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**BEFORE THE BOARD OF COMMISSIONERS**

**FOR LINCOLN COUNTY, OREGON**

ORDINANCE #349

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**Relating to business regulation; amending LCC 4.005 and 4.065; and declaring an emergency.**

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WHEREAS the county has regulated certain businesses conducting operations as junk and secondhand dealers and garage sales; and

WHEREAS that regulation was based upon state law specifically authorizing such regulation (ORS 670.210 to 670.240); and

WHEREAS that specific state law, along with other state laws, were repealed by the legislature as being "unnecessary since the governing body and voters in each county can now enact ordinances which treat the subject matter of the statutes in the manner deemed necessary or desirable in each county" as a result of the 1973 enactment of ORS 203.035 (1981 Oregon Laws, chapter 76); and

WHEREAS the Lincoln County Code still contains references to those repealed statutes; therefore, for the purpose of removing incorrect statutory references in the Lincoln County Code,

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1 The Lincoln County Board of Commissioners ordains as follows:

2 **SECTION 1.**

3 LCC 4.005 is amended to read:

4 **4.005 Findings and purpose**

5 (1) The Board finds that:

6 (a) Junk and secondhand dealers may knowingly or unknowingly be a conduit for  
7 the sale or purchase of stolen property;

8 (b) Such business should be regulated by requiring a license issued by the Board;

9 (c) Licenses for junk and secondhand dealers should be denied, suspended, or  
10 revoked when the conduct of such business presents a threat to the peace, health, or safety  
11 of the people of the county; and

12 (d) *ORS [670.210 to 670.240]* **203.035** authorizes the regulation of junk and  
13 secondhand dealers by the county.

14 (2) The purpose of LCC 4.005 to 4.065 is to provide for the peace, health, and  
15 safety of citizens of the county by regulating junk and secondhand dealers and garage  
16 sales.

17 **SECTION 2.**

18 LCC 4.065 is amended to read:

19 **4.065 Penalties**

20 (1) Any person who operates any business in violation of LCC 4.005 to 4.065  
21 shall, upon conviction, be punished pursuant to LCC chapter 10.

22 (2) A failure from day-to-day to comply with this chapter shall be a separate  
23 offense for each day *[pursuant to ORS 670.990]*.

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25 *////*

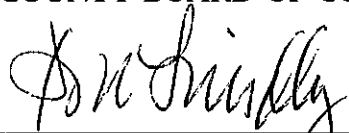
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1                    **SECTION 3.**

2                    This Ordinance being necessary for the immediate preservation of the public  
3                    peace, health and safety, an emergency is declared to exist and this Ordinance shall take  
4                    effect upon its passage.

5                    DATED this 23rd day of November, 1994.

6                    LINCOLN COUNTY BOARD OF COMMISSIONERS

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8                    \_\_\_\_\_  
9                    DON LINDLY, Chair

10                      
11                    \_\_\_\_\_  
12                    JEAN COWAN, Commissioner

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14                    \_\_\_\_\_  
15                    NANCY E. LEONARD, Commissioner

16                    ATTESTED TO:

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18                    \_\_\_\_\_  
19                    SUSAN KAYS, Recorder

20                    APPROVED AS TO FORM:

21                      
22                    \_\_\_\_\_  
23                    WAYNE BELMONT, County Counsel

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Page

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