing precious metals or precious gems; audio and video equipment and media; photographic and optical equipment; electrical office equipment; yard and garden tools; power equipment and tools; hand tools; telephones or telephone equipment; musical instruments; firearms; and sporting equipment.

(b) The term “regulated property” does not include any of the following property: vehicles required to be registered with the state Motor Vehicles Division; boats required to be certified by the state Marine Board; books; collectible trading cards (e.g. baseball trading cards or movie trading cards); glassware; furniture; clothes; refrigerators, stoves, washers, dryers, window air conditioner units, and other similar major household appliances; small kitchen appliances; or property that is purchased for investment purposes, limited to the following:

(i) Gold bullion bars or rounds (0.995 fine or better);
 (ii) Silver bullion bars or rounds (0.995 fine or better);
 (iii) All tokens, coins, or money, whether commemorative or an actual medium of exchange, adopted by a domestic or foreign government as part of its currency; or

(iv) Postage stamps, stamp collections and philatelic items.

Sheriff. The Sheriff of Lane County, or his or her designee.

Used merchandise dealer.

(a) A person who engages in, conducts, manages, or carries on any business that, as part or all of its business:

(i) Purchases regulated property; or
 (ii) Lends money on security of regulated property.

(b) A used merchandise dealer does not include:

(i) A person who engages in, conducts, manages, or carries on any business that does not buy regulated property outright, but occasionally accepts in trade regulated property as part or full payment for new articles, where such business is incidental to the primary business of the sale of new articles;

(ii) A person who engages in, conducts, manages, or carries on any business that deals exclusively in the purchase and sale of used whole automobiles, books, trading cards or sports memorabilia, clothing, furniture, major household electric or gas appliances, or farm implements and machinery; or

(iii) A person who engages in, conducts, manages, or carries on any nonprofit corporation or association that purchases, sells or otherwise exchanges only donated articles. *(Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79)*

3.605 Recording Requirements.

(1) At the time of purchase, a used merchandise dealer shall accurately record the description of the regulated property purchased and the approved identification of the person from whom the regulated property was purchased.

(2) Used merchandise dealers shall record purchases of regulated property via an automated electronic reporting system approved by the County.

(3) All records of purchases shall be kept in an orderly manner on the used merchandise dealer’s business premises and open for reasonable inspection by peace

officers upon their demand. Each used merchandise dealer shall keep a paper record of each purchase bearing the signature of the customer for a period of one year.

(Revised by Ordinance No. 14-77, Effective 10.26.77)

3.610 Reporting Requirements.

(1) Within 12 hours of a purchase, a used merchandise dealer shall input and transmit the recorded information required under LC 3.605 using the automated electronic reporting system approved by the County.

(2) Only reports containing complete information shall be deemed to comply with this section.

(3) In the event that the automated electronic reporting system becomes inoperable, a used merchandise dealer's computer system becomes inoperable, or other event that makes reporting within the time allowed by LC 3.610(1) impossible, the used merchandise dealer shall immediately report the occurrence of such event to the Sheriff. The Sheriff may suspend the reporting requirements of LC 3.610(1) for a reasonable period until electronic reporting can resume. Once the Sheriff determines that reporting can resume, used merchandise dealers must, within 12 hours, input and transmit the information required LC 3.605 for all purchases made during any period reporting was suspended by the Sheriff using the approved automated electronic reporting system.

(Revised by Ordinance No. 14-77, Effective 10.26.77)

3.615 Reporting Fees.

(1) The County shall establish by order the fees for the use of an automated electronic reporting system. Such fees shall reflect the costs associated with providing electronic automated reporting system services to used merchandise dealers.

