

FILED

BOOK 134 PAGE 892

AT O'CLOCK M

FEB 02 1988

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

County Clerk
For Lane County, Oregon
Stephanie Ketcher

DEPUTY
ORDINANCE NO. 1-88

) IN THE MATTER OF AMENDING CHAPTER
) 3 OF LANE CODE TO DELETE EMERGENCY
) REPORTING EQUIPMENT LICENSE AND
) REGULATION OF SPECIAL SALES, TO
) CONFORM THE CHAPTER TO STATE LAW
) AND TO MAKE MINOR HOUSEKEEPING
) CHANGES

The Board of County Commissioners of Lane County ordains as follows:

Chapter 3 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

3.300 - 3.305(4)
3.990(1) - 3.990(4),
i.e. 3-1 to 3-13
(a total of 13 pages)

INSERT THESE PAGES

3.300 - 3.305(4)
3.990(1) - 3.990(4),
i.e. 3-1 to 3-7
(a total of seven pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to delete the emergency reporting equipment license and regulation of special sales, to conform the chapter to state law and to make minor housekeeping changes.

Enacted this 27th day of January , 1988.

Ellie Juandi

Chair, Lane County Board of Commissioners

Judy Waldeman

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
DATE 12-14-87
Lera Jule
OFFICE OF LEGAL COUNSEL

1 - IN THE MATTER OF AMENDING CHAPTER 3 OF LANE CODE TO DELETE EMERGENCY REPORTING EQUIPMENT LICENSE AND REGULATION OF SPECIAL SALES, TO CONFORM THE CHAPTER TO STATE LAW AND TO MAKE MINOR HOUSEKEEPING CHANGES

3.300

Lane Code

3.305(4)

Chapter 3

L I C E N S E S A N D P E R M I T STOWING 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.

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.

3.400

Lane Code

3.400

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.

3.400

Lane Code

3.415(1)

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.

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.

3.407 Exclusion. Section 3.445 does not apply to regulated public telephone utilities duly authorized to operate in the State of Oregon.

3.445 Use of Automatic Protection Devices. Keying of automatic protection devices in a manner so as to send a prerecorded message directly over regular telephone lines to a fire department or police department of the County is hereby prohibited.

3.500

Lane Code

3.510

LICENSE FOR RETAIL SALE OF FIREARMS

3.500 Licensing Authority. Pursuant to the authority of ORS 166.430, the Board hereby declares itself the licensing authority to grant annual licenses for the retail sale of pistols, revolvers and other firearms capable of being concealed on the person, in the unincorporated areas of Lane County. The Board may delegate its duties and authority as the licensing authority hereunder.

3.501 License Required. No person shall engage in the business of the retail sale of pistols, revolvers or other firearms capable of being concealed on the person, within the unincorporated areas of Lane County, unless such person holds a valid license issued under this subchapter.

3.505 Fees. A fee for each annual application shall be charged at the time the application is filed in an amount to be established by separate order of the Board.

3.510 Land Management and Public Safety Approvals. No license shall be granted under this subchapter until the location of the proposed retail establishment has been certified to be in conformity with land use regulations by the Land Management Division of the Public Works Department or its designee, and until the Sheriff has certified that he or she has no information which would indicate that the applicant has been convicted, within five years preceding the date of application, of a felony or Class A misdemeanor. If the applicant is a corporation, the Sheriff shall make the required certification as to each officer thereof. If the applicant is an association, firm or partnership, the Sheriff shall certify as to each member thereof.

2-73; 4.20.73
16-73; 1.18.74
1-77; 4.1.77
12-79; 11.9.79

3-4

WP co00009/C/8

3.600

Lane Code

3.610(2)

SECONDHAND BUSINESS LICENSES

3.600 Definitions. For the purposes of this subchapter, the following terms shall mean:

Director. The Director of the Department of Public Safety.

Licensee. A person holding a valid license issued under this subchapter, and for purposes of LC 3.610, 3.615 and 3.620 below, shall include the owner, manager, operator, employee or agent of a secondhand business.

Peace Officer. As defined in ORS 133.005.

Secondhand Business. Any business that devotes part of its business to the collection, purchase, exchange or sale of used articles or the lending of money on the security of used articles. A secondhand business does not include a business which buys or takes in trade used articles incidental to the sale of new articles or merchandise. Any business dealing exclusively in automobiles, books, farm or lawn machinery or furniture is excluded from this definition.

