

ORDINANCE NO. 97-064

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF OCT 28 1997

AN ORDINANCE RENUMBERING CHAPTER 28.04 TO CHAPTER 28.06, AMENDING SECTIONS 28.01.001 AND 28.01.002, AND ADDING CHAPTER 28.04 TO THE SACRAMENTO CITY CODE, RELATING TO THE REGULATION OF PALLET RESELLERS.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 28.01.001 of the Sacramento City Code is hereby amended to read as follows:

28.01.001 Permit Required.

No person shall conduct or operate any of the following businesses or activities within the City of Sacramento without obtaining a permit as provided in this title:

- (a) Secondhand dealer.
- (b) Junk dealer.
- (c) Pawnbroker.
- (d) Pallet reseller.

SECTION 2.

Section 28.01.002 of the Sacramento City Code is hereby amended to read as follows:

28.01.002 Definitions.

The following words and phrases, whenever used in this title, shall be construed as defined in this section:

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- (a) **Junk:** As used in this title, "junk" means any and all secondhand and used machinery and scrap iron, including automobiles, tools, implements or parts or portions thereof, and any and all secondhand and used furniture or other personal property, other than livestock, or parts or portions thereof.
- (b) **Junk dealer:** As used in this title, "junk dealer" includes any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.
- (c) **Junk yard:** As used in this title, "junk yard" includes any yard, plot, space, enclosure, building or any other place where junk is collected, stored, gathered together and kept.
- (d) **Secondhand dealer:** As used in this title, means and includes any person, whose principal business is primarily that of engaging in buying, selling, trading, taking in pawn, accepting for sale on consignment, accepting for auctioning or auctioning secondhand personal property.

"Secondhand dealer" also includes any person who owns or operates an auction or any other event at which two or more persons offer secondhand personal property for sale or exchange and where a fee is charged for the privilege either of offering or displaying such property for sale or exchange or for admission of prospective buyers to the area where such property is offered or displayed for sale or exchange, but does not include any person acting as such dealer for the exclusive benefit of any community chest, fund, foundation or corporation organized and operated for religious purposes, hospital or charitable purposes, and not conducted for profit, where no part of the gross receipts or net earnings of such sale or exchange, whether in the form of a percentage thereof or salary otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the sale or exchange, and does not include a person who owns the land on which the auction or event occurs if he has no control over such auction or event and has no personal knowledge of any facts arising from such auction or event which constitutes a violation of any provisions of this title.

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"Secondhand dealer" also includes any person who conducts more than one garage sale per calendar year, or who conducts a garage sale which extends beyond two consecutive days. For the purposes of this title, a garage sale shall be defined as a sale conducted by an individual homeowner, apartment dweller or occupant of a dwelling unit, for the purpose of disposing of unwanted or surplus household furnishings or other personalty, usually conducted in a garage in a residential zone and for which no inventory is kept and no sales tax is paid on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location and may take on the nature and character of a rummage sale or fund raising event for civic or charitable purposes. The term "garage sale" shall not be limited to sales conducted in the garage, but shall encompass household sales conducted on any portion of the premises.

- (e) **Pawnbroker:** As used in this title, "pawnbroker" means and includes any person engaged in the business of receiving goods in pledge as security for a loan.
- (f) **Pallet:** As used in this title, "pallet" means a wooden or plastic carrier or container, approximately 48 inches by 40 inches with a forklift entry, used to transport merchandise, commodities or products.
- (g) **Pallet reseller:** As used in this title, "pallet reseller" means and includes any person whose principal business is primarily that of engaging in buying, selling, or trading secondhand or used pallets.

SECTION 3.

Chapter 28.04 governing Adult-Related Establishments is hereby renumbered to Chapter 28.06, and the sections within Chapter 28.04 are renumbered as follows:

- a. Section 28.04.040 is renumbered as 28.06.060. Except as so renumbered, the provisions of this section shall remain the same.
- b. Section 28.04.041 is renumbered as 28.06.061. Except as so renumbered, the provisions of this section shall remain the same.
- c. Section 28.04.042 is renumbered as 28.06.062. Except as so renumbered, the provisions of this section shall remain the same.

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- d. Section 28.04.043 is renumbered as 28.06.063. Except as so renumbered, the provisions of this section shall remain the same.
- e. Section 28.04.044 is renumbered as 28.06.064. Except as so renumbered, the provisions of this section shall remain the same.
- f. Section 28.04.045 is renumbered as 28.06.065. Except as so renumbered, the provisions of this section shall remain the same.
- g. Section 28.04.046 is renumbered as 28.06.066. Except as so renumbered, the provisions of this section shall remain the same.
- h. Section 28.04.047 is renumbered as 28.06.067. Except as so renumbered, the provisions of this section shall remain the same.
- i. Section 28.04.048 is renumbered as 28.06.068. Except as so renumbered, the provisions of this section shall remain the same.
- j. Section 28.04.049 is renumbered as 28.06.069. Except as so renumbered, the provisions of this section shall remain the same.
- k. Section 28.04.050 is renumbered as 28.06.070. Except as so renumbered, the provisions of this section shall remain the same.
- l. Section 28.04.051 is renumbered as 28.06.071. Except as so renumbered, the provisions of this section shall remain the same.
- m. Section 28.04.052 is renumbered as 28.06.072. Except as so renumbered, the provisions of this section shall
- n. Section 28.04.053 is renumbered as 28.06.073. Except as so renumbered, the provisions of this section shall
- o. Section 28.04.054 is renumbered as 28.06.074. Except as so renumbered, the provisions of this section shall remain the same.
- p. Section 28.04.055 is renumbered as 28.06.075. Except as so renumbered, the provisions of this section shall remain the same.