(2) Used merchandise dealers shall be charged the fees on an annual basis. Fees become due 45 days after being billed. *(Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79; 1-88, 2.26.88)*

3.620 Limitations on the Purchase of Regulated Property.

(1) A used merchandise dealer shall not:

(a) Purchase regulated property with serial numbers, personalized inscriptions or initials, or other identifying marks, which are or have been altered, obliterated, removed, or otherwise rendered illegible;

(b) Purchase regulated property from a person under the age of 18 years;

(c) Purchase regulated property from a person who is obviously under the influence of drugs or intoxicating liquor; or

(d) Knowingly purchase regulated property from a person who is not the owner of the regulated property or parent or guardian of the owner of the regulated property.

(2) A used merchandise dealer shall comply with all applicable federal, state, and local laws and regulations. *(Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79)*

3.625 Limitations on the Sale of Regulated Property.

(1) Regulated property purchased by any used merchandise dealer shall not be sold for a period of 7 full days after the date the report required in LC 3.610 is received by the County. The used merchandise dealer shall maintain the purchased property in substantially the same form as purchased and shall not commingle the property in a manner that precludes identification during this seven-day holding period. The purchased property shall be located on the business premises during normal business hours during this holding period so that it can be inspected as provided in LC 3.630.

(2) Upon reasonable belief that the purchased property is the subject of theft, the Sheriff may provide written notice to any used merchandise dealer not to dispose of any specifically described property purchased. The used merchandise dealer shall retain the property in substantially the same form as purchased. Upon receipt of written notice pursuant to this subsection, the used merchandise dealer shall not sell, exchange, dismantle or otherwise dispose of the property for a period of time, as determined and stated in the notice by the Sheriff, not to exceed 180 days from the date of purchase. *(Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79)*

3.630 Inspection of Used Merchandise Dealers and Regulated Property.

Upon presentation of official identification, any peace officer may enter onto the business premises of any used merchandise dealer to ensure compliance with the provisions of LC 3.600 through 3.625. The inspection shall be for the limited purpose of inspecting any regulated property purchased by the dealer, held by the dealer pursuant to LC 3.625, or the records incident thereto. Any inspection pursuant to this section shall only be authorized to occur during normal business hours.

3.635 Administrative Rules.

The Sheriff shall have the authority to adopt procedures concerning the administration and enforcement of LC 3.600 through 3.630, including but not limited to the establishment of procedures for the release of property seized from used merchandise dealers by peace officers and the procedures to be followed at any hearings related thereto. *(Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79)*

ENFORCEMENT

3.990 Violation.

(1) Violation of any of the requirements of LC 3.445(1) and (2), constitutes a Class A violation. Continued violations after 10 days from the service of the citation on the alleged violator, and continued violations after an order has been entered by the court for the same violation, constitute a separate Class A violation for each day the violation continues. The Sheriff, or said Sheriff's duly authorized representative, shall have the authority to issue a citation for violations of LC 3.445(1) and (2).

(2) Violation of any of the requirements of LC 3.605 through 3.630 above constitutes a Class B violation as defined in ORS 153.018. Each violation of any of the requirements of LC 3.605 through 3.630 shall constitute a separate violation. Each day that a violation continues shall constitute a separate violation.

(3) In addition to the remedies provided in LC 3.990(1) and (2) above, additional proceedings may be instituted, including, but not limited to, injunctive relief to enforce the provisions of this chapter. *(Revised by Ordinance No. 18-73, Effective 4.5.74; 1-77, 4.1.77; 6-77, 7.29.77, 14-77, 10.26.77; 22-77, 12.28.77; 1-88, 2.26.88; 10-88, 1.4.89; 1-00, 4.12.00)*

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3.4053-990 Lane Code

LEGISLATIVE
FORMAT
3.6003-990

at large and identified by listing in the telephone directory issued by the telephone company serving the County.

Sensory Detection Apparatus. A mechanical or electrical device, part of an automatic protection device, which is designed for detection of any physical force or condition inherently characteristic of fire (other than water flow or manual fire alarms) or the unauthorized intrusion into or upon a protected premise.