3.605 License Required.

(1) No person shall operate a secondhand business in the unincorporated areas of Lane County unless such person holds a valid license issued under this subchapter.

(2) A license issued under this subchapter shall be an annual license and shall not be transferable.

(3) Procedures for the application, approval and revocation of licenses issued under this subchapter shall be established by separate order of the Board.

3.610 Record Keeping.

(1) A licensee shall keep a record of all purchases or acquisitions of used goods. Such records shall be kept in an orderly manner in chronological order, and a copy retained separately for peace officers. All records shall be open for reasonable inspection by peace officers upon their demand.

(2) The Director shall prepare tabulated forms on which may be put all information deemed necessary by the Director for the identification of articles purchased or acquired by a licensee. Forms shall be completed by the licensee when any transaction is made. Such forms shall be furnished to each licensee and, if completed in full, shall be considered to satisfy the record keeping requirements of this section.

3.615

Lane Code

3.630

3.615 Land Management Approval. No license shall be granted under this subchapter until the location of the proposed retail establishment has been certified to be in conformity with the land use and zoning ordinances of Lane County by the Land Management Division of the Department of Public Works.

3.620 Restrictions on Purchases and Sales.

(1) No purchase or acquisition by a licensee shall be made from persons under the age of 18 years unless such persons are accompanied by their parent or guardian.

(2) No purchase or acquisition by a licensee shall be made from persons who are incapable of dealing intelligently or from persons who are under the influence of drugs or intoxicating liquor.

(3) No purchase or acquisition by a licensee shall be made of items on which the serial number has been obliterated or removed.

(4) All used articles purchased or acquired by a licensee shall be segregated in such a way as to permit their ready identification by the record required in LC 3.610 above for a period of seven days before resale. Segregation shall continue for a further period of seven days upon the direction of a peace officer if said peace officer has a reasonable suspicion that the used articles are stolen property.

3.625 Revocation. A license issued under this subchapter may be revoked for violation by the licensee of any of the provisions of LC 3.610 or 3.620 above. A license may also be revoked, or its issuance denied, if a licensee or applicant knowingly provides false information or knowingly falsifies any application or record required by LC 3.610 above.

3.630 Fees. A fee for each annual application shall be charged at the time the application is filed in an amount to be established by separate order of the Board.

3.990(1)

Lane Code

3.990(4)

ENFORCEMENT3.990 Violation.

(1) Violation of any of the requirements of LC 3.445, LC 3.501, or LC 3.605 through 3.615 above constitutes a County Infraction. Continued violations of this Chapter after 10 days from the service of Notice of the violation on the alleged violator, and continued violations after an order has been entered by the County Infractions Section for the same violation, constitute a separate County Infraction for each day the violation continues. The Sheriff, or said Sheriff's duly authorized representative, shall have the authority to sign County Infractions Complaints for violations of LC 3.445, 3.501 and 3.605 through 3.615 above.

(2) In addition to the remedies provided in LC 3.990(1) above, additional proceedings may be instituted, including, but not limited to, injunctive relief to enforce the provisions of this Chapter.

18-73; 4.5.74
1-77; 4.1.77
6-77; 7.29.77
14-77; 10.26.77
22-77; 12.28.77

3-7

WP co00009/C/13

UNDERLINING _____ indicates material being added. ^{BOOK 154 PAGE 700}

LEGISLATIVE FORMAT

BRACKETS [] indicate material being deleted.

3.300

Lane Code

3.305(4)

Chapter 3

L I C E N S E S A N D P E R M I T S

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.

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. [Such regulations shall go into effect upon approval by the Board. Such regulations shall include at minimum:

- (1) Permit system, including fees.
- (2) Equipment standards.
- (3) Land use and zoning ordinance conformance.
- (4) Permit revocation procedure, including provision for appeal to the Board.]

3.400

Lane Code

3.400

EMERGENCY REPORTING EQUIPMENT [PROCEDURES] 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.

3.400

Lane Code

3.415(1)

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.

3.405 Authority. This subchapter is consistent with ORS Chapter 670 [(Supplementing ORS Chapter 481)] 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.

