

EXHIBIT A

**CHAPTER 708
Secondhand Dealers**

- 708.01** Definitions; sign required.
- 708.02** Records; identification, inspections.
- 708.03** Daily reports for inspection.
- 708.04** Retention of articles.
- 708.05** Prohibited purchases; false information.
- 708.06** Exceptions.
- 708.99** Penalty.

CROSS REFERENCES

- Power to regulate – see Ohio R.C. 715.61
- Secondhand dealers – see Ohio R.C. Ch. 4737
- Record of transactions required – see Ohio R.C. 4737.01, 4737.04
- Dealing with minors prohibited; hours regulated – see Ohio R.C. 4737.03

708.01 DEFINITIONS; SIGN REQUIRED.

- (a) As used in this chapter certain terms are defined as follows:
 - (1) “Person” means any individual, partnership, corporation, association or other organized or united group and includes the personal responsibility of every officer or director of a corporation.
 - (2) “Personal identification card” means a current and valid driver’s license, military identification card, state identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code, or a state identification card issued by another state on the condition that the card contains information substantially similar to the information contained in a state identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code and also contains a photograph of the person to whom the card is issued.
 - (3) “Secondhand dealer” means a person operating a store, shop or other business outlet for the purpose of purchasing, selling, exchanging or receiving secondhand articles of any kind on a continuing basis.
 - (4) “Secondhand article” means any item which has previously been owned, used or worn by another or something which is not new. This includes any secondhand scrap iron, old metal, canvas, rope, branded bottles, junk or lead pipe, household furniture or furnishings, musical instruments or related equipment, electronic gaming consoles, games and related accessories, household appliances, office equipment, coins, jewelry, weapons, bicycles, toys and/or electronic equipment.
- (b) A person who is operating as a secondhand dealer in the City shall post in a conspicuous place in or upon the person’s shop, store, or other place of business a notice substantially similar to the following. The size of the notice shall be no smaller than eight and one-half inches by 11 inches with lettering no smaller than one-fourth of an inch in height and shall be worded substantially as follows:

NOTICE

**THE SALE OR ATTEMPTED SALE OF PROPERTY TO A
SECONDHAND DEALER WITHOUT CONSENT OF THE
PROPERTY'S OWNER IS PUNISHABLE BY A CIVIL
PENALTY NOT TO EXCEED \$500 PER ITEM.**

**DO NOT SELL PROPERTY WITHOUT CONSENT OF THE
PROPERTY'S OWNER. YOU WILL BE HELD STRICTLY
LIABLE FOR VIOLATION OF THIS LAW.**

708.02 RECORDS; IDENTIFICATION; INSPECTIONS.

(a) At the time of the purchase or exchange of any article, a secondhand dealer shall be required to keep a written record in the English language of the following data, whether in paper or electronic format:

(1) A complete description, including serial number (where available), monograms, inscriptions or other marks of identification of any article listed in subsection (a) hereof, which has been purchased or received by such dealer;

(2) The name, address or residence, and general description, of the person from whom the article was purchased or received;

(3) A copy of the person's personal identification card; and

(4) The day and time when such purchase or exchange was made.

(5) How much was paid for the item(s).

(b) Every entry kept shall be numbered consecutively, commencing with the number one.

(c) The secondhand dealer shall retain the record and copies of personal identification cards for at least two years after the purchase or exchange date.

(d) All books, records, articles, and copies of personal identification cards which are required to be maintained as a result of this section, shall be open and available for inspection at all reasonable times by the Mayor, Director of Public Safety, Chief of Police, or by any law enforcement officer or any agent duly authorized by the Mayor, Director of Public Safety, or the Chief of Police.

(e) Whenever necessary to make an inspection to enforce the provisions of this ordinance, or when the Chief of Police has reasonable grounds to believe more likely than not that a specific item of regulated property held by a secondhand dealer is associated with criminal conduct, the Chief of Police (or designee) may enter the premises of the secondhand business at any reasonable time, provided that the premises are occupied at the time of entry and the Chief of Police (or designee) presents proper official identification at or near the time of demanding entry. If entry is refused, the Chief of Police (or designee) shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

(f) Authority to inspect secondhand business premises under this ordinance is in addition to and not in limitation of the authority the City or the Chief of Police would otherwise have to enter the business premises. Once allowed to enter the premises of the secondhand business, the Chief of Police (or designee) may inspect property kept there. All books or records which are required to be maintained as a result of this section shall be open to inspection by any of the following persons:

(1) The Mayor;

- (2) The Director of Public Safety;
 - (3) The Chief of Police; or
 - (4) A police officer or any agent duly authorized by the Mayor, the Director of Public Safety, or the Chief of Police.
- (g) Upon demand by any of the previously specified persons, the secondhand dealer shall also produce and show the article or articles thus listed and described which are in his or her possession.

708.03 DAILY REPORTS FOR INSPECTION.

- (a) Every secondhand dealer shall prepare and have available for daily inspection a legible and correct copy written in English, from such record(s) referenced in 708.02(a) a complete description of each article purchased or received during the preceding day, the date and time the purchase was made, and a description as to name, address and a copy of the personal identification card of the person from whom it was purchased or received.
- (b) If any article in the possession of the secondhand dealer is determined to be the subject of a criminal investigation by police, the dealer shall be required to retain said article on the business premises until such time it is released from "Police Hold" by the investigating officer. The dealer shall be notified of the release.
- (c) If said investigation determines the true owner of a stolen article, the true owner may purchase the article from the secondhand dealer for an amount not to exceed 65% of the dealer's original cost to purchase the article.

708.04 RETENTION OF ARTICLES.

Articles purchased or exchanged by a secondhand dealer shall be retained for at least three (3) days in an accessible place within the confines where such articles are purchased or received, before disposing of them.

708.05 PROHIBITED PURCHASES; FALSE INFORMATION.

- (a) No secondhand dealer shall purchase, exchange, trade or receive any secondhand article from a seller who fails to provide any identification or information required under this chapter.
- (b) No secondhand dealer shall purchase or receive by sale, exchange or otherwise, any article from a minor knowing or having reason to believe the person to be a minor.
- (c) A secondhand dealer shall report immediately to the police any article which is offered for sale to him or her, or which he/ she does purchase if he/she has reasonable suspicion that the article is lost or stolen.
- (d) It shall be unlawful for any person to knowingly give false information or identification when said person sells merchandise to a secondhand store in the City.
- (e) No secondhand dealer shall purchase or receive by sale, exchange or otherwise, any article from any person who appears at that time to be under the influence of alcohol or drugs.
- (f) No secondhand dealer shall knowingly purchase or receive items from any person identified in writing to the dealer by the Chief of Police or designee as a known or suspected thief or receiver of stolen property.

708.06 EXCEPTIONS.

A person, firm or corporation meeting one or more of the following criteria shall not be considered a "secondhand dealer" under the terms of this chapter:

1. A non-for-profit entity recognized as tax exempt by the Internal Revenue Service and/or registered with the Ohio Secretary of State as a not-for-profit organization.
2. A religious, nonprofit, charitable organization or organizations whose primary source of sellable property is obtained through donation
3. Persons who deal exclusively in furniture.
4. Persons who deal exclusively in secondhand automobiles.
5. Persons conducting an infrequent sale, also known as "garage", "yard", "basement", "driveway" or "sidewalk", sales.

708.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a second degree misdemeanor, and is guilty of a first degree misdemeanor if that person has previously been convicted of any violation of this chapter, and in addition to any other penalty provided by law shall be fined not less than one thousand dollars (\$1,000). Each day during which noncompliance or a violation continues shall constitute a separate offense.