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- q. Section 28.04.056 is renumbered as 28.06.076. Except as so renumbered, the provisions of this section shall remain the same.
- r. Section 28.04.057 is renumbered as 28.06.077. Except as so renumbered, the provisions of this section shall remain the same.
- s. Section 28.04.058 is renumbered as 28.06.078. Except as so renumbered, the provisions of this section shall remain the same.
- t. Section 28.04.059 is renumbered as 28.06.079. Except as so renumbered, the provisions of this section shall remain the same.
- u. Section 28.04.060 is renumbered as 28.06.080. Except as so renumbered, the provisions of this section shall remain the same.
- v. Section 28.04.061 is renumbered as 28.06.081. Except as so renumbered, the provisions of this section shall remain the same.
- w. Section 28.04.062 is renumbered as 28.06.082. Except as so renumbered, the provisions of this section shall remain the same.
- x. Section 28.04.063 is renumbered as 28.06.083. Except as so renumbered, the provisions of this section shall remain the same.
- y. Section 28.04.064 is renumbered as 28.06.084. Except as so renumbered, the provisions of this section shall remain the same.
- z. Section 28.04.065 is renumbered as 28.06.085. Except as so renumbered, the provisions of this section shall remain the same.
- aa. Section 28.04.066 is renumbered as 28.06.086. Except as so renumbered, the provisions of this section shall remain the same.
- bb. Section 28.04.067 is renumbered as 28.06.087. Except as so renumbered, the provisions of this section shall remain the same.
- cc. Section 28.04.068 is renumbered as 28.06.088. Except as so renumbered, the provisions of this section shall remain the same.

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- dd. Section 28.04.069 is renumbered as 28.06.089. Except as so renumbered, the provisions of this section shall remain the same.
- ee. Section 28.04.070 is renumbered as 28.06.090. Except as so renumbered, the provisions of this section shall remain the same.
- ff. Section 28.04.071 is renumbered as 28.06.091. Except as so renumbered, the provisions of this section shall remain the same.
- gg. Section 28.04.072 is renumbered as 28.06.092. Except as so renumbered, the provisions of this section shall remain the same.
- hh. Section 28.04.073 is renumbered as 28.06.093. Except as so renumbered, the provisions of this section shall remain the same.
- ii. Section 28.04.074 is renumbered as 28.06.094. Except as so renumbered, the provisions of this section shall remain the same.

SECTION 4.

Chapter 28.04 is hereby added as follows:

Chapter 28.04 Regulations Applicable to Pallet Sellers.

28.04.040 Prohibited Conduct.

- (a) Prohibition.

No pallet reseller or any of his or her employees shall receive, purchase, accept on consignment, or take in trade any pallet without compliance with this chapter.

- (b) Hours of Operation.

Except as provided below, no pallet reseller or any of his or her employees may accept or receive any pallet at the pallet reseller's place of business between the hours of 7:00 P.M. and 7:00 A.M. on the following day; provided, however, that pallet resellers and their employees shall not be prohibited from accepting or receiving pallets at, or delivering pallets to, a

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location other than the pallet reseller's place of business, or transferring pallets to the pallet reseller's place of business during any hours of the day or night.

- (c) Exception: Delivery Between 7:00 P.M. and 7:00 A.M. for Excusable Delay.

In the event that a person wishing to deliver, buy, sell, or trade pallets is unable to conduct such transaction between the hours of 7:00 A.M. and 7:00 P.M. due to excusable delay, pallet resellers and their employees may accept, receive, buy, sell, or trade pallets to such persons between the hours of 7:00 P.M. and 7:00 A.M. Pallet resellers and their employees who accept or receive pallets between the hours of 7:00 P.M. and 7:00 A.M. shall state the reason for the delay on the pallet acquisition forms required pursuant to Section 28.04.041. Pallet resellers and their employees who sell or trade pallets to members of the public between the hours of 7:00 P.M. and 7:00 A.M. shall record the transaction using the forms required pursuant to Section 28.04.041 and state the reason for the delay on such forms.

For purposes of this exception, "excusable delay" means delay or failure to deliver, buy, sell or trade pallets if that delay or failure is caused by circumstances beyond the person's control, including, but not limited to civil commotion, fire, flood, accident, automotive problems, storm, or any act of God.

28.04.041 Records.

- (a) All pallet resellers shall keep records of pallet acquisition transactions on a form approved by the Chief of Police. At the time of receiving, purchasing, accepting on consignment, or taking in trade any pallet, the pallet(s) reseller shall place the following information on the form:
- (i) a description of the pallet;
 - (ii) the name, address, driver's license number and date of birth of the person selling or trading any pallet, as stated on the person's current driver's license, California Department of Motor Vehicles identification card or other government photo identification; or, alternatively, a photocopy of the person's identification; and
 - (iii) the license number of the vehicle driven by the person.

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- (b) Each form shall be consecutively numbered. All information contained on the form shall be legible.
- (c) Such forms shall be retained for a period of three (3) years.
- (d) All records of pallet acquisition transactions shall be maintained only at the location indicated on the pallet reseller's permit.
- (e) As a condition of being granted a permit or having a permit renewed, all pallet resellers shall make the forms specified in subsection (a) available during normal business hours or upon reasonable notice, for inspection by the police department.

28.04.042 Violation and Penalty.

Any person violating any provision of Chapter 28.04 is guilty of an infraction.

DATE PASSED FOR PUBLICATION: 10/21/97
DATE ENACTED: 10/28/97
DATE EFFECTIVE: 11/27/97


MAYOR

ATTEST:


CITY CLERK

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