3.407 Exclusion. Section[s 3.410 to 3.460 do] 3.445 does not apply to regulated public telephone utilities duly authorized to operate in the State of Oregon.

[3.410 License Required - Alarm Equipment Supplier. Any alarm equipment supplier selling or leasing automatic protection devices for installation in or upon any premises in the County, or installing or maintaining such devices, whether or not such devices are keyed to an alarm monitoring service, shall obtain a license from the Sheriff before engaging in such sale, lease, installation or maintenance.

3.415 Alarm Equipment Supplier - Operational Standards. The Sheriff, before issuance of a license to any alarm equipment supplier, shall insure that the following minimum operational standards are met or agreed upon.

(1) Any alarm equipment supplier selling or leasing automatic protection devices for installation in or upon any premises in the County, or installing or maintaining such devices, whether or not such devices are keyed to an alarm monitoring service, shall furnish to the person to whom such device is sold or leased or from whom the device is installed or maintained, complete instructions detailing the operation of the device, a maintenance manual for the device and a detailed circuit diagram of such device. These instructions shall include information as to how the device may be aborted.

3.415(2)

Lane Code

3.420(2)

(2) All licensed alarm equipment suppliers shall agree to provide the County, within thirty (30) days after installation, or, with respect to all automatic protection devices previously installed on the effective date hereof, within thirty (30) days of such effective date, a listing of all automatic protection device installations known to them including"

(a) Name, residence address and telephone number of the owner or lessee;

(b) Address of the premises where the device is installed and the telephone number of its location;

(c) Name and telephone number of any other person at a different location who is authorized to respond to an emergency and open the premises where the device is installed; and

(d) The type of alarm - characterized as police or fire, how activated (heat, smoke, intrusion, sound, etc.) and location (exterior, perimeter and/or interior).

Those licensed alarm equipment suppliers and alarm monitoring services that provide continuous monitoring on a twenty-four (24) hours a day basis shall be exempt from the requirements of subparagraphs (c) and (d) of this section providing that they will be able to provide this information immediately upon demand of an authorized representative of the County Department involved.

(3) At the time of installation, all licensed alarm equipment suppliers shall furnish, to the person for whom the automatic protection device has been installed, written information as to how maintenance service can be obtained on a twenty-four (24) hour basis, including twenty-four (24) hour telephone numbers to call for service.

3.420 Applications. An alarm equipment supplier hereafter engaged or any engaged on the effective date hereof in selling, leasing, installing or maintaining automatic protection devices in the County, whether or not designed for keying to an alarm monitoring service, shall apply to the Sheriff for a license on a form to be furnished by the County. Such application shall be filed within twenty (20) days from the effective date hereof. Each application shall be signed by the individual proprietor of such business or by a partner or authorized corporate official and shall include the following information.

(1) Name, address and telephone number of the alarm equipment supplier and its type of business organization (individual, partnership or corporation). If a corporation, the names and addresses of the principal officers and the state where incorporated.

(2) A statement of the type and availability of twenty-four (24) hour maintenance service for automatic protection devices that the applicant proposes to offer the public.

3.420(3)

Lane Code

3.435(5)

(3) An agreement on the part of the applicant to comply with the operational standards listed in section 3.415 of this subchapter, and with other reasonable rules and regulations that may be issued under authority of this subchapter by the Sheriff.

3.425 Fee. All applications required under 3.420 shall be accompanied by a fee established by separate order of the Board.

3.430 Registration of Alarm Monitoring Services. A service which desires to include in such service the receipt and relay of messages from automatic protection devices in the County shall provide the Sheriff with the following.

(1) Name and address of the alarm monitoring service and its type of business organization (individual, partnership or corporation). If a partnership, the names and addresses of the partners; if a corporation, the names and addresses of the principal officers and the state where incorporated.

(2) A statement that the applicant(s) is willing to comply with the operational standards contained in section 3.435 of this subchapter.

3.435 Alarm Monitoring Service - Operational Standards. In addition to the other requirements imposed by this Code, the Sheriff shall insure that the following minimum operational standards are or will be met:

(1) An alarm monitoring service must provide, at its expense, a direct line to the fire department or police department communication center to facilitate the live voice relay of signals or messages from automatic protection devices.

