



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE #3925 AMENDING CHAPTER SEVEN OF THE BC
PERTAINING TO SECOND-HAND DEALERS

NUMBER OF PAGES 3

CODE

ORDINANCE NO. 3925

**AN ORDINANCE AMENDING CHAPTER SEVEN
OF THE BEAVERTON CODE
PERTAINING TO SECOND-HAND DEALERS.**

WHEREAS, police officers report that stolen property has been sold to second-hand dealers by people who do not have the consent of the property's true owner; and

WHEREAS, the people who have sold such property often report they were approached by a stranger and asked to sell the property on the stranger's behalf; and

WHEREAS, the criminal offense of receiving stolen property requires the government to prove beyond a reasonable doubt that a person actually knew the property received is stolen property; and

WHEREAS, the City of Beaverton may enact an ordinance to create a noncriminal offense that imposes strict liability upon a person for the sale or attempted sale of personal property to a second-hand dealer when the sale or attempted sale occurs without the consent of the property's owner; now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. B.C. 7.01.015, Definitions, is hereby amended by adding to the existing text as follows:

"Owner - A person who has a right of possession to an item of property superior to that of the seller.

"Personal Property - Any article, substance or thing of value, including, but not limited to, money, tangible and intangible personal property, chose in action, and evidence of debt or of contract."

Section 2. B.C. 7.10.060, Penalties, is hereby amended by adding to the existing text as follows:

"F. Violation of section 7.10.017 is punishable by a fine of not more than \$500 per item sold or attempted to be sold without the consent of the item's owner."

Section 3. B.C. 7.10.017, Unauthorized Sale of Property is hereby added to the Code and shall read as follows:

"7.10.017 Unauthorized Sale of Property.

A. No person shall sell or attempt to sell personal property to a second-hand dealer without the consent of the property's owner.

B. A regular second-hand dealer shall post a notice substantially similar to that set forth in subsection C of this section in the manner and at the locations described in subsection D of this section. 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.

C. The notice shall be worded substantially as follows:

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NOTICE

The sale or attempted sale of property to a second-hand dealer without consent of the property's owner is punishable by a civil penalty not to exceed \$500 per item.

Don't sell property without consent of the property's owner. You will be held strictly liable for violation of this law.

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D. Every copy of the notice required to be posted under this section shall be posted in a manner reasonably calculated to provide patrons actual knowledge of the contents of the notice. A copy of the notice shall be posted:

1. Outside each point of entry intended for patron use; and
2. At or near each place where a regular second-hand dealer purchases used personal property in the regular course of business.

E. If a significant number of the patrons of the regular second-hand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

First reading this 22nd day of May, 1995.

Passed by the Council this 5th day of June, 1995.

Approved by the Mayor this 6th day of JUNE, 1995.

ATTEST:

Darleen Cogburn
DARLEEN COGBURN, City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor