

TO ENACT A JUNK COLLECTOR AND JUNK YARD
ORDINANCE FOR THE VILLAGE OF SOUTH POINT, OHIO.

WHEREAS, the Village does not have an effective enforceable Junk Collector Ordinance, and

WHEREAS, it is in the best interest of the citizens that such an ordinance be adopted, and

WHEREAS, such an Ordinance protects the citizen's health, safety and welfare, NOW THEREFORE,

BE IT ORDAINED by the Village of South Point, Ohio.

SECTION A: That the following Junk Collector Ordinance be and the same is hereby adopted:

SECTION 1: DEFINITIONS

- (a) "Junk" means used or salvaged iron, brass, lead, copper and other base metal or metals and their compounds or combinations, used or salvaged rope, bags, paper, glass, rubber and similar articles or property and used motor vehicles or parts, which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
- (b) "Junk Collector" means every person who does not maintain or conduct a junk shop or yards, but who in his own behalf, or as an employee or agent, of any junk dealer in the Village, buys, sells, exchanges, collects and receives or handles junk and uses in connection with such business a motor vehicle.
- (c) "Junk Dealer" means every person who buys, sells, exchanges, collects, receives, handles or stores junk and who maintains or conducts a junk yard shop in the Village.
- (d) "Junk yard" or "junk shop" means any place at which a junk dealer buys, exchanges, collects, receives, stores, accumulates, sells or otherwise handles junk. It includes any business, place or area wherein wrecked motor vehicles parts thereof or parts taken therefrom are stored, kept or placed for a period of sixty days.
- (e) "Yard Sales" or "Garage Sales" are not classified as junk yards.

SECTION 2: JUNK COLLECTOR'S LICENSE REQUIRED: FEES.

- (a) A license is hereby required to be obtained in the manner provided by this chapter for every person engaged in business as junk collector.

- (b) The annual fee for any license issued under the provisions of subsection (a) hereof shall be One hundred fifty dollars per year.

SECTION 3: LICENSE QUALIFICATIONS.

- (a) No junk collector's or junk dealer's license shall be granted to any applicant in residential areas of the Village.
- (b) No junk collector's or junk dealer's license shall be granted to any applicant therefor who is known to be a person of bad moral character, or who has, preceding the date of his application for such license, been convicted of any offense of such character as to indicate that the applicant is not a suitable person to carry on the business of junk collector or junk dealer.

4: HOURS OF BUSINESS

- (a) No junk collector or junk dealer shall carry on his business between the hours of 6:00 P.M. and 7:00 A. M. the following Monday.

Section 4: is amended
by Ordinance #91-5

SECTION 5: REMOVAL WITHOUT OWNER'S PERMISSION PROHIBITED

- (a) No junk collectors shall take paper from any garbage containers, or rubbish that is wrapped or placed in garbage containers, or take any junk from any premises unless given permission by the person occupying or having charge of such premises.

SECTION 6: JUNK DEALER'S LICENSE REQUIRED: FEE

- (a) A license is required to be obtained in the manner provided by this chapter for every person engaged in business as junk dealer.
- (b) The annual license fee for any junk dealer operating junk yards or shops shall be Three hundred dollars.

SECTION 7: JUNK STORAGE; RESTRICTIONS

- (a) No junk shall be stored in the corporate limits of the Village unless the same is in a building or enclosed yard, the yard to be enclosed by a fence made of wood, metal, plastic or some other opaque material, to be so constructed that the junk stored therein is not visible through the fence, or over top of the fence and must be pleasing to the eye. Such junk whether inside a building or in an enclosed yard, shall be so piled or placed that adequate passageways are at all times open, and as to not be visible from outside the enclosure.
- (b) No person shall operate a junk yard in residential areas. No person shall operate a junk yard within 200 feet of another residence without the written consent of the owner of the residence.
- (c) No inflammable material shall be stored within 1500 feet of a public building or residence unless the same is kept and maintained in a fire-proof or fire resistant structure or container.

Section 7: is amended
by Ordinance #91-5

SECTION 8: LICENSE APPLICATION

- (a) Any person desiring a license to do business as a junk collector, junk dealer or proprietor of a junk yard shall make application to the Mayor in writing on such form as is provided by him and shall include in the application his name, address, nature of business, location of his place of business and such other pertinent information as the Mayor requires.

