

Washington Parish Council  
Ordinance No. 07-424

Introduced on March 12, 2007

Introduced by Councilman Nassauer

Public hearing held on March 26, 2007

An ordinance providing strict regulation of commercial resale businesses where the Parish Government finds present an extraordinary risk of being used as a means of concealing criminal behavior involving the theft of property

**WHEREAS**, the purpose of this ordinance is to provide strict regulation of certain business activities that the Parish Council of the Parish of Washington find present an extraordinary risk of being used as a means of concealing criminal behavior involving the theft of property; and

**WHEREAS**, the commercial resale business is sought out by those wishing to dispose of stolen property in order to covert such property into cash or goods; and

**WHEREAS**, those responsible for thefts can frequently be traced through stolen articles delivered to a resale business if a resale business keeps adequate records of a pledge or purchase of merchandise; and

**WHEREAS**, this ordinance is intended to reduce this type of criminal activity by providing a means by which records can be required to be kept by the resale businesses and designating the examination of said records by law enforcement officials; and

**THE PARISH COUNCIL OF WASHINGTON PARISH DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Definitions

- (A) "Commercial Resale Business: means any person or partnership, association or corporation which purchases used goods from another for the purpose of trade or resale. The term "commercial resale business" included any person, co-partnership, association or corporation acting as a pawnbroker, junk dealer, salvage yard, recycler, antique dealer, coin shop, second-hand dealer, and any other business the principal activity of which is to purchase and dispose of used goods.
- (B) "Junk Dealer" is any person, co-partnership, association or corporation which conducts or maintains a building structure, yard or place for the keeping or storing or piling of any old or used second-hand material of

any kind including: cloth, rags, clothing, cardboard, paper, rubbish, bottles, rubber, plastics, ferrous metals, non-ferrous metals, furniture, farm machinery, appliances, wires, cables, motor vehicles or parts of motor vehicles, or other articles which by reason of age, prior use, worn condition or damage are rendered useless for the purpose for which they were manufactured without extensive repair, and which is commonly classified as junk, and which purchase or trades or offers for sale any junk.

- (C) "Scrap Metal" means the following used, worn out or discarded non-ferrous metals; brass, copper, lead, aluminum, titanium, zirconium, tungsten and nickel, and does not include items that contain both ferrous and non-ferrous metals.
- (D) "Scrap Metal Dealer" means any person, engaged in, conducting, managing or carrying on a business for the purpose of purchasing scrap metals from any person, not representing a bona fide business, who appears with such article at the dealer's place of business.
- (E) "Purchase" means to transfer property from a person, not representing a bona fide business, to dealer regulated by this ordinance, for any valuable consideration.
- (F) "Recycler" shall be considered synonymous with junk dealer for the purposes of this ordinance.
- (G) The term "Person" as used in this ordinance shall include any natural person, co-partnership, joint venture association, corporation or any other business entity.
- (H) "Salvage Yard": shall be considered synonymous with junk dealer for the purposes of this ordinance.

**Section 2 – License Required.** No person shall operate a commercial resale business without first having obtained the appropriate license from the Parish Government License Department.

**Section 3. Licensees to Furnish Records of Transactions.** Each person licensed under this ordinance shall maintain a daily record of purchases. The record shall contain the following information;

1. Date of transaction.
2. Description of the item purchased including the type of item, condition, color, serial number (if any), and other distinguishing characteristics.
3. The name and address of the person from whom the item was purchased; and

4. The type of identification presented by the person from whom the item was purchased to establish that person's identity. Purchase records to be kept by this section shall be kept for a period of one year.

Section 4. Inspection of Records – Licensees shall make purchase records available for inspection by any law enforcement officer of the Parish, city, town or village in which the establishment exists upon any date or time when the licensee is conducting business.

Section 5. Penalties. - The intentional or knowing violation of, or participation in the violation of any section of this ordinance, by any person engaged in a business regulated under this ordinance, is punishable, upon conviction by a fine of not more than five hundred (\$500) dollars or by imprisonment for a period not to exceed six months.

Section 6. – Additional Civil Penalty - Any commercial resale business which purchases or receives for resale an item of stolen property and also fails to comply with the terms of this ordinance shall be civilly liable to the person entitled to possession of such property in an amount equal to three times the replacement value of the item or \$1,000 whichever is greater. For the purposes of this provision replacement value shall be the retail purchase price of a new item of the same or similar quality and function. This right of action shall be in addition to any other right that a person wronged may have be statue or common law to recover the stolen goods or the value of them.

**NOW THEREFORE, BE IT FURTHER ORDAINED**, that any and all ordinances and or parts of ordinances in conflict herewith are hereby repealed.

Having been submitted to a vote, the vote thereon resulted as follows:

YEAS: 7 (Sharp, Wheat, Miley, Nassauer, Brown, Sumrall and Thomas)

NAYS: 0 (None)

ABSENT: 0 (None)

The ordinance was declared adopted on the 26th day of March 2007.

  
Clinton Miley, Chairman

Delivered to the Parish President on  
March 26, 2007 at 6:55 pm.

Returned to the Clerk of the Council on  
March 26, 2007 at 6:56 pm

M. E. "Toye" Taylor  
M. E. "Toye" Taylor, Parish President  
Washington Parish Government

Certification

I hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted at a regular meeting of the Washington Parish Council held on Monday March 26, 2007 in Franklinton, Louisiana.

Sylvia Forbes  
Sylvia Forbes, Clerk of the Council