(2) The inner room or rooms where the actual alarm monitoring services are performed must be locked to outside access at all times, so that only authorized employees will have access thereto.

(3) As soon as practicable after notification of the County Department concerned, or as otherwise agreed upon between the alarm monitoring service and the involved customer, the alarm monitoring service operator on duty shall report to such customer, or to such person designated by the customer, the circumstances regarding the receipt and relay of the signal from the automatic protection device.

(4) Instructions for handling emergency messages shall be posted for ready and quick reference by alarm monitoring service operators by the alarm monitoring service from whose premises live voice alarms originate.

(5) A sufficient number of alarm monitoring service operators must be on duty at all times to insure that messages from automatic protection devices are relayed immediately to the County Department concerned.

3.435(6)

Lane Code

3.450(2)

(6) As an express condition for providing the service incident to automatic protection devices, the alarm monitoring service shall require each customer to provide satisfactory proof that the customer has contracted for, or has established for itself, a licensed or otherwise qualified automatic protection device maintenance or service program and is receiving maintenance or service on a regular basis.

(7) The alarm monitoring service shall agree to submit to the County any information regarding its employees and the customers it serves as may be reasonably required.

3.440 Applications. Any person in the County who operates an alarm monitoring service, representing a customer in telephone communications, keeping a record of communications so received and transmitting them to the party called, may, upon providing the Sheriff with this information, include in such service the receipt and relay of live voice messages or other signal, via direct line, from automatic protection devices to a fire department or police department.]

3.445 Use of Automatic Protection Devices.

[(1)] Keying of automatic protection devices in a manner so as to send a prerecorded message directly over regular telephone lines to a fire department or police department of the County is hereby prohibited.

[(2)] Within thirty (30) days of the effective date hereof, all automatic protection devices presently keyed to send prerecorded emergency messages directly over regular telephone lines to a fire department or police department of the County shall be altered so as to key the automatic protection device to a telephone number other than those of the fire department or police department.

(3) After the effective date hereof, no one except a licensed alarm equipment supplier shall sell, lease, install or maintain any automatic protection device in the County or key such device to an alarm monitoring service.

3.450 Duties of Owner of Lessee.

(1) It shall be the duty of the owner or lessee of any automatic protection device to arrange for the accomplishment of equipment alteration prescribed in section 3.445(2) of this subchapter.

(2) The owner or lessee of an automatic protection device who has it altered as required by section 3.445(2) of this subchapter may authorize a licensed alarm equipment supplier to key the automatic protection device to an alarm monitoring service.

3.450(3)

Lane Code

3.460

(3) The owner or lessee of an automatic protection device shall be responsible for having the device repaired or aborted as quickly as reasonably possible after he learns, either from his own sources, an alarm monitoring service, an alarm equipment supplier or any member of a fire department or police department of the County, that the device is not working properly.

3.455 Duties of Supplier or Lessor.

(1) It shall be the duty of the supplier or lessor of any automatic protection device to provide equipment of such quality that emergency messages may be transmitted which clearly indicate the nature of the emergency and the location of the emergency with a minimum of false alarms.

(2) The supplier or lessor may, under appropriate contract, assume some of the responsibilities outlined in section 3.450 of this subchapter and in doing so will abide by all licensing regulations and be responsible for violations.

3.460 License Revocation and Enforcement.

(1) In addition to the penalties prescribed by section 3.990 of this subchapter, the Board may, after notice and hearing, cancel the license of an alarm equipment supplier on any of the following grounds:

(a) Fraud, misrepresentation or false statement contained in any application for such license.

(b) Fraud, misrepresentation or false statement in the conduct of business authorized by such license.

(c) Violation of any provision of this subchapter as it applies to a licensed alarm equipment supplier or alarm monitoring service.

(2) A license issued to an alarm equipment supplier shall not be canceled until a hearing shall have been held by the Board. Written notice of the time and place of such hearing shall be served upon the holder of such license at least ten (10) days before the date set for the hearing. The notice shall also contain a brief statement of the grounds alleged as the basis for cancellation of the license.

(3) At the hearing, the holder of the license proposed to be canceled shall be confronted by the complaining witness(es) and shall be given an opportunity to answer and thereafter be heard. After due deliberation, the Board may either dismiss the complaint against the holder of the license or revoke the license.]

