

## CHAPTER 21

### JUNK AND JUNK DEALERS

#### 21.01 JUNK BUSINESS REGULATED

It shall be unlawful for any person to engage in the junk business except in accordance with the provisions of this chapter.

#### 21.02 DEFINITIONS

Terms used in this chapter mean as follows:

*Junk:* Old iron, chain, brass, copper, tin, lead, other base metals, automobiles, trucks, trailers or any parts thereof to be junked or demolished, taken apart or destroyed for salvage materials, paper, waste paper, paper clippings, rags, rubber, glass or bottles, and all articles and things discarded as manufactured articles composed of or consisting of any one or more of the articles mentioned, including industrial metal or scrap or other material commonly included within the term junk.

*Junk business:* The buying, selling, gathering, delivering or storing of junk.

*Junk dealer:* A person who buys, sells, gathers, delivers or stores junk and maintains a yard or building therefore.

*Junk peddler:* A person engaged in buying and gathering junk by means of a cart or other vehicle.

#### 21.03 LICENSE

(a) Application

No person shall operate a junk business without a license therefore. No license shall be granted unless the person desiring the same shall first have paid to the Town Clerk the fee hereinafter required and filed with the Town Clerk written application therefore, which shall be in duplicate and shall contain the following information on blanks provided by the Town Clerk for that purpose:

- (1) The full name and residence of the applicant, and in case of a firm or association, the full name and residence of the firm or association, and in case of a corporation, the full names and residences of the officers thereof.
- (2) The address and description of the premises for which the license is desired.
- (3) A complete statement of the business to be carried on.
- (4) An enumeration of the articles and merchandise to be handled on the premises and a statement as to whether the junk to be stored is combustible or incombustible.
- (5) Such application shall also contain such other information as the Town Board may from time to time require.
- (6) Each applicant for a license shall execute a permit granting the Town Board or any of its representatives permission to inspect and search the premises. Any false statement contained in such application shall automatically nullify any license issued pursuant thereto.

(b) Determination by Board

No license shall be granted under this chapter until and unless the Town Board shall in its discretion by a vote of a majority of all members at a regular meeting or special meeting called for that purpose have authorized the same. In considering such application the Town Board shall take into account, and amount other things, the nature and development of surrounding property, the proximity of churches, schools, public buildings or other place for public gathering, and health, safety and general welfare of the public, traffic volume, congestion and hazard at the location of applicants proposed place of business.

(c) Term

Each license issued hereunder shall expire on June 30 following the date of issuance, unless sooner revoked for cause.

(d) License Numbers

All licenses shall be numbered consecutively and the Town Clerk shall furnish each licensee a card setting forth his name and number of such license.

(e) Revenues and Expenses

The Town Clerk is authorized to secure the necessary license blanks or cards, and the expense thereof shall be properly allowed and paid by the Town out of the general fund, and all moneys derived from such licenses shall be turned into the general fund.

(f) Separate License

A separate license shall be required for each place of business and each shall particularly describe the premises for which issued.

#### **21.04 LICENSE FEES**

License fees for Junk Businesses and Junk Dealers shall be set by resolution adopted by the Town Board from time to time.

- (a) Each licensee engaged in collecting or gathering junk shall be furnished with a plate with the number of his license described thereon which shall be securely fastened by the licensee in some conspicuous place on the cart or vehicle used by him.

#### **21.05 EXISTING JUNK BUSINESS**

Any person who is engaged in the junk business or is a junk peddler within the Town of Lisbon prior to July 1, 1957 may continue operation but shall secure a license for such operation, and pay the required license fee therefore, as provided by this chapter. Such person shall be subject to all other terms and provisions of this chapter from and after July 1, 1957.

#### **21.06 ACCUMULATION OF JUNK**

- (a) No person except a licensed junk dealer or junk peddler shall buy, collect, gather junk or shall allow the same to accumulate in any substantial amount in the Town of Lisbon.
- (b) No junk shall be accumulated, stored or placed on any premises in the Town of Lisbon within a distance of 750 feet from the centerline of any public highway or roadway within the town or within a distance of 1,000 feet from the nearest residence, school, church or other place of public gathering.

#### **21.07 BURNING OF JUNK**

No burning of hunk shall be done on the premises of any junk dealer unless such burning takes place at a distance of not less than 1,000 feet from the centerline of any public highway or roadway within the town and at a distance of not less than 1,000 feet from the nearest residence, school, church or other place of public gathering.

## **21.08 JUNK BUSINESS REGULATIONS**

(a) Storage of Combustible Junk.

No combustible junk shall be stored in any building unless the building is approved by the Building Inspector and is of fireproof construction.

(b) Enclosure of Junkyards.

Every junkyard shall be enclosed by a substantial enclosure consisting of a solid fence to be approved by the Building Inspector of height not less than eight (8) feet and maintained in a proper condition of repair. Junk placed in any junkyard shall be so piled as to not rest against or project through the enclosure. It shall be unlawful to affix or display or permit to be affixed or displayed upon such enclosure any picture, sign, bill, placard, pamphlet, notice or other thing for the purpose of advertising or notification. The words, "Post No Bills" shall be painted on such enclosure at intervals in letters six (6) inches high.

(c) Record of Purchases.

A written record consisting of an accurate description and price of the goods, articles and things purchased, together with the name, age and residence of the seller shall be maintained by each junk business licensee. Such record shall be open to the Town Board or to any citizen whose property has been stolen and who demands inspection to assist in the discovery thereof.

(d) Purchase from Certain Persons.

No purchase shall be made from any child under 18 years of age or from any intoxicated person, habitual drunkard or unknown person.

(e) Purchase of Certain Property.

It shall be unlawful to purchase used pipe, faucets, boilers, spigots, coils from any person except the manufacturer thereof, a licensed plumber, a licensed peddler, or the owner of the building from which the material is taken.

(f) Rodents and Vermin.

Effective means for the elimination of the rodents and vermin commonly infesting junk areas shall be administered by a junk business licensee.

(g) Garbage.

It shall be unlawful to store any garbage materials on the premises of any junk dealer.

## **21.09 REVOCATION OF LICENSE**

Any license issued under this chapter may be revoked at any time by the Town Board after a hearing, at which it has been found that the license holder has failed or refused to comply with this chapter. Such hearing shall be held by the Town Board upon its own motion or upon the complaint in writing duly signed and verified by complainant. The complaint shall state the nature of the alleged failure to comply with this chapter. A copy of the complaint, together with the notice of hearing shall be served upon the license holder not less than ten (10) days previous to the date of hearing. If the Town Board finds that the allegations of the complaint are true after a hearing held thereon as herein provided, the board may revoke the license of such person.

<b>REVISIONS TO MASTER CODE</b>			
<b>SECTION</b>	<b>R&amp;R / CREATED</b>	<b>ORD WHICH UPDATED IT</b>	<b>UPDATED ON DATE</b>
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