

Chapter 5.52

JUNK SHOPS AND JUNKYARDS

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5.52.010 License required.

It is unlawful for any person to keep a junk shop or junkyard or to deal in junk any place within the limits

of the city, without first having obtained a license for such purpose as provided in this chapter. (Prior code § 84-1)

5.52.020 Compliance required.

It is unlawful for any person to keep a junk shop or a junkyard or to deal in junk at any place within the limits of the city in any manner contrary to the provisions of this chapter. (Prior code § 84-2)

5.52.030 Definitions.

For the purpose of this chapter, the following definitions are established:

"Junk" means any waste material or discarded material or old iron or other metal or substance, glass, paper, machine parts, accessories, discarded machines, in all or in part, and any material commonly and generally known as "junk," in the ordinary meaning of the word, acquired and/or collected commercially, including specifically parts and portions of every description of automobiles, whether used or new.

"Junk dealer" means any person who buys or otherwise acquires junk for commercial purposes within the limits of the city, and/or who collects and stores junk therein.

"Junk shop" any building within the city in which junk is stored.

"Junkyard" means any lot of land within the city on which junk is placed, collected, stored or kept. (Prior code § 84-3)

5.52.040 Application procedure—Information—
Fee required.

Any person desiring to obtain a license as required by this chapter shall:

A. Make application in writing to the license inspector at the central license bureau, setting forth names of owner and applicant, address and the location of the premises at which it is proposed to establish a junk shop or junkyard, or setting forth the premises where a junk shop or junkyard business is presently being conducted, including a full description of such premises and whether the applicant owns the premises or leases them, together with the deed or lease thereon, together with a description of the building and the classes of materials which it is proposed to store thereon.

B. Such application shall be accompanied by cash in the sum equaling the whole annual license fee, which shall be returned by the license inspector in the event that the license is refused.

C. Such application shall state the number of years a junk shop or junkyard business has been conducted on the premises, and also whether the applicant has been convicted of the crime of larceny or removing stolen goods or any other crime involving moral turpitude.

D. The applicant shall file a copy of the application with the building inspector and shall file a copy thereof with the chief of the police department and the chief of the fire department of the city. (Prior code § 84-4)

5.52.050 Investigation by license inspector.

Upon receiving an application, the license inspector shall investigate and determine whether the statements contained in the application are true and whether all city taxes, both real and personal, have been fully paid. (Prior code § 84-5)

**5.52.060 Investigation by building inspector—
Report required.**

Upon receiving a copy of an application, where a business exists or where it is proposed to establish a junk shop or junkyard not conducted on the premises before the effective date of the ordinance codified in this chapter, the building inspector shall determine whether the proposed junk business would constitute a violation of any zoning ordinance of the city, and shall within ten (10) days make a written report to the license inspector of his or her findings in the matter. (Prior code § 84-6)

**5.52.070 Investigation by chief of fire
department—Report required.**

Upon receiving a copy of an application, where it is proposed to establish a junk shop or junkyard not conducted on the premises before the effective date of the ordinance codified in this chapter, the chief of the fire department shall make an inspection of the premises to determine whether or not a junk shop or junkyard conducted at the proposed location would constitute a fire hazard to the surrounding neighborhood. The chief of the fire department's report shall be filed with the license inspector not later than ten (10) days after receipt of the application and shall state, among other things, whether or not the type of junk business proposed to be conducted on the premises would require the burning of waste material, and if it would, what safety measures, in his or her opinion, would be neces-

sary to protect the adjoining buildings from the danger of fire. (Prior code § 84-7)

**5.52.080 License issuance—Conditions and
requirements—Hearing.**

If the building inspector shall notify the license inspector that a junk shop or junkyard on existing premises or at the proposed premises where the business had not been conducted prior to the enactment of the ordinance codified in this chapter would constitute a violation of the zoning ordinance of the city, the license inspector shall find the application irregular and shall not issue a license. If the chief of the fire department shall determine that a junk shop or junkyard at existing businesses or at the proposed premises would constitute a fire hazard to the adjoining buildings, the license inspector shall find the application irregular and shall not issue a license but shall report his or her refusal to do so to the city council and shall notify the applicant, who, upon notification, may apply for a hearing on the fire chief's findings before the city council. If there is no objection to the issuance of a license, the license inspector shall issue it as provided in this chapter. (Prior code § 84-8)

