

CHAPTER 124

LICENSING OF JUNK DEALERS

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124.01 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of the City by providing for the licensing and inspection of junkyards and the elimination of the open storage of junk except in authorized places.

124.02 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Business premises" or "premises" means the area of a junkyard as described in a junk dealer's license or application for license, as provided in this chapter.
2. "Inoperable motor vehicle" means any motor vehicle which lacks (i) current registration or (ii) two or more wheels or other component parts, the absence of which renders the vehicle totally unfit for legal use on the highways.
3. "Junk" means old or scrap copper; brass, rope, rags, batteries; paper; trash; rubber debris; waste; or junked, dismantled or wrecked automobiles, or parts of automobiles or iron, steel, or other old or scrap ferrous or nonferrous material; old bottles or other glass; bones, tinware, plastic, or discarded household goods or hardware; and other waste or discarded material that might be prepared to be used again in some form. "Junk" does not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of the person's own business or materials or objects held and used by a manufacturer as an integral part of its own manufacturing processes.
4. "Junk dealer" means any person who buys, sells, transfers, delivers or stores junk, including all persons who carry on such business at a junk shop or junkyard or as a peddler and any person who by advertisement, sign or otherwise, holds himself or herself out as a junk dealer, or dealer in the articles described in Subsection 3 of this section, including a person engaged in the activity known as "auto salvage," but "junk dealer" does not include businesses engaged in the towing, repairing, or storing of wrecked motor vehicles where sales of such wrecked motor vehicles are only incidental to the collection of repair and storage charges.
5. "Junk yard" means a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity or any place where more than two inoperable motor vehicles or used parts and materials thereof, when taken together, equal the bulk of two motor vehicles, are stored or deposited.

124.03 LICENSE REQUIRED. It is unlawful for any person to engage in the business of being a junk dealer in the City, whether personally, by agents, or employees, singly or in connection with some other business or enterprise, without first having obtained a license in accordance with the provisions of this chapter.

124.04 APPLICATION. An applicant for a license under this chapter shall file with the Clerk a written application signed by the applicant, if an individual, by all partners, if a partnership, or by the president or chief officer of a corporation or other organization, together with the fee as hereinafter prescribed. The application shall include the following:

1. Name, residence address, and telephone number of each individual owner, partner or of each officer and director.
2. Trade names used during the previous five years by the applicant and each person signing the application and the locations of prior establishments.
3. The trade name and address of the business on behalf of which application is made and its telephone number.
4. Exact address or location of the place where the business is or is proposed to be carried on and a sketch of the actual premises to be used in connection with the business, showing adjoining roads, property lines, buildings, and uses.

124.05 PROCESSING OF LICENSE APPLICATION. Upon receipt of a completed application for license, the Clerk shall forward one copy to the DNR. The DNR shall cause an inspection to be made of the premises described in the application where the activities of the junk dealer are proposed to be conducted to determine whether or not said premises meet the requirements of all City and State fire regulations, all requirements of this Code of Ordinances, and whether or not any conditions exist thereon that would constitute a fire hazard or public nuisance. Each official, after examination of the premises, shall submit an inspection report to the Clerk indicating whether or not the premises inspected is approved. If the premises is disapproved, said officials shall set forth in the report the reasons for disapproval. If the premises is disapproved and the unlawful conditions reported can be corrected, said officials shall so state in the report and grant the applicant a reasonable but specific time to correct the condition. Final action on the application shall then be postponed until receipt of a supplementary report from the DNR after the specified date.

124.06 LICENSE FEE.

1. The application for a junk dealer's license shall be accompanied by an annual license fee of \$100.00 to be paid to the Clerk.
2. All licenses issued hereunder shall be effective from the date of issuance to and including the 30th day of June next succeeding the date of issuance. The license fee shall be prorated on a quarterly basis from the date of issuance to the time of expiration.
3. If an application for license or renewal of license is denied, the license fee shall be refunded to the applicant.

124.07 LICENSE ISSUANCE AND TERMS.

1. After approval of the application by the DNR, and receipt of the required license fee, the Clerk shall issue to the applicant a junk dealer's license and the Clerk shall also notify the DNR, Sheriff and DNR of the issuance of the license, the person to whom issued, the effective dates thereof and the address of the licensed premises.

2. All licenses issued hereunder shall be numbered serially in the order issued and shall set forth the following information:
 - A. The name of the licensee;
 - B. The street address and an accurate description of the business premises or proposed business premises where junk dealer's activities will be conducted;
 - C. The fee paid; and
 - D. The expiration date.
3. The licensee shall post the license in a conspicuous place on the licensed premises.
4. No license issued hereunder shall be transferable and a separate license shall be required for each business premises.