3.500

Lane Code

3.510

LICENSE FOR RETAIL SALE OF FIREARMS

3.500 Licensing Authority. Pursuant to the authority of ORS 166.430, the Board hereby declares itself the licensing authority to grant annual licenses for the retail sale of pistols, revolvers and other firearms capable of being concealed on the person, in the unincorporated areas of Lane County. The Board may delegate its duties and authority as the licensing authority hereunder.

3.501 License Required. No person shall engage in the business of the retail sale of pistols, revolvers or other firearms capable of being concealed on the person, within the unincorporated areas of Lane County, unless such person holds a valid license issued under this subchapter.

3.505 Fees. A fee for each annual application shall be charged at the time the application is filed in an amount to be established by separate order of the Board.

3.510 [Environmental Management] Land Management and Public Safety Approvals.

No license shall be granted under this subchapter until the location of the proposed retail establishment has been certified to be in conformity with land use regulations by the Land Management Division of the Public Works Department [of Environmental Management] or its designee, and until the Sheriff has certified that he or she has no information which would indicate that the applicant has been convicted, within five years preceding the date of application, of a felony or Class A misdemeanor. If the applicant is a corporation, the Sheriff shall make the required certification as to each officer thereof. If the applicant is an association, firm or partnership, the Sheriff shall certify as to each member thereof.

2-73; 4.20.73
16-73; 1.18.74
1-77; 4.1.77
12-79; 11.9.79

3-8

WP co00009/C/8

3.600

Lane Code

3.610(2)

SECONDHAND BUSINESS LICENSES

3.600 Definitions. For the purposes of this subchapter, the following terms shall mean:
Director. The Director of the Department of Public Safety.
Licensee. A person holding a valid license issued under this subchapter, and for purposes of LC 3.610, 3.615 and 3.620 below, shall include the owner, manager, operator, employee or agent of a secondhand business.

Peace Officer. As defined in ORS 133.005.

Secondhand Business. Any business that devotes part of its business to the collection, purchase, exchange or sale of used articles or the lending of money on the security of used articles. A secondhand business does not include a business which buys or takes in trade used articles incidental to the sale of new articles or merchandise. Any business dealing exclusively in automobiles, books, farm or lawn machinery or furniture is excluded from this definition.

3.605 License Required.

(1) No person shall operate a secondhand business in the unincorporated areas of Lane County unless such person holds a valid license issued under this subchapter.

(2) A license issued under this subchapter shall be an annual license and shall not be transferable.

(3) Procedures for the application, approval and revocation of licenses issued under this subchapter shall be established by separate order of the Board.

3.610 Record Keeping.

(1) A licensee shall keep a record of all purchases or acquisitions of used goods. Such records shall be kept in an orderly manner in chronological order, and a copy retained separately for peace officers. All records shall be open for reasonable inspection by peace officers upon their demand.

(2) The Director shall prepare tabulated forms on which may be put all information deemed necessary by the Director for the identification of articles purchased or acquired by a licensee. Forms shall be completed by the licensee when any transaction is made. Such forms shall be furnished to each licensee and, if completed in full, shall be considered to satisfy the record keeping requirements of this section.

3.615

Lane Code

3.630

3.615 [Environmental Management]Land Management Approval. No license shall be granted under this subchapter until the location of the proposed retail establishment has been certified to be in conformity with the land use and zoning ordinances of Lane County by the Land Management Division of the Department of Public Works[Environmental Management].

3.620 Restrictions on Purchases and Sales.

(1) No purchase or acquisition by a licensee shall be made from persons under the age of 18 years unless such persons are accompanied by their parent or guardian.

(2) No purchase or acquisition by a licensee shall be made from persons who are incapable of dealing intelligently or from persons who are under the influence of drugs or intoxicating liquor.

(3) No purchase or acquisition by a licensee shall be made of items on which the serial number has been obliterated or removed.

(4) All used articles purchased or acquired by a licensee shall be segregated in such a way as to permit their ready identification by the record required in LC 3.610 above for a period of seven days before resale. Segregation shall continue for a further period of seven days upon the direction of a peace officer if said peace officer has a reasonable suspicion that the used articles are stolen property.

