

Chapter 16

Junk Dealer Licenses

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Sec. 7-16-1 Definitions.

The following definitions shall be applicable to this Chapter:

(a) "Junk" shall mean old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wood, bricks, cement blocks; wastepaper and other waste or discarded material which might be prepared to be used again in some form; machinery or appliances no longer used for their intended use; and any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

(b) "Junkyard" shall mean 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.

(c) "Junk dealer" shall mean a person who operates a junkyard, as defined above, within the city.

(d) "Itinerant junk dealer" shall mean any person who buys, sells, collects, or delivers junk within the city as a business or employment within the city, but who is not an operator of a junkyard within the city or an employee of such an operator.

(e) "Business premises" or "premises" shall mean the area of a junk yard as described in a junk dealer's license or application for license, as provided for in this Chapter.

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Sec. 7-16-2 License Required.

No person shall keep, conduct or maintain any building, structure, yard, or place for keeping, storing, or piling in commercial quantities, whether temporarily, irregularly or continually, any old cloth, rags, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal, motor vehicles or parts thereof, or other articles which from their worn condition render it practically useless for the purpose for which it was made and which is commonly classed as junk, whether with a fixed place of business or as an itinerant buyer, without first having obtained a license therefor. One carrying on the aforesaid business shall be referred to herein as a "junk dealer." Provided, however, that no person shall be required to be licensed under this section if it is engaged in the business of storing, piling or shipping processed metal, and provided further that this storing, piling, or shipping of processed metal is not conducted in an area that is contiguous to or adjacent to an operation which is subject to licensing hereunder.

Sec. 7-16-3 License Fee.

- (a) Every person who conducts business as a "junk dealer" shall pay an annual license fee of \$125.00.
- (b) Any "itinerant junk dealer" shall pay an annual license fee of \$20.00.

Sec. 7-16-4 Application.

Anyone desirous of obtaining a license to engage in the business of junk dealer shall pay to the City Clerk the license fee and a written application upon a form prepared and provided by the City, signed by the applicant or applicants, which shall contain an agreement that the applicant will accept the license, if granted, upon the condition that it may be suspended for cause at any time by the Council. Such application shall state:

- (a) The names and residences of the applicant if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.
- (b) The length of time such applicant or applicants, if an individual, partnership, or the manager or person in charge, if the applicant is a firm or corporation, has or have resided in the City, his or their places of previous employment, whether he or they, and, if so, what offense, when, and in what court.
- (c) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold or otherwise handled.
- (d) The premises where such business is to be located or carried on.

Sec. 7-16-5 Inspection.

The City Clerk shall report every application made pursuant to the preceding subsection to the Chief of Police, Director of Inspection, Fire Chief and County Health Officer, who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules, and regulations. The reports of the Chief of Police, Director of Inspection,

Fire Chief and County Health Officer shall be in writing and shall be delivered to the Council prior to that time that such applications are considered.

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Sec. 7-16-6 Requirements.

Any premises and all structures thereon used for the purposes set forth in Sec. 7-15-2 of this section shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that thorough inspection may be made at any time by the proper health, fire, building or police authorities. The premises of a junk dealer shall be enclosed by a proper fence, or other structure not less than 6 nor more than 8 feet in height, constructed so that none of the material stored within said fence may pass through. Such enclosure shall be maintained in good condition at all times. Articles may be piled above the height of said fence provided there is no dust or dirt emanating from said materials and being deposited beyond the fence and further provided that there is no safety hazard to passersby. Premises not enclosed by fence prior to March 1, 2004, shall not be required to install such a fence.

Sec. 7-16-7 Limitation on Location.

No premises established after March 1, 2004, shall be used for carrying on the business of junk dealing unless it is properly zoned and unless it is more than of 1,000 feet from land zoned for single family residence district, residence district, multiple dwelling district, special multiple dwelling district, or low density multiple dwelling district.

Sec. 7-16-8 Issuing License.

Upon the filing of an application as provided in Sec. 7-15-4, the Council may, upon its approval of such application, after the investigation provided for in Sec. 7-15-5 has been made, order the issuance of a license to engage in the businesses described in Sec. 7-15-2 of this section. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the junk business, the date of issuance and expiration of the license, and the name and address of the licensee. All applications for license shall be filed no less than fifteen (15) days prior to the meeting of the proper Council Committee and shall only be acted upon after the inspection and report as provided for in Subsection (e) hereof. All licenses shall be issued for a one (1) year period and expire June 30th of each year, unless revoked or suspended.

Sec. 7-16-9 Second Application.

No applicant to whom a license has been refused shall make further application until a period of at least six (6) months shall have elapsed since the last previous rejection, unless he can show that the reason for such rejection no longer exists.

Sec. 7-16-10 Posting of License.

Every holder of junk dealer's license shall at all times keep said license posted while in force in a conspicuous place on the premises described in the application for such license. It shall be

unlawful for any person to post such license or to permit it to be posted upon the premises other than those mentioned in the application, or knowingly deface or destroy any such license.

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Sec. 7-16-11 Duplicate License.

Whenever a license shall be lost or destroyed, a duplicate license in lieu thereof under the original application shall be issued by the City Clerk upon the filing of an affidavit setting forth the circumstances of the loss or destruction.

Sec. 7-16-12 Permits to Move.

No licensee shall move his place of business from the place designated in the license until a written permit so to do has been secured from the City and the same shall have been endorsed upon the license. All signs required by the next section shall be altered to show the new address.

Section 7-16-13 Marking Vehicles

Each vehicle kept or used by a junk dealer in the exercise of his business shall be marked on both sides with the words "Junk Dealer" and "Onalaska, Wisconsin" and the number corresponding to the number of his license in plain letters and figures at least 2 inches high and of such color as to be plainly read at a distance of 60 feet.

Sec. 7-16-14 Regulations

- (a) No junk dealer shall conduct his business at or from any place other than the one designated in the license, nor shall said business be carried on after such license has been revoked or has expired.
- (b) No junk dealer shall make any purchase from any person or receive any articles between 10:00 p.m., and 6:00 a.m.
- (c) No junk dealer shall purchase or acquire from any person under the age of 18 years any junk, other than old rags or paper, without the written consent of a parent or guardian.
- (d) No junk dealer shall purchase or acquire any item from an intoxicated person.
- (e) The contents of the premises of any junk dealer shall be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every junk dealer shall be subject to inspection by the proper municipal authorities at any time.
- (f) In the case of motor vehicles, the junk dealer shall keep a record of the purchase, which shall include the trade name, the motor and serial numbers, the style of body, model, color, and the license number, if any.
- (g) Any junk dealer or itinerant junk dealer who shall have or receive any goods, articles, or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer.

Sec. 7-16-15 Health Regulations

The County Health Officer shall formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.

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Sec. 7-16-16 Burning Operations.

Burning of wrecked or destroyed automobiles or any parts thereof, or junk, or any waste material shall be done in approved incinerator enclosures approved for burning purposes by the Chief of the Fire Department, or his duly appointed representative. The Fire Chief may, in appropriate cases, permit burning without incinerators in specific open places designated by him.