

No. Issued: \_\_\_\_\_

APPLICATION FOR SECONDHAND DEALERS

Chapter 735

Phone Number \_\_\_\_\_

Name of Business \_\_\_\_\_

Address of Business \_\_\_\_\_

Applicant's Full Name \_\_\_\_\_

Address of Applicant \_\_\_\_\_

Name of every person interested therein \_\_\_\_\_

735.05 License Fee. Every dealer in secondhand articles of whatever nature, except as heretofore provided, shall pay an annual license fee of twenty-five dollars (\$25.00) for each place of business licensed. The licenses shall expire on December 31 of each year. (Ord. 8675. Passed 4-5-64)

\_\_\_\_\_  \_\_\_\_\_  
Date Filed Signature of Applicant

Recommendation of Building Inspector \_\_\_\_\_

Date \_\_\_\_\_  
Signature of Building Inspector

Recommendation of Police Chief \_\_\_\_\_

Date \_\_\_\_\_  
Signature of Police Chief

Date Approved \_\_\_\_\_  
Mayor of Lorain

Please attach the following to this application:

2 - Good Character Affidavits from Citizens of Lorain.

AFFIDAVIT OF GOOD CHARACTER

(Ord. 735.04 Secondhand Dealers)

Applicants: Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Age \_\_\_\_\_ Social Security Number \_\_\_\_\_  
Date of Birth \_\_\_\_\_ Place of Birth \_\_\_\_\_

I, \_\_\_\_\_ have known the above applicant  
for \_\_\_\_\_ years, and I have found him/her to be of good character,  
repute and integrity. I would vouch for these qualities in the above  
at anytime.

\_\_\_\_\_ She/He has been in my employ for \_\_\_\_\_ years.

\_\_\_\_\_ She/He has not been in my employ.

Signed \_\_\_\_\_

Address \_\_\_\_\_

Lorain, Ohio Zip Code #: \_\_\_\_\_

Telephone number \_\_\_\_\_

Date \_\_\_\_\_

Note: This affidavit must be from a reputable citizen of the City of  
Lorain.

**CHAPTER 735**  
Secondhand Dealers

- 735.01 Junk dealer defined; exception. (Repealed)
- 735.02 Secondhand dealer defined; exception.
- 735.03 License required.
- 735.04 License application.
- 735.05 License fee.
- 735.06 License revocation or suspension; Board of Appeals.
- 735.07 Junk dealers purchasing from minors or servants; hours.
- 735.08 Books of junk dealers.
- 735.09 Books of secondhand dealers.
- 735.10 Report of secondhand dealer.
- 735.11 Possession for thirty days by secondhand dealer.
- 735.12 Secondhand dealers purchasing from minors; hours.
- 735.99 Penalty.

**CROSS REFERENCES**

- Power to regulate - see Ohio R.C. 715.61
- Secondhand dealers - see Ohio R.C. Ch. 4737
- Junk yards and shops - see BUS. REG. Ch. 736

**735.01 JUNK DEALER DEFINED; EXCEPTION.** (Repealed by Ord. 8675.)

**735.02 SECONDHAND DEALER DEFINED; EXCEPTION.**

Any person dealing in the purchase or sale of secondhand articles of whatever nature, or dealing in the purchase or sale of any secondhand manufactured article composed wholly or in part of gold, silver, platinum or other metals, or in the purchase or sale of old gold, silver or platinum, or any person 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 selling, or in the purchase or sale of pawnbroker tickets or other evidence of pledged articles or, not being a pawnbroker, deals in the redemption or sale of pledged articles, is defined to be a dealer in secondhand articles.

Nothing in this section shall be deemed to apply to persons dealing in the purchase or sale of secondhand pianos, books, magazines, rugs, paintings, drawings and engravings nor to exchanges of, returns or credits of merchandise where the articles exchanged, returned or credited are accepted in full or part payment of any merchandise, nor to persons who deal exclusively in heavy industrial equipment, furniture or secondhand automobiles. (Ord. 4574. Passed 5-2-38.)

**735.03 LICENSE REQUIRED.**

No person shall engage in the business of a secondhand dealer unless and until licensed as hereinafter provided. (Ord. 8675. Passed 4-6-64.)

#### **735.04 LICENSE APPLICATION.**

Every applicant for a license shall make application in writing to the Mayor, which application shall set forth the name under which the business is to be conducted, the name of every person interested therein and the location where the business is to be carried on. If the applicant has no place of business, his home shall be designated as his place of business. The application shall contain references of at least two other citizens of the City as to the character of the applicant. (Ord. 4574. Passed 5-2-38.)

#### **735.05 LICENSE FEE.**

Every dealer in secondhand articles of whatever nature, except as heretofore provided, shall pay an annual license fee of twenty-five dollars (\$25.00) for each place of business licensed. The licenses shall expire on December 31 of each year. (Ord. 8675. Passed 4-6-64.)

#### **735.06 LICENSE REVOCATION OR SUSPENSION; BOARD OF APPEALS.**

The Mayor, upon the recommendation of the Chief of Police, may at any time revoke or suspend any license granted under the authority of this chapter for failure to comply with the terms of this chapter.

