

Chapter 5.04
SECONDHAND DEALERS

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5.04.010 License required—Fee. [REPEAL]

From and after September 15, 1941, no secondhand dealer shall do or transact any business in Clark County, outside the limits of incorporated cities and towns unless the secondhand dealer has first obtained a license from the Board of Clark County Commissioners as hereinafter set forth.

- (1) License fee for each secondhand dealer, whether it be a person, firm or corporation, per year, fifteen dollars (\$15) or for any part thereof;
- (2) If and in the event any licensee, as per Subsection (1) above, employs any person to do buying, selling and/or transact any business under this chapter, an additional license for each employee shall be first obtained before that employee transacts any business. The license shall be issued to the joint names of the employer and the employee. The license shall immediately become null and void when and in the event the relationship of employer and employee no longer exists. The original of the license shall be kept by the employer in his place of business or upon his person and duplicate copy of the license shall be kept upon the person of the employee. The fee for the license shall be five dollars (\$5) per year or any part thereof. (Sec. 1 of Res. adopted September 15, 1941)

5.04.020 Records required. [REPEAL]

(a) Every secondhand dealer and/or employee of the same transacting business in Clark County, outside the limits of incorporated cities and towns shall maintain in his place of business a legibly written record in the English language, recording the following information:

- (1) Date of any transaction or sale;
- (2) The signature of the dealer or his employee making the sale and handling the transaction.

(b) Every secondhand dealer and/or employee at the time of making any purchase of goods shall make a permanent record, legibly written record in the English language, setting out the following information:

- (1) Place of purchase;
- (2) Date and time of day of purchase;
- (3) Description of the property purchased, and the number of items thereof;
- (4) Name and address of the seller of such goods;
- (5) License number on any vehicle operated by the seller;
- (6) Signature of the seller. (Res. (part) dated May 14, 1951; Sec. 2 of Res. adopted September 15, 1941)

5.04.040 Copy of transactions—Report of stolen or lost merchandise. [REPEAL]

(a) Every secondhand dealer shall, not later than noon on Saturday of each week, furnish to the Sheriff of Clark County, at his office in the court house, a duplicate copy of all transactions made by any secondhand dealer and/or employee, showing the transactions made in the business of such dealer during the week for which the report is made, and supplying the information on such transactions as required in this chapter.

(b) Any licensed secondhand dealer and/or employee shall promptly report to the Sheriff of Clark County, all information relating to any transaction in which the dealer and/or employee suspicions or has cause to believe that any property purchased by him or offered for sale to him has been stolen; and/or lost; if any licensee purchases or otherwise acquires any property from a person not personally known to the dealer or from anyone not a resident of Clark County, Washington, he shall, within twenty-four (24) hours, report such information to the Sheriff, together with a detailed record of the transaction, giving all information as required in Section 5.04.020. (Res. (part) dated May 14, 1951: Sec. 4 of Res. adopted September 15, 1941)

5.04.050 Sale of property outside county. [REPEAL]

Any secondhand dealer disposing of or selling any property outside the boundaries of Clark County shall note upon the registration slip above mentioned the address and the person to whom the articles were disposed or sold. The section applies only to property acquired by the secondhand dealer or employee within the boundaries of Clark County, Washington, and outside incorporated cities or towns therein. (Sec. 5 of Res. adopted September 15, 1941)

5.04.070 Secondhand dealer defined. [REPEAL]

Every person engaged in whole or in part in the business of buying or selling secondhand personal property, metal, junk, or melted metals is a secondhand dealer. (Sec. 7 of Res. adopted September 15, 1941)

Chapter 5.44

SALE OF DISTRESSED MERCHANDISE

Sections:

- 5.44.010 License required.
- 5.44.020 Definition—Responsibility.
- 5.44.030 License application.
- 5.44.040 License period.
- 5.44.050 Adding noninventoried goods.
- 5.44.060 Posting.
- 5.44.070 Exemptions.
- 5.44.080 Penalty for violation.