Sheriff. The Director of the Department of Public Safety of Lane County. (*Revised by Ordinance No. 18-73, Effective 4.5.74*)

3.405 Authority.

This subchapter is consistent with ORS Chapter 670 but is adopted under authority of the Lane County Charter for the purpose of establishing procedures, practices and standards within the County for operation of emergency reporting equipment. (*Revised by Ordinance No. 6-74, Effective 5.17.74; 1-88, 2.26.88*)

3.407 Exclusion.

Section 3.445 does not apply to regulated public telephone utilities duly authorized to operate in the State of Oregon. (*Revised by Ordinance No. 1-88, Effective 2.26.88*)

3.445 Alarm Systems - Cessation of Transmission.

(1) An owner, lessor, installer or supplier shall see to it that a notice is posted containing the current name and telephone numbers of the person to be notified to disable an alarm and secure the premises whenever the alarm system is activated. The notice shall be posted near the alarm and shall be legible from the ground level adjacent to the premises where the alarm system is located.

(2) Upon request of the County or City, an owner, lessor, installer, supplier or person listed on the posted notice shall respond 60 minutes after being notified for a fire alarm system, or within 30 minutes after being notified for all other alarm systems to the premises where the alarm system is located, and shall disable the alarm and secure the premises.

(3) A police officer, deputy sheriff, or fire fighter may disable or cause an alarm system to be disabled if:

(a) A responsible party or person listed on the posted notice does not arrive within the above time requirements after being requested to do so by the County or City; or

(b) The alarm system has transmitted a signal for more than 10 minutes after the arrival of a police officer, deputy sheriff, or fire fighter and no responsible party or person listed on the posted notice is available to respond. (*Revised by Ordinance No. 18-73, Effective 4.5.74; 6-74, 5.17.74; 1-88, 2.26.88; 10-88, 1.4.89*)

~~SECONDHAND BUSINESS LICENSES~~ USED MERCHANDISE DEALERS

3.600 Definitions.

For the purposes of this subchapter, the following terms shall mean:

Approved identification. A currently valid identification issued by a government agency that includes a physical description and photograph of the person and bears the signature of the person.

~~Director.~~ The Director of the Department of Public Safety.

~~Licensee.~~ A person holding a valid license issued under this subchapter, and for purposes of LC 3.610, 3.615 and 3.620 below, shall include the owner, manager, operator, employee or agent of a secondhand business.

Peace Officer. As defined in ORS 133.005.

Purchase. The buying, exchanging, transferring, collecting, consigning or otherwise acquiring of regulated property from another person not a used merchandise dealer, for resale, exchange, or transfer by the purchaser. This includes the taking possession of regulated property with an expressed or implied agreement or understanding to return regulated property at a subsequent time at a stipulated price or for the payment of a storage or handling fee.

Regulated Property.

(a) Except for property excluded in subparagraph (b) below, any used or secondhand personal property, including, but not limited to, precious metals and gems; watches, jewelry, and household items containing precious metals or precious gems; audio and video equipment and media; photographic and optical equipment; electrical office equipment; yard and garden tools; power equipment and tools; hand tools; telephones or telephone equipment; musical instruments; firearms; and sporting equipment.

(b) The term "regulated property" does not include any of the following property: vehicles required to be registered with the state Motor Vehicles Division; boats required to be certified by the state Marine Board; books; collectible trading cards (e.g. baseball trading cards or movie trading cards); glassware; furniture; clothes; refrigerators, stoves, washers, dryers, window air conditioner units, and other similar major household appliances; small kitchen appliances; or property that is purchased for investment purposes, limited to the following:

(i) Gold bullion bars or rounds (0.995 fine or better);

(ii) Silver bullion bars or rounds (0.995 fine or better);

(iii) All tokens, coins, or money, whether commemorative or an actual medium of exchange, adopted by a domestic or foreign government as part of its currency; or

(iv) Postage stamps, stamp collections and philatelic items.

~~Secondhand Business.~~ Any business that devotes part of its business to the collection, purchase, exchange or sale of used articles or the lending of money on the security of used articles. A secondhand business does not include a business which buys or takes in trade used articles incidental to the sale of new articles or merchandise. Any business dealing exclusively in automobiles, books, farm or lawn machinery or furniture is excluded from this definition.