In case of the refusal to issue a license or the revocation of or suspension of a license by the Mayor, the applicant or licensee may appeal from such order to a Board of Appeals composed of the City Solicitor, Director of Public Safety and the Director of Public Service or any member of such departments who may be designated by such Director or any of them. Notice of such appeal shall be in writing and shall be filed with the Mayor within ten days from the making of such order, refusal or revocation. The Board of Appeals shall fix the time of hearing of such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard, and the Board of Appeals may sustain, disapprove or modify such order and its decision shall be final. (Ord. 4574. Passed 5-2-38.)

#### **735.07 JUNK DEALERS PURCHASING FROM MINORS OR SERVANTS; HOURS.**

No junk dealer, as defined in Chapter 736, shall purchase any goods, articles or things whatsoever from any minor, apprentice or servant, knowing or having reason to believe the person to be such, or from any person whatsoever between the hours of 6:00 p.m. and 7:00 a.m. (Ord. 8675. Passed 4-6-64.)

#### **735.08 BOOKS OF JUNK DEALERS.**

Every junk dealer, as defined in Chapter 736, shall keep at his place of business within the City a book in which shall be legibly written a general description of the aggregate merchandise purchased. Such description and books shall at all reasonable times be open to the inspection of any police officer, the Mayor or persons duly authorized by him for such purpose. (Ord. 8675. Passed 4-6-64.)

#### **735.09 BOOKS OF SECONDHAND DEALERS.**

Every dealer in secondhand articles shall keep a book in which shall be legibly written in English, at the time of every purchase or sale, a description of every article so purchased or sold; the 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 metals, any monogram, inscription or marks of identification thereon, the name, residence and general description of the persons from whom such purchase was made or to whom sold, and the day and hour of the purchase or sale. The holder of a Federal license to smelt precious metals shall not be held by reason thereof to be exempt from the provisions of this section.

In case of a purchase or sale of a pawnbroker ticket or other evidence of a pledged article, or a redemption or sale of a pledged article, there shall be written in the book at the time of such purchase, sale or redemption:

- (a) The name and address of the person, copartnership or corporation who issued the ticket or other evidence.
- (b) The name and address of the pledger as it appears upon the pawn ticket or other evidence.
- (c) The day and hour of such purchase, sale or redemption, as the case may be.
- (d) The name, residence and general description of the person from whom or to whom the redeemed article is purchased or sold, as the case may be.

The book shall at all reasonable times be open to the inspection of any police officer, to the Mayor or any person designated by him. Such book shall be substantially bound and of a size not less than six inches in length and breadth. In addition to the book, every person so licensed at the time of such purchase shall fill out on a blank to be furnished by the Police Department, such information as may be called for by the blank form, and shall be signed by the seller in his own handwriting, his name, age and address. No entry in the book or on the blank form shall be erased, obliterated, altered or defaced. (Ord. 4574. Passed 5-2-38.)

**735.10 REPORT OF SECONDHAND DEALER.**

Every licensed secondhand dealer shall on every weekday make out a report on a blank furnished by the Police Department which is substantially as follows:

DAILY REPORT OF SECONDHAND DEALER \_\_\_\_\_ No. \_\_\_\_\_

TO THE CHIEF OF POLICE OF THE CITY OF LORAIN, OHIO.

Articles purchased and description \_\_\_\_\_

\_\_\_\_\_

Date and hour of purchase \_\_\_\_\_ M \_\_\_\_\_ 19 \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_ No. \_\_\_\_\_

Occupation \_\_\_\_\_ Age \_\_\_\_\_ Weight \_\_\_\_\_

Build \_\_\_\_\_ White \_\_\_\_\_ Colored \_\_\_\_\_

Complexion \_\_\_\_\_ Height \_\_\_\_\_ Eyes \_\_\_\_\_ Mustache \_\_\_\_\_

Whiskers \_\_\_\_\_ Description of clothing \_\_\_\_\_ Defects \_\_\_\_\_

Signature of person selling to dealer \_\_\_\_\_

The above report shall be furnished to the Police Department by 6:00 p.m. of the following day.

A legible and correct copy of the filled blank shall be required to be kept by the secondhand dealer, containing all the particulars of all the purchases made on the preceding day, and the dealer shall deliver the original filled blank to the Chief of Police or his authorized representative, properly filled and signed by the seller in accordance with the provisions of Section 735. 09 or the filled blank shall, if the Chief of Police so elects, be mailed to such address as the Chief of Police may in writing designate or the Detective Bureau may pick up same. (Ord. 4574. Passed 5-2-38.)

**735.11 POSSESSION FOR THIRTY DAYS BY SECONDHAND DEALER.**

No person licensed as a secondhand dealer shall sell or remove from his place of business any secondhand goods, articles or things sold to him until the same shall have been in his possession at least thirty days. (Ord. 4574. Passed 5-2-38.)

**735.12 SECONDHAND DEALERS PURCHASING FROM MINORS; HOURS.**

No dealer in secondhand articles shall purchase any secondhand goods, articles or things whatsoever from any minor, apprentice or servant, knowing or having reason to believe the person to be such, or from any person whatsoever between the hours of 6:00 p.m. and 7:00 a.m. (Ord. 4574. Passed 5-2-38.)

**735.99 PENALTY.**

Whoever violates this chapter shall be fined not exceeding fifty dollars (\$50.00) for the first offense and, for a second or subsequent offense, not exceeding two hundred dollars (\$200.00) or imprisoned not less than ten days nor more than sixty days, or both. (Ord. 4574. Passed 5-2-38.)