

Lane Code
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Chapter 3

LICENSES AND PERMITS

TOWING OPERATIONS

3.300 General.

Because the Department of Public Safety frequently finds it necessary to either use a commercial towing service or to refer members of the public to such a service, it is in the public interest that use and referrals of towing services be on an equitable basis and that a minimum quality of service be ensured. *(Revised by Ordinance No. 14-73, Effective 12.28.73; 12-79; 11.9.79)*

3.305 Regulation.

The Director of the Department of Public Safety, the Sheriff, is authorized to adopt regulations governing the use and referral by his or her Department of commercial towing services. *(Revised by Ordinance No. 14-73, Effective 12.28.73; 12-79; 11.9.79; 1-88, 2.26.88)*

EMERGENCY REPORTING EQUIPMENT ORDINANCE

3.400 Definitions.

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

Alarm Equipment Supplier. Any person, firm or corporation that sells, leases, installs or maintains automatic protection devices.

Alarm Monitoring Service. A business that operates an alarm monitoring service whereby trained employees, in attendance at all times, receive messages from automatic protection devices reporting emergencies at stated locations, and who have the duty to relay immediately by live voice any such emergency message, over a direct line, to the communications center of the fire department or police department.

Automatic Protection Device. An electronically or mechanically operated instrument that automatically signals or sends by any means (including direct or indirect connection to regular telephone lines) pictures, sound, odor or a prerecorded message, either by voice or other alarm, from a protected premises upon receipt of a stimulus from a sensory detection apparatus. Automatic protection devices shall include any audible alarm or light signaling device attached to the interior or exterior of a protected premises.

Board. The Board of County Commissioners of Lane County.

County. The unincorporated area of Lane County.

Direct Line. A special telephone line, unavailable for use by the public at large, leading directly to the communications center of a fire department or police department from a single, specific location, and designed to be used only to report emergency messages and signals on a person-to-person basis.

Fire Department. Any governmental unit which has the responsibility of providing fire protection to any area within the County.

Key. (To a telephone line). To utilize a telephone line for transmitting a message, either by direct connection or by a mechanism not so connected, that, in order to transmit, utilizes the microphone of a standard telephone.

Police Department. Any governmental unit which has the responsibility of providing public safety to any area within the County.

Regular Telephone Line. A general telephone line leading to the communications center of the fire department or police department, available for use by the public

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; 7-05, 8.25.06)*

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; 7-05, 8.25.06)

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; 7-05, 8.25.06)

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; 7-05, 8.25.06)*

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; 7-05, 8.25.06)*

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; 7-05, 8.25.06)*

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. *(Revised by Ordinance No. 7-05, Effective 8.25.06)*

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; 7-05, 8.25.06)*

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; 7-05, 8.25.06)*