

The Licensing and Regulation Of Peddlers, Itinerant Merchants Secondhand Dealers And Pawnbrokers

A Summary of Ordinance #372
July 1, 1984

County of Yamhill, State of Oregon

The Yamhill County Ordinance affects only junk dealers, secondhand dealers, pawnbrokers, peddlers or itinerant merchants operating businesses or attempting to operate a business in the county outside the incorporated cities or towns.

Exclusions to the Ordinance are:

1. Regularly organized and supervised school district activities or programs that take place on school property.
2. Regularly organized and supervised church activities or programs that take place on church property.
3. Regularly organized and supervised fund-raising activity or program of a not-for-profit corporation recognized as such by the Internal Revenue Service.

The Ordinance provides that no person shall conduct or operate an affected business or advertise or otherwise hold out that he is conducting or operating an affected business without first obtaining a Yamhill County business license. A license shall be obtained for each kind of affected business. "Affected business" means a business run by a junk dealer, secondhand peddler or an itinerant merchant.

Definitions:

1. A "peddler" or "itinerant merchant" is a solicitor. The Ordinance specifically defines the terms as follows:
 - a. "Every person who, for himself or as an agent of another, goes from place to place, or from house to house, carrying for sale or offering or exposing for sale any goods, ware, merchandise, or services; or
 - b. "Every person, who, for himself or an agent of another, goes from place to place, or from house to house, selling or offering to sell for future delivery, by sample or catalog, at retail, to individual purchasers who are not dealers in the articles sold, and goods, ware, merchandise, or services.
2. "Person" means any natural person, and any firm, proprietorship, partnership or corporation.
3. "Secondhand dealer" means:
 - a. A person who buys, sells or trades in previously used goods, whether the previously owned goods constitute all or part of the person's business.

- b. A person conducting a "Garage Sale", "Estate Sale", or other sale not in his typical course of business shall not be classified as a "secondhand dealer" or be subject to this ordinance unless one or more of the following conditions exist:
- i. The person conducts a sale on more than three (3) consecutive days; or
 - ii. The person conducts a sale in more than two (2) successive weeks; or
 - iii. The person conducts a sale on more than nine (9) days during a one-year period.

Annual licenses expire on the last day of the calendar year shown on the license.

Steps in acquiring a Yamhill County Business License:

1. Complete an [application form](#) and submit it along with the appropriate fee to the Yamhill County Clerk:
 - Peddler, Itinerant Merchant - \$15.00 per year,
 - Pawnbroker, Secondhand Dealer and Junk Dealer - \$20.00 per year.
 - Identification certificates - \$2.00 each
 - Peddlers and itinerant merchants must also provide a list of the names and addresses of all persons employed by the peddler or itinerant merchant for work in the County. The Clerk shall be promptly notified of any changes to the list during the license year.
2. The County Clerk may refer the completed application to such county officers, as the Clerk deems appropriate. The county officers to whom the application is referred have five (5) days in which to make a report thereon to the County Clerk.
3. If it appears to the Clerk that the applicant has complied with the ordinance, and if no adverse reports are received within five (5) days, in cases where the Clerk makes such a referral, the Clerk shall issue the license.

General Provisions:

- A change of business location requires a written notice within ten (10) days to the County Clerk.
 - A change of ownership requires a new application.
- NO – Unsightly accumulation or spread of litter.
- NO – Excessive noise, smoke or odor.
- NO – Disorder on the premises.
- NO – Traffic hazards.

Special Provisions – Peddler or Itinerant Merchants: "Thirty Second Rule"

Peddlers or itinerant merchants shall within thirty (30) seconds after beginning the conversation:

1. Provide identification of both the person and whom the person represents.
2. Explain the purpose of the call.
3. Provide a description in commonly understood terms of the goods or services offered for sale.

4. Inquire whether the person is interested in listening to a sales presentation.
5. Discontinue immediately the solicitation if the person being solicited indicates they are not interested.

During the solicitation, the solicitors must clearly state the cost of the goods or services offered and the number, timing and amount of installment payments if installment payments are available.

Special Record Keeping Provisions – Pawnbroker, Secondhand and Junk Dealers:

Each pawnbroker, secondhand, and junk dealer shall keep at his/her place of business a register of all secondhand articles purchased which exceed \$10.00 to a single source in a seven (7) day period.

A person selling regulated articles (used goods) to pawnbrokers, secondhand dealers or junk dealers, shall show two pieces of identification unless that person is personally known by the dealer.

The register of purchases shall be retained for not less than one (1) year and shall be available to the sheriff or his representative for his review during regular business hours.

Each item in the register shall be identified with a number, letter or symbol while in the possession of the pawnbroker or dealer.

The register shall contain:

- A. Full description of the article.
- B. Date purchased.
- C. Amount paid.
- D. Name and address of person from whom the purchase is made.
- E. Type of I.D. shown.

The Sheriff may require an article to be held by the pawnbroker or dealer for a period not to exceed fifteen (15) days.

Penalties:

Violation of any provision of the Yamhill County Business License Ordinance will result in the revocation of the business license and;

Violation of record keeping and holding requirements for pawnbrokers, secondhand dealers and junk dealers may result in a fine not to exceed \$500.00.

The violation of any portion of the ordinance, other than record keeping and holding, may result in a fine not to exceed \$1,000.

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