5.44.010 License required. [REPEAL]

It is unlawful for any person advertising or conducting any sale of goods, wares or merchandise at retail in the unincorporated area of Clark County to represent such sale as being an “adjuster’s sale,” “administrator’s sale,” “closing out sale,” “executor’s sale,” “fire sale,” “forced to vacate sale,” “insolvent sale,” “jobber’s close out sale,” “liquidation sale,” “loss of lease sale,” “manufacturer’s close out sale,” “quitting business sale,” “receiver’s sale,” “smoke damage sale,” “trustee’s sale,” “water damage sale,” “wholesaler’s close out sale,” or “moving sale” or to advertise any sale in such a manner as is apparently intended to convey to the public the impression that the retail business conducting such sale is being permanently closed or removed from the unincorporated area of Clark County, and that a sale such as one in the foregoing list is being held, or is to be held, without having first secured from the county auditor a license to so conduct and advertise such sale which is hereby designated a “closing out sale license.” (Sec. 1 of Ord. 1982-07-15)

5.44.020 Definition—Responsibility. [REPEAL]

“Person” as used in this chapter shall include any person, partnership or corporation. The local manager of any firm or corporation shall be responsible for obtaining the license required by this chapter. (Sec. 2 of Ord. 1982-07-15)

5.44.030 License application. [REPEAL]

Application for a closing out sale license shall be made at least five (5) days prior to the proposed opening date of the sale, or the advertising of the sale, and shall be made to the county auditor on a form to be prepared by him which shall contain a sworn statement to be signed by the applicant stating that none of the goods listed on an attached inventory has been brought to the store within twenty (20) days last past and that it is intended to close such store permanently immediately after the sale. Filing of a false affidavit shall be a violation of this chapter. Such license shall be issued by the auditor upon payment of a fee of twenty dollars (\$20.00) and proper execution of the application form. No license shall be issued to any person to conduct a close out sale for any business which he had not conducted for at least sixty (60) days at the time of application. (Sec. 3 of Ord. 1982-07-15)

5.44.040 License period. [REPEAL]

The closing out sale license shall be valid for forty-five (45) days from date of issue. It shall not be renewed except in the following manner: Prior to the expiration of the forty-five-day (45) period, the licensee may file an affidavit with the auditor that certain of the goods intended to be sold have not been sold, and requesting an extension of his license and filing an inventory of such goods. The auditor shall, after such request, transmit the application to the board which at its next meeting shall decide whether or not to extend such license for a period of time not to exceed thirty (30) additional days in order for the applicant to sell those goods left to be sold. If such extension is approved, the applicant shall pay a fee of five dollars (\$5.00) per day for each day of the period of the extension. (Sec. 4 of Ord. 1982-07-15)

5.44.050 Adding noninventoried goods. [REPEAL]

It shall be a violation of this chapter for the holder of a closing out sale license to add to the inventoried goods during the conduct of the sale, or to commingle the inventoried goods with others, or to sell in the sale any goods not listed on the inventory filed with the license application. During the sale, the licensee shall retain copies of sales slips on all goods sold and such slips shall be kept available for examination by the auditor or his deputies. If the

auditor discovers that goods have been added to or commingled with the inventoried goods or that goods have been sold which are not listed on such inventory, the auditor shall revoke the closing out sale license and it shall be unlawful for the licensee to then proceed with such closing out sale. It shall be a prima facie violation of this chapter if the applicant continues in business after the sale in contradiction to such advertising and he or she may then be prosecuted under this chapter. (Sec. 5 of Ord. 1982-07-15)

5.44.060 Posting. [REPEAL]

The license and any license extension issued hereunder shall be prominently posted at a main entrance into the retail establishment at which the inventoried goods are to be sold. (Sec. 6 of Ord. 1982-07-15)

5.44.070 Exemptions. [REPEAL]

This chapter shall not apply to public or court officers or to any person acting under the direction of state or federal courts in the course of their official duties. (Sec. 7 of Ord. 1982-07-15)

5.44.080 Penalty for violation. [REPEAL]

Anyone convicted of violating this chapter shall be punished by a fine of not to exceed one hundred dollars (\$100.00), and each day's violation shall be a separate offense. (Sec. 8 of Ord. 1982-07-15)