

COUNTY OF WASHINGTON
INTRODUCTORY LOCAL LAW NO. "C" OF 2011

Introduced by Supervisors Lindsay, Suprenant, Hall, Banks, Pitts, Gordon

A LOCAL LAW REQUIRING CERTAIN RECORDS TO BE KEPT BY DEALERS IN SECONDHAND ARTICLES AND PLACING CERTAIN RESTRICTIONS ON THE PURCHASE AND SALE OR DISPOSAL OF SAID SECONDHAND ARTICLES.

BE IT ENACTED, by the Board of Supervisors of the County of Washington, New York, as follows:

SECTION 1. LEGISLATIVE INTENT AND PURPOSE

Businesses engaged in the purchase and sale of secondhand articles can bring valued business and employment opportunities to the area. Such businesses also provide a useful service to County residents by offering secondhand articles for sale at a central location and by providing a convenient way for residents to convert unwanted secondhand articles to cash. Unfortunately these same valued and worthwhile businesses can also be used by unscrupulous persons to wrongfully sell lost or stolen articles which, once sold and later resold, transferred or used for other purposes make it more difficult (and sometimes impossible) to prosecute crimes and/or return such items to their rightful owners. In order to address this situation, this law imposes a waiting period on the sale of secondhand articles, requires businesses dealing in secondhand articles to keep a record of an appropriately tagged secondhand article(s), provides for review by authorities charged with protecting the public interest, and imposes certain limited purchase and sale restrictions. While this constitutes some administrative or paperwork for private business, it is believed that the benefits to the general public far outweigh the minimal work by providing authorities with additional tools to investigate lost or stolen articles and apprehend offenders. It is also reasonably believed that the requirements of this Local Law will also serve as a deterrent to those tempted to wrongfully sell lost or stolen properties to businesses dealing in secondhand articles.

SECTION 2. AUTHORITY

This legislation is adopted pursuant to the Municipal Home Rule Law of the State of New York.

SECTION 3. DEFINITIONS.

"DEALER" OR DEALER IN SECONDHAND ARTICLES - Includes any person dealing in the purchase, or sale of any secondhand radios, televisions, household appliances, either electric or mechanical, automobile accessories or parts, including tires, office furniture, business machines and secondhand articles of whatsoever nature, or dealing in the purchase or sale of any secondhand manufactured or handmade article

composed wholly or in part of gold, silver, platinum or any other metal, or in the purchase or sale of old gold, silver or platinum, or dealing in the purchase of articles or things comprised of gold, silver or platinum for the purpose of melting or refining, or engaged in melting precious metals for the purpose of resale. Except, nothing contained in this Local Law shall be construed to apply to clothing, household furniture and furnishings, pianos, books, magazines, tapestries, burlaps, paintings, drawings, etchings, engravings or automobiles; nor to exchanges, returns or credits of merchandise when the article or articles exchanged, returned or credited are accepted in full or part payment for new merchandise. This Local Law shall also not apply to temporary or transient vendors such as those engaged in temporary flea markets, garage sales, special events attracting tourists to the area.

PERSON - Includes one or more persons of either sex, natural persons, corporations, partnerships, limited liability companies, associations, joint-stock companies and all other entities of any kind capable of being used.

SECONDHAND ARTICLES - Includes secondhand radios, televisions, household appliances, either electric or mechanical, automobile accessories or parts, including tires, office furniture, business machines and secondhand articles of whatsoever nature of gold, silver, platinum or other metal and articles or things composed wholly or in part of gold, silver, platinum or other metal. Except nothing contained in this Local Law shall be construed to apply to clothing, household furniture and furnishings, pianos, books, magazines, tapestries, burlaps, paintings, drawings, etchings, engravings or automobiles; nor to exchanges, returns or credits of merchandise when the article or articles exchanged, returned or credited are accepted in full or part payment for new merchandise.

SECTION 4. RECORD OF PURCHASES AND SALES

A. Every dealer shall keep in a substantial bound book in which shall be legibly written in ink and in English at the time of every purchase or sale a description of every secondhand article so purchased or sold, the number or numbers and any monograms, inscriptions or other marks of identification that may appear on the article, a description of the articles or pieces comprising old gold, silver, platinum or other metal, and any monograms, inscriptions or marks of identification thereon, the name, residence, sex, skin color and approximate age, height, weight and hair color of the person from whom such purchase was made or to whom sold, and the day and hour of the purchase or sale, including articles or things purchased or received for the purpose of refining or smelting by persons principally engaged in such business.

B. Every dealer shall require any person selling, exchanging or otherwise transferring any article to the dealer, to show identification such as a driver's license.

C. Every dealer shall, at the time of making any purchase or otherwise acquiring a secondhand article, attach a sequential numbered tag to, or otherwise sequentially number, each article bought and shall make entry of such number together

with the description of the article in the book provided for in subsection A, above and also issue a receipt to the person from whom the article was acquired which receipt shall reference the number assigned. If, for any reason it is not possible to sequentially number an article and provide a like numbered receipt, the dealer shall note the reason therefore in its records.

D. The record required by paragraph A hereof may be kept on a computer, ie. digital form, so long as paper reports showing the required information may be obtained from the computer on demand.

SECTION 5. ACCESSABILITY TO SHERIFF/POLICE

A. It shall be the duty of every dealer to make or cause to be made available for inspection and copying at all times during normal business hours to the Washington County Sheriff, the Chief of any local police agency within Washington County, New York State Police Superintendent, Washington County District Attorney or their employees or agents, the record or computer printout thereof required to be kept in the preceding section of all secondhand articles, or any part thereof, purchased, received or sold in the course of the business of the dealer for the past year. The contents of such records may be used by the Washington County Sheriff, the Chief of any local police agency within Washington County, New York State Police Superintendent, Washington County District Attorney and their employees or agents or others in authority to protect the public interest and detect crime.

B. A dealer shall allow his place of business and all secondhand articles therein to be at all reasonable times examined by any member of the Washington County Sheriff, the Chief of any local police agency within Washington County and New York State Police Superintendent, Washington County District Attorney and their employees or agents.

SECTION 6. RESTRICTIONS

A. No dealer in secondhand articles shall purchase any secondhand goods, articles or things whatsoever from any person under the age of 18 years.

B. No secondhand articles shall be sold or disposed of by any dealer in secondhand articles until the expiration of five days after purchased and/or otherwise acquired, except that this provision shall not apply to secondhand articles received from persons known to be Jewelers, Dealers, Banking Institutions, Executors or Administrators of an Estate.

C. No dealer shall buy any secondhand article of any kind which is distinctly and plainly marked as being the property of any firm or corporation other than the person offering to sell the same unless the person offering to sell the same shall show satisfactory evidence in writing that he is the legal and lawful owner of such property. Such written evidence shall be attached in the book provided for in Section 2 hereof or otherwise

retained for inspection by the Washington County Sheriff, the Chief of any local police agency within Washington County, New York State Police Superintendent, Washington County District Attorney and their employees or agents.

SECTION 7. PENALTIES FOR OFFENSES; REPEALER; WHEN EFFECTIVE.

Any person who, himself or by his clerk, agent or employee, shall violate any of the provisions of this chapter, upon conviction thereof, be subject to a fine of not more than \$1,000 or to imprisonment for not more than six months, or to both such fine and imprisonment; each day on which such violation continues shall constitute a separate offense.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State for the State of New York.

<http://www.co.washington.ny.us>