Sheriff. The Sheriff of Lane County, or his or her designee.

Used merchandise dealer.

(a) A person who engages in, conducts, manages, or carries on any business that, as part or all of its business:

(i) Purchases regulated property; or

(ii) Lends money on security of regulated property.

(b) A used merchandise dealer does not include:

(i) A person who engages in, conducts, manages, or carries on any business that does not buy regulated property outright, but occasionally accepts in trade regulated property as part or full payment for new articles, where such business is incidental to the primary business of the sale of new articles;

(ii) A person who engages in, conducts, manages, or carries on any business that deals exclusively in the purchase and sale of used whole automobiles, books, trading cards or sports memorabilia, clothing, furniture, major household electric or gas appliances, or farm implements and machinery; or

(iii) A person who engages in, conducts, manages, or carries on any nonprofit corporation or association that purchases, sells or otherwise exchanges only donated articles.

(Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79)

3.605 Recording Requirements. License Required.

(1) At the time of purchase, a used merchandise dealer shall accurately record the description of the regulated property purchased and the approved identification of the person from whom the regulated property was purchased.

(2) Used merchandise dealers shall record purchases of regulated property via an automated electronic reporting system approved by the County.

(3) All records of purchases shall be kept in an orderly manner on the used merchandise dealer's business premises and open for reasonable inspection by peace officers upon their demand. Each used merchandise dealer shall keep a paper record of each purchase bearing the signature of the customer for a period of one year.

~~(1) No person shall operate a secondhand business in the unincorporated areas of Lane County unless such person holds a valid license issued under this subchapter.~~

~~(2) A license issued under this subchapter shall be an annual license and shall not be transferable.~~

~~(3) Procedures for the application, approval and revocation of licenses issued under this subchapter shall be established by separate order of the Board.~~

(Revised by Ordinance No. 14-77, Effective 10.26.77)

3.610 Record Keeping-Reporting Requirements.

(1) Within 12 hours of a purchase, a used merchandise dealer shall input and transmit the recorded information required under LC 3.605 using the automated electronic reporting system approved by the County.

(2) Only reports containing complete information shall be deemed to comply with this section.

(3) In the event that the automated electronic reporting system becomes inoperable, a used merchandise dealer's computer system becomes inoperable, or other event that makes reporting within the time allowed by LC 3.610(1) impossible, the used merchandise dealer shall immediately report the occurrence of such event to the Sheriff. The Sheriff may suspend the reporting requirements of LC 3.610(1) for a reasonable period until electronic reporting can resume. Once the Sheriff determines that reporting can resume, used merchandise dealers must, within 12 hours, input and transmit the information required LC 3.605 for all purchases made during any period reporting was suspended by the Sheriff using the approved automated electronic reporting system.

~~(1) A licensee shall keep a record of all purchases or acquisitions of used goods. Such records shall be kept in an orderly manner in chronological order, and a copy retained separately for peace officers. All records shall be open for reasonable inspection by peace officers upon their demand.~~

~~(2) The Director shall prepare tabulated forms on which may be put all information deemed necessary by the Director for the identification of articles purchased or acquired by a licensee. Forms shall be completed by the licensee when any transaction is made. Such forms shall be furnished to each licensee and, if completed in full, shall be considered to satisfy the record keeping requirements of this section.~~ *(Revised by Ordinance No. 14-77, Effective 10.26.77)*

3.615 Reporting Fees. ~~Land Management Approval.~~

(1) **The County shall establish by order the fees for the use of an automated electronic reporting system. Such fees shall reflect the costs associated with providing electronic automated reporting system services to used merchandise dealers.**

(2) **Used merchandise dealers shall be charged the fees on an annual basis. Fees become due 45 days after being billed.**

~~No license shall be granted under this subchapter until the location of the proposed retail establishment has been certified to be in conformity with the land use and zoning ordinances of Lane County by the Land Management Division of the Department of Public Works. (Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79; 1-88, 2.26.88)~~

