

CHAPTER 124

JUNKYARDS AND JUNK DEALERS

124.01 Definitions
124.02 License Required
124.03 License Fee
124.04 License Terms
124.05 Screening Requirements

124.06 General Operating Requirements
124.07 Inspections
124.08 License Renewal
124.09 License Suspension or Revocation
124.10 Appeals

124.01 DEFINITIONS. Except where otherwise indicated by the context, the following definitions apply in the interpretation and enforcement of this chapter:

1. “Business premises” or “premises” means the area of a junkyard as described in the junk dealer’s license issued by the City.
2. “Inoperable” means incapable of being put into use or operation.
3. “Inoperable vehicle” means any motor vehicle, recreational vehicle, boat, trailer or semi-trailer which lacks (a) current registration or (b) one or more wheels (exclusive of the spare) or an engine, transmission, differential, drive shaft, axle or any other component part thereof, the absence of which renders the vehicle inoperable by its own power or unfit for legal use on the highways.
4. “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; but “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.
5. “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 124.01(4) of this chapter, 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.

6. “Junkyard” means a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occur 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 one inoperable motor vehicle or used parts and materials thereof, when taken together, equal the bulk of one motor vehicle, are stored or deposited and the term includes garbage dumps, sanitary fills and automobile graveyards.

124.02 LICENSE REQUIRED. It is unlawful for any person to act as a junk dealer in the City, whether personally, by agents or employees, singly or in connection with some other business or enterprise, without having a license issued by the City. The provisions of this chapter apply to junkyards currently in operation within the City. No new applications for junk dealers’ licenses shall be accepted.

124.03 LICENSE FEE. The annual fee for a junk dealer’s license is fifty dollars (\$50.00), to be paid to the Clerk. All licenses are effective from the date of issuance to and including the thirtieth day of June next succeeding the date of issuance. The license fee set forth above shall be prorated on a quarterly basis from the date of issuance to the time of expiration. If a renewal application for license is denied, the license fee shall be refunded to the applicant.

124.04 LICENSE TERMS.

1. The licensee shall post the license in a conspicuous place on the licensed premises.
2. No junk dealer’s license shall be transferable, and a separate license is required for each business premises.

124.05 SCREENING REQUIREMENTS. 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 (6) 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 ten (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, nor may junk be stacked higher than the fence within thirty (30) feet of the fence. The Compliance Officer shall inspect the fences and gates of all junkyards on an annual basis.

124.06 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 fire fighting 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, oil and batteries 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 six o'clock (6:00) p.m. and seven o'clock (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 Compliance Officer 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, Compliance Officer or authorized agent of the City for a period of at least six (6) 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 as described in Section 124.06(10).

12. Upon written order of the Police Chief or the designated representative, each junk dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the Police Department. The holding period shall not exceed forty-five (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 purposes of preventing identification thereof by any officer or any person claiming the same. No junk dealer shall sell, melt up, break up or otherwise dispose of any article the dealer has reason to believe has been stolen or which is adversely claimed by any person or which the dealer has been notified not to sell or otherwise dispose of by any law enforcement officer, without first obtaining a permit in writing from the Police Chief.

124.07 INSPECTIONS. The Compliance Officer and Police Chief, during the period a junk dealer's license is in effect, may inspect all premises licensed hereunder at such intervals as they shall deem reasonable to determine whether or not the premises are 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 the inspector or peace officer in the performance of their duties set forth in this chapter.

124.08 LICENSE RENEWAL.

1. Licenses may be renewed in the same manner and under the same conditions as originally issued. Applications for renewal of junk dealers' licenses shall be submitted to the Clerk at least thirty (30) days prior to the expiration of the licenses then in effect. Applications for

renewal of junk dealers' licenses shall be processed in accordance with the following:

- A. Upon receipt of a completed application for renewal of license, the Clerk shall forward one copy to each of the following City officials: Compliance Officer and Police Chief.
 - B. Upon receipt of said copy, the Compliance Officer 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 meets the requirements of all City and State fire regulations and whether or not any conditions exist thereon that would constitute a fire hazard or public nuisance.
 - C. Upon receipt of a copy of said renewal application, the Compliance Officer shall cause an inspection to be made of the premises described in the application to determine whether or not the activities of the junk dealer are permitted by and are proposed to be conducted in compliance with all zoning ordinances then in effect and whether or not said premises meets all other requirements of this chapter.
 - D. After each inspection of the premises, the Compliance Officer shall submit an inspection report to the Clerk indicating whether or not the premises inspected is approved. If the premises is disapproved, the inspector shall set forth in the report the reasons for the disapproval. If the premises is disapproved and the unlawful conditions reported can be corrected, the inspector shall so state in the report and grant the applicant a reasonable but specific time to correct the condition. Final action on the renewal application shall then be postponed until receipt of a supplementary report from the inspector after the specified date.
2. When renewal of a license is denied, the junk dealer previously licensed under the provisions of this chapter shall have a period of six (6) 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.

124.09 LICENSE SUSPENSION OR REVOCATION. The Clerk may suspend or revoke any license issued hereunder for any of the following reasons:

1. The licensee, any agent or employee has been convicted of a violation of any of the provisions of this chapter.
2. The Compliance Officer or Police Chief has found that the licensee has failed to comply with one or more of the provisions of this chapter or the licensed premises fail 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 by the inspector in accordance with the report the inspector has submitted under Section 124.08 of this chapter.

124.10 APPEALS. Any applicant who has been denied a license 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 (7) 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 fifteen (15) days after the filing of said notice of appeal, fix a time and place of hearing on the appeal. The hearing shall be commenced within thirty (30) days of 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.

[The next page is 735]