

ORDINANCE NO. 151857

An Ordinance amending Chapter 14.37, Antique Dealers, Precious Metal and Gem Dealers, Scrap Metal Dealers, Stamp and Coin Dealers and Secondhand Dealers, by eliminating stamp and coin transactions from the purview of the chapter and clarifying the language of certain sections, and amending Section 14.38.100, Inspection of records and premises, to provide clarification, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That, although the City prevailed in recent litigation involving Chapter 14.37 of the Code in that the Bureau of Police was not enjoined from enforcing the inspection holding period, record keeping, and item identification sections of this chapter, a provision of one section, requiring that stamp and coin dealers develop their own item tagging system, will probably not withstand subsequent judicial scrutiny and should be amended.
2. That certain testimony presented by the plaintiffs in this litigation against the City reveals, for the first time, that the City's regulation of stamp and coin transactions is more burdensome than previously anticipated and that such regulation, although of benefit to law enforcement, is not of sufficient benefit to warrant its continued use in such transactions.
3. That, therefore, Chapter 14.37 should be amended to delete stamp and coin transactions from the purview of these regulations and that the language of certain sections should be clarified to avoid potential future misunderstandings, and that Chapter 14.38 should be amended to provide similar clarification.

NOW, THEREFORE, the Council directs:

a. That the title to Chapter 14.37 is hereby amended to read as follows:

Chapter 14.37 Antique Dealers, Precious Metal and Gem Dealers, Scrap Metal Dealers and Secondhand Dealers.

b. That Section 14.37.020, Definitions, is hereby amended to read as follows:

14.37.020 Definitions, as used in this chapter, unless the context otherwise requires:

(1) [no change]

(2) [no change]

(3) [no change]

(4) "Precious Metal and Gem" means any metal or gem that is valued for its character, rarity, beauty or quality, including gold, silver, platinum, diamonds, rubies, emeralds, sapphires and pearls, and any other such gems, whether as a separate item or in combination as a piece of jewelry; but excluding the following items when being purchased by a bona fide business for investment purposes:

(a) Gold bullion bars (0.995 fine or better);

(b) Silver bullion bars (0.995 fine or better);

(c) All coins, whether actual currency or commemorative, from all countries.

As used in this section, the term "for investment purposes" means that the business purchases such items and retains them, in the same form as they were purchased, for resale to persons who are purchasing such items primarily as an investment.

(5) [no change]

(6) [no change]

(7) [no change]

(8) [no change]

(9) [no change]

(10) [entire definition deleted]

(11) [entire definition deleted]

c. That Section 14.37.030, Record forms, is hereby amended as follows:

14.37.030 Record forms.

(a) All antique dealers, precious metal and gem dealers, scrap metal dealers, and secondhand dealers shall, at the

time of purchasing any article in the business for which he is regulated by this chapter from any person, not representing a bona fide, licensed business, who appears with such article at the dealer's place of business, place the description of the article purchased upon a form which shall be provided by the Bureau of Police. In lieu of the use of forms supplied by the Bureau of Police, the dealer may utilize his own forms if such forms have been approved by the Chief or his designee. The form provided for herein shall be of such size, shape and color and shall require such information relating to the regulations of this chapter, as the Chief of Police or his designee may direct. The description of any article so purchased shall be such description as may be called for by the form. The dealer shall fill in all of the blank spaces on such form with such data as is required by the form and require the person selling any article regulated by this chapter to sign his name on such form; such form shall be filled out in clearly legible printing. Further, property regulated pursuant to this chapter shall only be purchased by the dealer after the seller has presented proper identification. Since the information that is required to be furnished pursuant to this section to aid in the investigation of the theft of property is of a confidential nature and related to the personal privacy of persons doing business with such dealers, as well as certain trade secrets and practices of such dealers, such information shall be considered to be confidential and privileged from disclosure to the maximum extent possible under applicable laws.

(b) [no change]

(c) [no change]

d. That Section 14.37.040, Property sales, is hereby amended to read as follows:

14.37.040 Property sales.

(a) No property purchased by any antique dealer, precious metal and gem dealer or secondhand dealer, as regulated by this chapter, shall be sold for a space of ten (10) full days after purchase. Such property shall be maintained in substantially the same form as purchased and shall not be commingled so as to preclude identification during this ten (10) day holding period. Notwithstanding this requirement, the Chief of Police, or his designee, may authorize, in cases in which it is shown that extreme financial hardship will result from holding an item for the

ten (10) day period, the sale or transfer of such item before the expiration of this period.

(b) Whenever the Chief of Police, or his designee, upon reasonable belief that the specific property is the subject of theft, notifies in writing, any antique dealer, precious metal and gem dealer, scrap metal dealer or secondhand dealer not to dispose of any specifically described property purchased, the property shall be retained in substantially the same form and shall not be sold, exchanged dismantled, or otherwise disposed of for a period of time, not to exceed (30) days, as determined by the Chief of Police or his designee.

e. That Section 14.37.050, Articles to be tagged, is hereby amended to read as follows:

14.37.050 Articles to be tagged. Any antique dealer, precious metal and gem dealer, or secondhand dealer purchasing any article in the business for which he is regulated by this chapter from any person, not representing a bona fide, licensed business, who appears with such article at the dealer's place of business, shall affix to the article a tag upon which shall be written a number in legible characters, which number shall correspond to the number on the record forms required to be kept by Section 14.37.030.

f. That Section 14.37.060, Inspection of premises of records, is hereby amended to read as follows:

14.37.060 Inspection of articles and records. All persons licensed to do business as an antique dealer, precious metal and gem dealer, scrap metal dealer or secondhand dealer, and any person employed by such dealer, shall permit the Chief of Police, or his designee, upon presentation of official identification, entry to such business premises for the limited purpose of inspecting any articles purchased in the business as regulated by this chapter and currently being held pursuant to Section 14.37.040, and/or the records incident thereto, to ensure compliance with the provisions of this Chapter. Any such inspection shall only be authorized during normal business hours.

g. That Section 14.38.100, Inspections of records and premises, is hereby amended to read as follows:

14.38.100 Inspection of articles and records. All persons licensed to do business as transient merchants, and any person employed by such merchants, shall permit the Chief of Police, or his designee, upon presentation of official identification, entry to any such place of business maintained within the

City, for the limited purpose of inspecting articles purchased and currently being held pursuant to Section 14.38.040, and the records incident thereto, regulated and required by this chapter, to ensure compliance with the provisions of this chapter. Any such inspection shall only be authorized during normal business hours.

Section 2. The Council declares that, in order to immediately protect and preserve the public health, safety and welfare, an emergency exists, and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council, JUN 25 1981

Mayor Ivancie
KHScomperdis
June 16, 1981

Attest:


Auditor of the City of Portland

Calendar No. **2124**

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Title

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THURSDAY

JUN 19 1981

Filed _____

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

By *George Yerkovich*
Deputy

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG		1
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

INTRODUCED BY	
MAYOR IVANCIE	
NOTED BY THE COMMISSIONER	
Affairs	
Finance and Administration	FJI/MK
Safety	
Utilities	
Works	
BUREAU APPROVAL	
Bureau:	
Prepared By: <i>KHS</i>	Date: 6/16/81
Budget Impact Review:	
<input type="checkbox"/> Completed	<input type="checkbox"/> Not required
Bureau Head:	
CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>
NOTED BY	
City Attorney	CPT/KHS
City Auditor	
City Engineer	