3.620 Limitations on the Purchase of Regulated Property. ~~Restrictions on Purchases and Sales.~~

(1) **A used merchandise dealer shall not:**

(a) **Purchase regulated property with serial numbers, personalized inscriptions or initials, or other identifying marks, which are or have been altered, obliterated, removed, or otherwise rendered illegible;**

(b) **Purchase regulated property from a person under the age of 18 years;**

(c) **Purchase regulated property from a person who is obviously under the influence of drugs or intoxicating liquor; or**

(d) **Knowingly purchase regulated property from a person who is not the owner of the regulated property or parent or guardian of the owner of the regulated property.**

(2) **A used merchandise dealer shall comply with all applicable federal, state, and local laws and regulations.**

~~(1) No purchase or acquisition by a licensee shall be made from persons under the age of 18 years unless such persons are accompanied by their parent or guardian.~~

~~(2) No purchase or acquisition by a licensee shall be made from persons who are incapable of dealing intelligently or from persons who are under the influence of drugs or intoxicating liquor.~~

~~(3) No purchase or acquisition by a licensee shall be made of items on which the serial number has been obliterated or removed.~~

~~(4) All used articles purchased or acquired by a licensee shall be segregated in such a way as to permit their ready identification by the record required in LC 3.610 above for a period of seven days before resale. Segregation shall continue for a further period of seven days upon the direction of a peace officer if said peace officer has a reasonable suspicion that the used articles are stolen property. (Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79)~~

3.625 Limitations on the Sale of Regulated Property. ~~Revocation.~~

(1) **Regulated property purchased by any used merchandise dealer shall not be sold for a period of 7 full days after the date the report required in LC 3.610 is received by the County. The used merchandise dealer shall maintain the purchased property in substantially the same form as purchased and shall not commingle the property in a manner that precludes identification during this seven-day holding period. The purchased property shall be located on the business premises during normal business hours during this holding period so that it can be inspected as provided in LC 3.630.**

(2) **Upon reasonable belief that the purchased property is the subject of theft, the Sheriff may provide written notice to any used merchandise dealer not to dispose of any specifically described property purchased. The used merchandise**

dealer shall retain the property in substantially the same form as purchased. Upon receipt of written notice pursuant to this subsection, the used merchandise dealer shall not sell, exchange, dismantle or otherwise dispose of the property for a period of time, as determined and stated in the notice by the Sheriff, not to exceed 180 days from the date of purchase.

~~A license issued under this subchapter may be revoked for violation by the licensee of any of the provisions of LC 3.610 or 3.620 above. A license may also be revoked, or its issuance denied, if a licensee or applicant knowingly provides false information or knowingly falsifies any application or record required by LC 3.610 above. (Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79)~~

3.630 Inspection of Used Merchandise Dealers and Regulated Property. Fees.

Upon presentation of official identification, any peace officer may enter onto the business premises of any used merchandise dealer to ensure compliance with the provisions of LC 3.600 through 3.625. The inspection shall be for the limited purpose of inspecting any regulated property purchased by the dealer, held by the dealer pursuant to LC 3.625, or the records incident thereto. Any inspection pursuant to this section shall only be authorized to occur during normal business hours.

~~**3.635 Fees.** A fee for each annual application shall be charged at the time the application is filed in an amount to be established by separate order of the Board.~~

3.635 Administrative Rules.

The Sheriff shall have the authority to adopt procedures concerning the administration and enforcement of LC 3.600 through 3.630, including but not limited to the establishment of procedures for the release of property seized from used merchandise dealers by peace officers and the procedures to be followed at any hearings related thereto. (Revised by Ordinance No. 14-77, Effective 10.26.77; 12-79, 11.9.79)

ENFORCEMENT

3.990 Violation.

(1) Violation of any of the requirements of LC 3.445(1) and (2), ~~or LC 3.605 through 3.615 above~~ constitutes a Class A violation. Continued violations after 10 days from the service of the citation on the alleged violator, and continued violations after an order has been entered by the court for the same violation, constitute a separate Class A violation for each day the violation continues. The Sheriff, or said Sheriff's duly authorized representative, shall have the authority to issue a citation for violations of LC 3.445(1) and (2), ~~and 3.605 through 3.615 above.~~

(2) Violation of any of the requirements of LC 3.605 through 3.630 above constitutes a Class B violation as defined in ORS 153.018. Each violation of any of the requirements of LC 3.605 through 3.630 shall constitute a separate violation. Each day that a violation continues shall constitute a separate violation.

(23) In addition to the remedies provided in LC 3.990(1) and (2) above, additional proceedings may be instituted, including, but not limited to, injunctive relief to enforce the provisions of this chapter. (Revised by Ordinance No. 18-73, Effective 4.5.74; 1-77, 4.1.77; 6-77, 7.29.77, 14-77, 10.26.77; 22-77, 12.28.77; 1-88, 2.26.88; 10-88, 1.4.89; 1-00, 4.12.00)

Draft for Discussion Purposes

INTERGOVERNMENTAL AGREEMENT

LANE COUNTY PROPERTY RECOVERY TEAM

AMONG: The City of Eugene, a Municipal Corporation
of the State of Oregon (Eugene)

AND: Lane County, a Political Subdivision
of the State of Oregon (County)

AND: The City of Springfield, a Municipal Corporation
of the State of Oregon (Springfield)

CONTRACT NO.: _

**EFFECTIVE
DATE:** ____, 2006

RECITALS

- A. ORS 190.010 provides that units of local government may enter into agreements for the performance of any and all functions and activities that any party to the agreement, its officers or agents have the authority to perform.
- B. Each of the parties agree that it will be mutually beneficial to the parties to coordinate the services as described in this agreement.
- C. The above-named units of local government desire to enter into a contract whereby each will provide the services described in this contract on the terms and conditions set forth herein.

AGREEMENT

- 1. **Purpose.** The purpose of this agreement is to:
 - 1.1 Establish a multi-jurisdictional approach to the enforcement of local ordinances regulating the purchase of used merchandise;

- 1.2 Establish a means of electronically receiving reports of used merchandise purchases from used merchandise dealers within the respective parties' jurisdictions; and
- 1.3 Provide more efficient and responsive service to the citizens served by the several law enforcement agencies in Lane County.

2. Objectives.

- 2.1 To detect and return stolen property purchased by used merchandise dealers in an orderly, cost effective, and speedy manner.
- 2.2 To suppress the trafficking of stolen property within Lane County.
- 2.3 To enhance cooperation among the property crimes functions of the law enforcement agencies within Lane County.
- 2.4 To coordinate the efforts and enhance the ability of each participating unit of local government to track and return stolen property.
- 2.5 To establish a central electronic repository for information related to purchases of used merchandise by used merchandise dealers.
- 2.6 To invite other units of local government within Lane County to join in this agreement. It is a goal of the parties to ultimately have an agreement that includes all entities with law enforcement agencies within Lane County.
- 2.7 To fund the costs of the electronic reporting system through the implementation of fees imposed on the used merchandise dealers in each jurisdiction.

3. Property Recovery Team ("PRT"). For purposes of this agreement, the combined local government units that are parties to this agreement are designated as the "Property Recovery Team (PRT)."

4. PRT Policy Board.

- 4.1 A PRT Policy Board (the "Board") is hereby created, which shall be comprised of the department heads of the Eugene Police Department, Lane County Sheriff's Office, and Springfield Police Department, or their respective designees. Each Board member has an equal voice.
- 4.2 A designee appearing on behalf of a department head may cast that Board member's vote.

4.3 The Board shall periodically, and at least annually, review the reporting fees paid by used merchandise dealers and the costs associated with the electronic reporting system. The Board shall submit its recommendation to the parties' governing bodies of any changes necessary to ensure that the used merchandise dealer fees are adequate to recover the costs associated with the electronic reporting system.