124.08 SCREENING REQUIREMENTS. Except in those instances described below, a junkyard as defined in this chapter must be surrounded by a solid opaque fence or wall, of uniform design and color, and not less than six feet high, which substantially screens the area in which junk is stored or deposited. The fence must be kept in good repair and shall not be used for advertising displays or signs. Suitable gates, likewise opaque, are required, which shall be closed and locked after business hours or when the junkyard is unattended. A portion of any gate, not to exceed 10 feet in length, may be constructed of a non-opaque material to permit observation of the fenced premises. No junk shall be permitted to be stored or deposited outside of the fence, and junk may not be stacked higher than the fence within 30 feet of the fence. The Council shall have the fences and gates of all junkyards inspected on an annual basis. Variations from the requirements of this section may be granted as follows:

1. If the perimeter of the junkyard is effectively blocked from public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which renders thereby the opacity requirements of this section ineffective, the Council may, upon application, allow the substitution of a suitable fence in place of the solid opaque fence required herein.
2. If two or more junkyards which otherwise meet the standards of this chapter abut each other and are located on lots adjoining each other, the fencing requirement of this chapter shall be waived by the Council for such common boundary so long as the common boundary continues to exist.
3. If the junkyard that is the subject of the application abuts against an opaque fence which meets the fencing requirements, or an opaque structure which is not less than six feet high, the fencing requirement of this section shall be waived by the Council for such common boundary.

124.09 GENERAL OPERATING REQUIREMENTS. The following general operating requirements shall apply to all junk dealers in the City:

1. The junkyard and all things kept therein shall be maintained in a sanitary condition.
2. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.

3. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business.
4. No junk shall be allowed to rest upon or protrude over any public street, walkway or curb or become scattered or blown off the business premises.
5. Junk shall be stored and arranged so as to permit easy access to all such junk for firefighting purposes.
6. No combustible material of any kind not necessary to the licensed business shall be kept on the premises, nor shall the premises be allowed to become a fire hazard.
7. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
8. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on a Sunday, any legal holiday or at any time between the hours of 6:00 p.m. and 7:00 a.m.
9. No automobile or part thereof shall be burned for wrecking or salvage purposes in or on premises occupied as a junkyard unless the same is burned in a manner that has been approved by the Fire Chief and all motor vehicle gasoline and fuel tanks shall be separated and removed from motor vehicles intended for salvage purposes prior to cutting, stacking or burning such vehicles.
10. Each junk dealer shall keep complete, accurate, and legible records of all purchases, in the English language. The records shall be kept in a permanent register that shall be kept on the premises. The records shall be available for inspection by any sheriff, deputy sheriff, police officer, or authorized agent of the City for a period of at least six months. The records shall include:
 - A. The name and residence of the person from whom the junk was received or purchased.
 - B. Reasonably accurate inventory and description of each article.
 - C. The value or amount paid for each article.
11. No junk dealer shall purchase or receive any personal property from any minor without first receiving the consent, in writing, of the parent or guardian. Such written consent shall be included in the permanent records.
12. Upon written order of the Sheriff, each junk dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the Sheriff Department. The holding period shall not exceed 45 days.
13. No junk dealer shall conceal, secrete, or destroy for the purpose of concealing, any article purchased or received by the dealer for the purpose of preventing identification thereof by any officer or any person claiming the same. No junk dealer shall sell, melt down, break up, or otherwise dispose of any article the dealer has reason to believe has been stolen or with is adversely claimed by any person or which the dealer has been notified not to sell or otherwise dispose of by any sheriff, deputy sheriff, or police officer, without first obtaining a permit in writing from the Sheriff.

124.10 INSPECTIONS. The DNR, Sheriff, Fire Chief, and Council, during the period a junk dealer's license is in effect, may inspect any premises licensed hereunder at such intervals as they shall deem reasonable to determine whether or not the premises is being operated and

maintained in compliance with all applicable regulations, ordinances, and laws. No person shall prevent, hinder, or obstruct or attempt to prevent, hinder, or obstruct any City official or police officer in the performance of duties set forth in this chapter.

124.11 LICENSE RENEWAL. Licenses may be renewed in the same manner and under the same conditions as originally issued hereunder. An application for renewal of a junk dealers' license shall be submitted to the Clerk at least 30 days prior to the expiration of the license then in effect. The application for renewal of a junk dealers' license shall be processed in accordance with the provisions of Section 124.05. When renewal of a license is denied, the junk dealer previously licensed under the provisions of this chapter shall have a period of six months immediately after such denial in which to conclude the business and dispose of the junk, during which time the junk dealer shall be required to comply with all the terms and conditions of the ordinances of the City, except the licensing requirements of this chapter. If litigation is pending contesting the denial or revocation of a license, the Clerk may grant an extension of time during which the junk dealer may operate, pending the final outcome of such litigation.

124.12 LICENSE SUSPENSION OR REVOCATION. Any license issued hereunder may be suspended or revoked for any of the following reasons:

1. The licensee, an agent, or employee has been convicted of a violation of any of the provisions of this chapter.
2. The DNR, Fire Chief, Sheriff or Council has found that the licensee has failed to comply with one or more of the provisions of this chapter or the licensed premises fails to comply with one or more of the provisions of this chapter or of some other regulation, ordinance, or statute, and the licensee has failed to correct such condition within the reasonable time specified in the report submitted under Section 124.05 of this chapter.

124.13 APPEALS. Any applicant who has been denied a license or renewal under this chapter or any licensee under this chapter whose license has been suspended or revoked may appeal to the Council by filing with the Clerk, within seven days after the aggrieved party receives notice of the adverse administrative decision, a written notice of appeal, setting forth the grounds upon which the appeal is based. The Council shall, within 15 days after the filing of said notice of appeal, fix a time and place for hearing on the appeal. The hearing shall be commenced within 30 days after the filing of the appeal. If the Council finds from the evidence presented at the hearing that the appellant has been denied a license without just cause, or that the appellant's license has been suspended or revoked without just cause, it may reverse or modify the administrative decision.

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