**5.52.090 Conduct of hearing—Provision for
issuance.**

At such a hearing, the city council shall have evidence of the facts from the chiefs of the police and fire departments and the building inspector as to why, in the opinion of each, the conduct of a present junk shop or junkyard business or one at the proposed premises where business has not been conducted prior to the enactment of the ordinance codified in this chapter would constitute a fire hazard, and they shall also make recommendations to the council as to the necessary steps that should be taken by the applicant for elimination of such hazard. If the council is satisfied that the applicant could safely conduct a junk shop or junkyard business at the proposed premises, the council shall direct the license inspector to issue the license, subject to the other provisions of this chapter. (Prior code § 84-9)

**5.52.100 Persons convicted of crimes—Hearing
authorized.**

If it is determined by the license inspector that the applicant has been convicted of the crime of larceny or removing stolen goods or other crime involving moral

receive or purchase any goods, articles or things whatsoever from any minor under eighteen (18) years of age. (Prior code § 84-15)

5.52.160 License revocation—Cause—Hearing—Reinstatement.

A. Any licensee convicted of the crime of larceny or removing stolen goods or other crime involving moral turpitude during the period for which a license has been issued shall be subject to having such license revoked upon receiving a written notice of revocation from the license inspector.

B. The licensee shall have thirty (30) days from the date the notice of revocation is received by him or her to apply for a hearing on such revocation before the city council. If the council determines at the hearing that the crime for which the licensee was convicted has no reasonable relationship to the licensee's ability to conduct a junk business in an honest manner, the council may direct the license inspector to reinstate such license. (Prior code § 84-16)

5.52.170 Junk on streets and sidewalks prohibited.

No junk dealer shall permit any junk, as defined in Section 5.52.030, to be or remain on any street or sidewalk of the city or in front of the place of business conducted as a junkyard. (Prior code § 84-17)

5.52.180 Burning of materials—Supervision required—Nuisances prohibited.

No licensee shall burn or permit, suffer or allow to be burned upon the licensed premises any material in such a manner that the same creates nuisance to the surrounding neighborhood by excessive smoke or odor, or in such a manner that such burning might tend to extend to a conflagration either by the location of the fire or by reason of high winds. Such fire shall be under the continual supervision of the licensee or his or her employees as provided for in the fire prevention code and under the local sanitary code and Air Pollution Control Code of the state Air Pollution Control Commission. (Prior code § 84-18)

5.52.190 Compliance with additional regulations required.

All junkyards, junk shops and junk dealers operating in the city shall be governed and controlled under the present existing ordinances and codes of any and all departments in the city, as though the same were fully

set forth in this section. (Prior code § 84-19)

5.52.200 License transfers.

The transfer of any licenses provided for in this chapter to any other person shall be subject to the approval of the license inspector and subject to the right of appeal to the city council as provided in this chapter. (Prior code § 84-20)

5.52.210 Fiscal year—Full fees charged.

The fiscal year for the issuing of any license shall be considered as of March 1st to February 28th of the following year, and there shall be no prorating of license fees if issued at any other time of the year. (Prior code § 84-21)

5.52.220 Stolen goods—Weekly list provided—Report required.

The chief of the police department of the city shall supply every junkyard and junk dealer with a list of all property reported as stolen or lost. Every junkyard operator or junk dealer is obligated to inspect such weekly list and to report all property answering the description contained in the above list to the chief of the police department, to supply all information required and to cooperate in every way in any investigation being conducted by the police department. (Prior code § 84-22)

5.52.230 Record books required—Inspection authorized.

All junkyard dealers and junkyard operators shall keep books in which records of all purchases are made, which books are to be open to police inspection in order to enable them to trace stolen goods. Such inspections to be made only when police officers present written authorization from their superiors. (Prior code § 84-23)

5.52.240 Motor vehicle purchases—Daily reports required.

It shall be the duty of all junkyard dealers and junkyard operators to report daily the purchase of all motor vehicles to the police department as well as to the Director of Motor Vehicles as provided by the state law. (Prior code § 84-24)

5.52.250 Number of licenses limited—Prior licenses excepted.

The number of junkyards and junk shops in the city shall be limited in number to twenty-five (25), but it