5. **Term and Termination.** The term of this agreement shall commence on the effective date set forth in the caption, providing that by that date each of the parties has adopted corresponding used merchandise dealer ordinances, and shall be perpetual until terminated by mutual agreement of the parties or by withdrawal in accordance with Section 8 of this agreement.

6. **Management.**

6.1 Each of the parties hereto shall furnish such assistance and/or resources as the party may deem reasonable and available to accomplish the objectives of this agreement.

6.2 Eugene will be responsible for the management and supervision of the services required to carry out the purpose and objectives of this agreement, and will coordinate its activities with the Board.

6.3 It is the intent of the parties that the used merchandise dealer fees will be established in an amount that will be adequate to cover the costs associated with the electronic reporting system. However, Eugene shall be solely responsible for any expenses incurred hereunder in excess of the used merchandise dealer fees received.

6.4 The parties acknowledge that in its management capacity Eugene may contract with a provider for the software and services necessary to carry out the purpose and objectives of this agreement. Specifically, Eugene may contract with a company that can provide the ability for used merchandise dealers to electronically report transactions to a central database that will then be accessible by all parties to this agreement.

6.5 In the event Eugene enters into a sole source contract for the services described in section 6.4 above, in addition to being solely responsible for the costs and expenses incurred therein, to the extent legally possible, and as limited by the Oregon Constitution and Oregon statutes, Eugene agrees to hold harmless, defend and indemnify the other parties to this agreement from and against any and all claims, actions, liabilities, costs, including attorney fees and other costs of defense arising out of or resulting from Eugene's decision to enter into a sole source contract.

6.6 Eugene shall be responsible for billing used merchandise dealers located within the

jurisdictions of all parties to this agreement for payment of the fees required under each party's used merchandise dealer ordinance or administrative orders issued thereunder. Eugene shall retain the fees received, to be used to carry out the purpose and objectives of this agreement.

7. **Indemnification.** To the extent legally possible, each of the parties shall indemnify and hold the other, its officers, agents, and employees, harmless from and against any and all claims, actions, liabilities, costs, including attorney fees and other costs of defense, arising out of or in any way related to any act or failure to act by each party, and each party's employees, agents, officers, and contractors.
8. **Withdrawal of Party.** Any party to this agreement may withdraw from this agreement at any time by giving 30 days written notice to the members of the Board. In the event of such withdrawal, the agreement shall remain in full force and effect as to all remaining parties. In the event the withdrawing party is Eugene, all of its management duties and responsibilities contained herein will terminate as of the date of withdrawal.
9. **Contract Administration.** Each party designates the following as its representative for purposes of administering this agreement:

EUGENE:

777 Pearl Street, Room ____
Eugene, OR 97401

COUNTY:

125 East 8th Avenue, Room ____
Eugene, OR 97401

SPRINGFIELD:

344 A Street, Room ____
Springfield, OR 97477

Any party may change its designated representative by giving written notice to the other parties and to the Board.

10. **Annual Review.** The Board shall annually review this agreement to determine its effectiveness and may make recommendations for improvement in the implementation and management of the agreement.
11. **Integration.** This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or

written, among the parties. This agreement shall not be amended except in writing, signed by all parties.

12. **Copies.** Copies of this agreement shall be considered as originals.

City of Eugene

By: _____
Dennis M. Taylor
City Manager

Date: _____

City of Springfield

By: _____

Date: _____

Lane County, Oregon

By: _____

Date: _____

Police Use Web To Snare Thieves

By Rebecca Nolan

The Register-Guard

Published: Monday, December 12, 2005

In the ongoing war against escalating property crime rates, local police are turning to technology to track what is bought and sold at Lane County buy-and-sell stores.

Lane County, Eugene and Springfield each plan to pitch similar ordinances requiring the stores to enter information about their second-hand inventory to an Internet-based database that local investigators can search for stolen property.

