

CHAPTER 58

SECONDHAND STORES, AUCTION HOUSES AND RUMMAGE ROOMS

1. **DEFINITIONS.** "Auction house", as used herein, shall mean any building, place or premises used for the purpose of conducting a public sale at which goods, commodities or appliances are sold to the highest bidder, excluding such sales where the goods, commodities or appliances offered for sale are the property of and were originally acquired for the use thereof by the owner of such building, place or premises, and also excluding such sales conducted by said owner's estate or other legal representative.

"Secondhand store", as used herein, shall mean any building, place or premises used for the purpose of selling, bartering or exchanging any goods, commodities or appliances which have previously been sold, exchanged, given away or had title transferred from the person, firm or corporation which first acquired the same for the use thereof.

"Rummage room", as used herein, shall mean any building, place or premises used for the purpose of leasing space or spaces to the owners of any goods, commodities or appliances who originally acquired the same for the use thereof so that such owners may sell, barter or exchange such goods, commodities or appliances.

2. **EXCLUSIONS.** The provisions of this ordinance do not apply to the sale of, nor shall the terms "goods, commodities or appliances" be interpreted or construed to include, motor vehicles or parts thereof, mobile homes, boats, books, clothes, coins or stamps, records, refrigerators, ranges and ovens, clothes washers and dryers, or furniture and equipment of a

type commonly and exclusively used in commercial restaurant operations.

3. **LICENSE REQUIRED.** No person, firm or corporation shall operate an auction house, secondhand store or rummage room in the City of Decatur without first having obtained a license for each such auction house, secondhand store or rummage room issued by the City Manager.

4. **APPLICATION.** Application for a license to operate an auction house, secondhand store or rummage room shall be made to the Finance Department and shall include such information as may be required to effect the provisions hereof. Such application shall be accompanied by the appropriate license fee required herein.

(Amended, Ordinance No. 89-42, May 1, 1989)

5. **FEE.** The annual fee for an auction house, secondhand store or rummage room license shall be Fifty Dollars (\$50.00).

6. **TERM OF LICENSE.** Auction house, secondhand store and rummage room licenses shall expire on the 31st day of December of the year for which the same are issued.

7. **REVOCAION OR SUSPENSION.** An auction house, secondhand store or rummage room license may be suspended or revoked by the City Manager as elsewhere provided in this Code for any violation by the licensee or its agents of any provisions of this Chapter or any rule or regulation duly established hereunder or any other applicable ordinance or statute. All auction house, secondhand store and rummage room licenses held by a licensee may be revoked or suspended by the City Manager upon a finding of such a violation at any one of a licensee's licensed premises.

8. **PREMISES.** When a license for any auction house, secondhand store or rummage room is revoked by the City Manager, no auction house, secondhand store or rummage room

license for the formerly licensed premises shall be granted to any person, firm or corporation for a period of one (1) year thereafter.

9. **INELIGIBLE FOR LICENSE.** No auction house, secondhand store or rummage room license shall be issued to:

- (a) Any person who is not twenty-one (21) years of age or over;
- (b) Any person who has been convicted of a felony or any other theft-related offense under any Federal or State law if the City Manager determines, after investigation, and after a hearing, if requested by the applicant, that such person has not been sufficiently rehabilitated to warrant the public trust;
- (c) Any person who at the time of application for renewal of a license would not be eligible for such license upon a first application;
- (d) Any person whose license has been revoked for cause;
- (e) Any partnership unless all of the partners are qualified to obtain a license; and
- (f) Any corporation if any officer or director thereof, or any stockholder or stockholders owning in the aggregate more than 10% of the stock of such corporation, would not be eligible to receive a license.

10. **EMPLOYEES.** No licensee shall employ any person in any secondhand store, auction house or rummage room unless such person meets all requirements and qualifications to be a licensee except those pertaining to age.

11. **MINORS.** No auction house, secondhand store or rummage room licensee shall accept or purchase any goods, commodities or appliances for auction or resale at its licensed premises from, or permit the sale thereat by, any person under the age of eighteen (18) years.

12. **IDENTIFICATION.** Before accepting or purchasing any goods, commodities or appliances for auction or resale at its licensed premises, or permitting the sale of same thereat, a secondhand store, auction house or rummage room licensee shall demand from the owner thereof or his agent presentation of some form of positive identification of such owner or agent, including proof of age, issued by a public officer in the performance of his official duties.

13. **LIST OF GOODS.** All rummage room licensees shall deliver to the Police Department on a complete list of all goods, commodities or appliances to be sold, bartered or exchanged on the licensed premises, and the names and addresses of both the owner and seller or sellers thereof, not less than 24 hours prior to such sale, barter or exchange.

(Amended, Ordinance No. 90-35, March 19, 1990)

14. **RECORDS.** All auction house, secondhand store and rummage room licensees shall maintain a written record giving a detailed description of each individual good, commodity or appliance accepted or purchased for auction or resale at its licensed premises or permitted to be sold thereat, and the person or persons from whom the same were accepted or purchased or to whom permission to sell the same was given, including the form of identification used by the owner or his agent as required herein. Such records shall be maintained by the licensee for three (3) years.

15. **INSPECTIONS.** Records required to be kept by a licensee under the provisions hereof, and the articles required to be listed therein, shall be made available for inspection by the licensee to officers of the Police Department. Such inspections shall be made during the regular business hours of the licensee and shall be limited to such records and articles. All licensed premises shall be so inspected at least four times during the year for which said premises are licensed. (Amended, Ordinance No. 90-35, March 19, 1990)

16. **HOLD FOR 72 HOURS.** No goods, commodities or appliances acquired in the regular course of business may be transferred from the possession of any secondhand store licensee unless the same have been listed or entered in the written records of purchase by said licensee as required herein for not less than 72 hours prior to such transfer of possession.

17. **PRICE LIMITATION.** No licensee may re-sell any goods, commodities, or appliances to the previous owner thereof for a price greater than the maximum allowable loan repayment on a pawn of the same goods, commodities or appliances under the Illinois Pawnbroker Regulation Act, and no service fee of any kind may be added thereto. (Amended, Ordinance No. 95-51)

18. **RULES AND REGULATIONS.** The City Manager is hereby authorized to cause to be established, promulgated, published, and enforced such reasonable rules, regulations and procedures, not in conflict with the provisions hereof, as may to said officer appear to be necessary or convenient to administer the provisions of this Chapter and to carry out the purpose and intent thereof.

19. **NOT FOR PROFIT.** The provisions hereof shall not apply to, nor shall any license be required of, any auction house, secondhand store or rummage room that is operated not for profit under the auspices of a religious, fraternal or charitable non-profit organization, nor shall the provisions hereof apply to any person, firm or corporation operating a rummage room when such rummage room is leased to a religious, fraternal or charitable non-profit organization.

20. **PENALTY.** Any person, firm or corporation who shall violate any provision of this Chapter, or any regulation duly promulgated hereunder, shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense and each day on which a violation occurs or continues shall be considered as a separate offense.

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The penalties or remedies provided herein shall be cumulative and resort to any one or more shall be no defense to prosecution of another. (Amended, Ordinance No. 2011-72)