3.625 Revocation. A license issued under this subchapter may be revoked for violation by the licensee of any of the provisions of LC 3.610 or 3.620 above. A license may also be revoked, or its issuance denied, if a licensee or applicant knowingly provides false information or knowingly falsifies any application or record required by LC 3.610 above.

3.630 Fees. A fee for each annual application shall be charged at the time the application is filed in an amount to be established by separate order of the Board.

[3.700

Lane Code

3.710(4)

USE OF COUNTY PROPERTY FOR SPECIAL SALES

3.700 Definitions - Special Sales. As used in this subchapter, "special sale" shall mean the offering of property for retail sale under the title of bankrupt, liquidation, close out, removal, quitting business, fire sales, or a similarly designated title, by a person, whether acting for himself, or as agent, factor, or employee of another. "Special sale" shall include any factory direct retail sale by a person who does not maintain a regular place of business in Lane County.

3.705 Special Sale Permits. No person shall conduct a special sale on property owned by Lane County, except upon a permit issued by the Board, or a delegate thereof. A fee for the issuance of such permit shall be established by a separate order of the Board.

3.710 Application and Conditions.

(1) Application shall be made to the Board for a permit to conduct a special sale.

(2) A permit shall be issued only upon the following conditions:

(a) All goods to be sold at the special sale are inventoried and a copy of the inventory is filed with the Fair Board prior to the issuance of the permit.

(b) All sales of goods at the special sale must comply with the warranty provisions of ORS 72.8010 to 72.8050.

(c) Manufacturers' market samples may not be sold at a special sale.

(3) No permit shall be issued for a special sale unless the applicant:

(a) Is in good faith disposing of his stock for the purpose of retiring from business, or

(b) Is in a voluntary or involuntary bankrupt condition, or

(c) Is removing his inventoried stock to a new location, or

(d) Has suffered a fire loss of a substantial amount within 30 days prior to the date of application for the permit.

(4) The applicant must submit satisfactory evidence that any taxes due on the goods to be sold have been paid.

3.710(5)

Lane Code

3.720

(5) The applicant shall make a statement in addition to the application declaring that the deceptive-advance-reduction method of attracting purchasers will not be used or advertised, as follows:

(a) The applicant, as an inducement to the securing of the license, does pledge and obligate himself or herself, or the corporation, firm association or individuals represented by the applicant, to refrain from marking up, quoting or advertising merchandise at a price above the average or ordinary retail market price of the articles, or at any time marking down, quoting or advertising the price on the articles in comparison with the marked up, quoted or advertised prices or with any prices except the customary usual prices at which the articles are usually offered for sale.

3.715 Auctions. Special sales may be conducted by auction, provided only goods listed in the inventory are sold thereby.

3.720 Exceptions. A special sales permit shall not be required for the operation of food service booths, musical concerts, sporting events, craft fairs, flea markets, and other similar types of sales.]

3.990(1)

Lane Code

3.990(4)

ENFORCEMENT

3.990 Violation.

(1) Violation of any of the requirements of LC [3.410 through 3.455]3.445, LC 3.501, or LC 3.605 through 3.615 above constitutes a County Infraction. Continued violations of this Chapter after 10 days from the [mailing]service of Notice of the violation [by certified mail to the last known address of]on the alleged violator, and continued violations after an order has been entered by the County Infractions Section for the same violation, constitute a separate County Infraction for each day the violation continues. The Sheriff, or said Sheriff's duly authorized representative, shall have the authority to sign County Infractions Complaints for violations of LC [3.410 through 3.455]3.445, 3.501 and 3.605 through 3.615 above.

(2) In addition to the remedies provided in LC 3.990(1) above, additional proceedings may be instituted, including, but not limited to, injunctive relief to enforce the provisions of this Chapter.

[(3) A person who utters a false statement in making an application for a permit to conduct a special sale, or who violates LC 3.700 through 3.720 above, shall immediately be deprived of his permit, and no further permit shall be issued to him for one year.

(4) In addition to a permit revocation, a violation of LC 3.700 through 3.720 above constitutes a County Infraction, and may be enforced in the manner provided for County Infractions. Violations of LC 3.700 through 3.720 above are punishable by fines up to a maximum of \$1,000.]

18-73; 4.5.74
1-77; 4.1.77
6-77; 7.29.77
14-77; 10.26.77
22-77; 12.28.77

3-13

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