The goal is to reunite theft victims with their stolen property, and to catch a few criminals in the process.

Police say the proposed system will bring local property crime investigations into the 21st century by replacing current methods that eat up staff hours and are inefficient and inconsistent.

"This will free us up to do enforcement and catch bad guys rather than do this custodial work," Eugene police Detective Bob Holland said.

Every week or two, Holland and Detective Randy Berger try to visit the 62 buy-and-sell shops - often called pawn shops, though not all sell items on consignment or make loans to customers providing personal property as collateral - in Eugene and Glenwood.

The detectives collect pawn slips with information about the items sold to local shops and the identity of the person who brought the goods to the store. They then give the slips to a police department employee who enters the data manually onto a database accessible only to Eugene police. She compares the information to incoming theft reports to see if there's a match.

Eugene dealers do an average of 45,000 transactions each year, generating far too many pawn slips for one person to process, Holland said. In fact, information from only about 11,000 slips actually gets entered into the database.

"We're maxed out," Holland said.

Springfield police use a similar manual system. The Lane County Sheriff's Office currently does not track buy-and-sell stores.

About three years ago, the two city police departments and the sheriff's office launched a pilot program using an Internet-based system developed by Business Watch International, a Canadian company. The automated reporting system allows police to view in real-time transactions that are going on in participating stores.

Seven buy-and-sell businesses began uploading information to the system in September 2002.

Some participating merchants, such as Randy Wiltsey, owner of Four Corners Buy and Sell on Highway 99 North, also take digital photographs of the merchandise and of the person

selling it to his shop. The ordinance won't require photos, but merchants can choose to take the extra step if they like.

"It's cut down our theft to about a quarter of what it used to be," Wiltsey said. "When I say the information is going to police, I've had several people grab their stuff and leave."

Penny Farrington, who owns Jackpot Buy and Sell on Roosevelt Boulevard with her husband Chuck, said second-hand dealers like herself often become victims when property turns out to be stolen.

Existing law requires merchants to hang on to items for seven days after they are purchased. If police determine that the goods are hot, the second-hand merchants lose the money they paid for the goods when they are returned to their true owners.

Jackpot was one of the first businesses to sign up for the pilot program three years ago. Farrington said she hasn't lost any business, even though she tells customers their information is being sent to the police.

"I think it's wonderful," she said of the system. "It's very doable."

Not all merchants are as enthusiastic as Wiltsey and Farrington.

When police first pitched the idea to merchants at a meeting at City Hall in 2003, some shop owners were reluctant to change how they do business. Others felt that the original idea of charging customers a transaction fee to pay for the system penalized the poor. Still others were unhappy that the vendor was based in Canada and questioned the system's reliability and security.

Police say the shop owners' concerns are unfounded. Merchants need only a computer with an Internet connection to use the system - they don't have to buy any additional hardware or software to upload to the database, Eugene's Berger said.

Eugene dropped the transaction fee idea and instead will charge merchants \$200 to \$700 a year, depending on the number of transactions at each store.

Eugene still plans to use the Canadian-based BWI system, at least for the first five years. But Lane County Sheriff Russ Burger wants the county to develop and maintain its own data tracking system.

The sheriff said he wants to take the system statewide so investigators can track stolen property as it moves throughout the state. He thinks a statewide system would cost about \$400,000 a year, a burden that could be shared with the insurance industry, which doesn't have to pay claims when stolen property is returned to owners.

Police also like the system because it shifts the burden of tracking the purchases off detectives - and therefore taxpayers - and onto the businesses profiting from the sales.

Eugene's Berger said the city currently spends about \$29,000 a year in staff hours to collect the slips and enter them into the existing database.

The Eugene detectives will give an informational presentation about the proposal to City Council on Jan. 9. Sheriff Burger has already met with the county Board of Commissioners. Springfield's efforts are still in the early stages, Capt. Rick Lewis said.

The hope is to present ordinances to the respective governmental bodies within the next year and get the project up and rolling.

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