

CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS  
BUSINESS REGULATIONS

Sec. 11-225. Secondhand Sales; special requirements—auction houses and secondhand dealers.

(a) Every person, except organizations that are deemed not for profit under the laws of this state or any other state, engaged in the business of second hand sales shall make out at the time of the transaction a true, complete and legible report of all goods or articles with a fair market value in excess of \$25.00 received on deposit or consignment, trade or exchange, or by purchase. The report shall be made upon forms furnished by the City and shall be delivered by to the City within twenty-four hours after receipt of the property concerned. Delivery of the report to the City is accomplished when the report is delivered in person or when the report is deposited in the United States mail addressed to the Finance Department of the City. The reporting party shall retain on the premises of the business for six months from the date of the transaction his copy of the report. Each report shall contain for each item received:

- (1) An accurate description of the property—including brand name and serial number, if any. The word “scrap” shall not constitute a description under the subsection.
- (2) The amount paid for the property, or amount allowed in trade.
- (3) The date and time when the property was received.
- (4) A statement in 10 point bold type, signed by the person from whom the property was received, which reads as follows:

All information in this complete and accurate. I am the owner of goods described in this report that I pledged, sold, or consigned or I am authorized to enter into this pawn, sale or consignment transaction on behalf of the owner of the goods described in this report. I understand that I will be guilty of a Class 1 misdemeanor if the information in this report is not complete and accurate or I am not the owner of the goods pledged, sold or consigned or I am not authorized to enter into the pawn, sale or consignment transaction on behalf of the owner of such goods.

- (5) The printed name, address and age of such person. Before accepting the property, the reporting party shall require the person who is delivering the property to identify himself with a valid motor vehicle operator’s license, valid motor vehicle non-operating identification license, valid armed forces identification card or other valid photo identification, including the serial or identification number of such valid document sufficient to verify the information required by the subsection.
- (6) A description of such person, consisting of height, weight, race, complexion and hair color.

CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS  
BUSINESS REGULATIONS

(b) An auction house or secondhand dealer shall retain any property obtained in a reportable transaction at its place of business, or other storage location approved by the City for a period of ten calendar days after making out and delivering to the City the report required under subsection (a) above. Any article held in custody pursuant to this subsection shall not be altered or transformed in any way but shall be held in the same condition in which it was delivered to the reporting party.

(c) Subsections (a) and (b) of this section shall not apply to transactions falling within any one or more of the following categories.

- (1) Purchases by a secondhand dealer or auction house from a business with a fixed business location of either business inventory or business equipment, provided that the licensee acquires at, or has previously acquired by, the time of the transaction, all of the following:
  - (i) The name and address of the business.
  - (ii) The state and local transaction privilege tax license number of the business, if applicable.
  - (iii) A copy of the invoice or other document showing the business' bona fide purchase of or right to possess the article sold, or a representative of the business with apparent authority to act in behalf of the business for purposes of this subsection has completed and signed the report required in subsection 9(a) of this section in all its particulars, notwithstanding the amount of the transaction.
- (2) Purchases of household items by a secondhand dealer or auction house from a place of residence, provided that all of the following apply:
  - (i) The purchase is made by the licensee by check or other negotiable instrument made payable to the seller, or the purchase is made in cash and the licensee has obtained a receipt for that cash payment from the seller bearing the seller's name and address, verified to be accurate by the licensee from the identification of the type listed in subsection (a)5 of this section.
  - (ii) The seller has produced for the licensee's inspection documentary evidence that would establish to the satisfaction of a reasonable person that the seller is either the lawful occupant of the premises or has the legal right to sell the items being offered for sale. The licensee shall record from the documentary evidence produced a description of the document, including the name or nature of the document, and, to the extent available, its date, the individual's name and address thereon, and any account number appearing thereon.

CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS  
BUSINESS REGULATIONS

(iii) Notwithstanding the \$25.00 rule of subsection (a), the licensee records the serial numbers and descriptions of all items bearing serial numbers.

(d) Every person engaged in the business of secondhand sales shall record the description of every article sold for an amount of One Hundred Dollars (\$100) or more. He shall also record the name and address of the purchaser of such articles. This record shall be held by the secondhand dealer for at least thirty days after the sale. This record shall be held by the secondhand dealer for at least thirty days after the sale.

(e) Each auction house and secondhand dealer shall maintain a copy of this code section on the premises at all times and shall make it available upon request to any employee or customer of that auction house or secondhand dealer and to local law enforcement.

(f) The business premises of any auction house or secondhand dealer, along with their transaction record and stock of goods and articles shall be open to reasonable inspection by any peace officer of this state when the business premises are lawfully occupied and during regular business hours.

(g) Any person violating any of the provisions of this section, shall be strictly liable. No culpable mental state is required.

(h) Notwithstanding any other provisions of this section, the license of any auction house or secondhand dealer, may be suspended for a period not to exceed one year upon a showing that the operator or any employee of such establishment has been convicted of violating any of the provisions of Chapter 11 of the Peoria City Code or Sections 13-1802 and 13-2307, Arizona Revised Statutes, in the conduct of business of such establishment. The conviction of any employee under A.R.S. §13-1802 for an act of theft committed against that employee's own auction house or secondhand dealer shall not be the basis for suspension under the subsection.

(i) No person engaged in the business of auction house or secondhand dealer shall knowingly permit a person whose license is under suspension under subsection (h) above to be employee in any capacity of such establishment.

(j) The reporting requirements of subsection (a) of this section on goods and articles received on deposit or consignment, trade or exchange, or by purchase shall not apply to organization qualified under Section 501(c) of the United States Internal Revenue Code.

(Code 1977, art. 9-5(D))

(Ord. No. 99-111, 12/14/99, Existing Section Repealed) SUPP 1999-4

(Ord. No. 99-111, 12/14/99, Enacted) SUPP 1999-4

(Ord. No. 02-42, 6/7/02, Amended) SUPP 2002-2