SECTION 9: INSPECTION OF PREMISES

- (a) The Mayor shall report each application to the Chief of Police & Fire Chief, who shall inspect, or cause to be inspected, the premises of the applicant to determine whether it complies with all laws, ordinances, rules or regulations and that all structures thereon are so situated or constructed that the business of junk dealer, junk collector or proprietor of a junk yard may be operated thereon in a sanitary manner, contains no fire hazards and is so arranged that a thorough inspection may be made at any time by the proper fire, building and police authorities.

SECTION 10: LICENSE RENEWAL

- (a) Any license issued under the provisions of this chapter shall be for the remainder of the calendar year in which it is granted, and unless sooner revoked as hereinafter provided, shall expire at midnight of December 31. However, any license may be renewed from year to year upon the same terms and conditions as are required for the original issuance of the same with an inspection each year before renewal.

SECTION 11: LICENSE NOT TRANSFERRABLE

- (a) License issued under the provisions of this chapter shall not under any circumstances be transferred to or used by anyone other than the original grantee thereof, and any attempt to do so shall be grounds for the revocation of the license.

SECTION 12: LICENSE POSTING

- (a) Every holder of a license issued under the provisions of this chapter shall at all times keep such license posted in a conspicuous place on the premises described in the application for the license. It shall be grounds for revocation for any licensee to post his license or permit the same to be posted on any premises other than those set forth in his application or knowingly to destroy or deface such license. License must be available for inspection by designated official at all times.

SECTION 13: MOVING PLACE OF BUSINESS

- (a) Every license issued under the provisions of this chapter shall designate the place of business in or from which the licensee shall be authorized to carry on his business. It shall be grounds for the revocation of the license to remove his place of business from the place designated in such license.

SECTION 14: STORAGE OF INOPERABLE MOTOR VEHICLES

- (a) No person, corporation, partnership or other entity shall store or permit to be stored an inoperable motor vehicle on public property within the Village for a period longer than ten days and private property no

longer than thirty (30) days showing signs of improvements to vehicle to make it operable unless the inoperative motor vehicle is stored inside a building or in such location as not be viewable by the public and maintained so as not to create a possible source of health and safety hazards. The storage of an inoperative motor vehicle shall be prima-facie evidence of the violation of this section.

- (b) As used in this chapter, an "inoperable motor vehicle" means any motor vehicle which has any of the following parts removed; engine, drive train or any parts thereof, doors, hood, trunk, windshield, side glass, fenders, headlights, tail lights, and/or tires. It includes any motor vehicle which could not operate under its own power.

SECTION 15: JUNK COLLECTORS RECORDS

- (a) All junk collectors shall keep a record of where or from whom they received any article which has a trademark, number or other means of identification, of any motor or other accessory of motor vehicle, or machinery or parts or appliance thereof, of any appliance or equipment of a railroad shop, of gas company, of water or electric companies, of copper wires of any telegraph or such other companies, numbers on all batteries, gas, water, electric meters and any kind of plumbing fixtures or similar articles. The possession of such above articles will be prima-facie evidence that they are stolen property, without proof of purchases. This record shall at all reasonable hours be open for inspection by any police officer or to any person having a written order from the Chief of Police.

SECTION 16: JUNK DEALER'S RECORDS: REPORTS TO POLICE DEPARTMENT

- (a) Every junk dealer shall keep a book in which shall be legibly written in the English language at the time of purchase, a general description of every article, the name and residence and other description sufficient to identify the person from which such purchase was made. In addition to the above information the records of such purchases, if made from a junk collector, shall state the license number of any junk or offering any junk for sale. Each purchase shall be separately recorded in such book and shall bear a consecutive number, commencing with the number one. This record shall at all reasonable times be open for inspection by any police officer or to any person having a written order from the Chief of Police. Such junk dealer shall furnish a verified written statement of the record as the Chief may require.
- (b) All junk dealers shall furnish the Police Department within twenty-four hours from the time of purchase a record of all articles purchases during such period which have a trademark, number or other means of identification of any motor or other accessory of a motor vehicle, of machinery or parts or appliances thereof, of any appliance or equipment of a railroad or railroad shop, of gas, water or electric companies, of copper wires, of any telegraph or such other companies, numbers on all batteries, gas, water and electric meters and any kind of plumbing fixtures. The possession of the above articles will be prima-facie evidence that they are stolen property unless such record is kept and a report made to the Department as required.

SECTION 17: BONDS

- (a) Every application for a license to engage in the business of junk collector, junk dealer or proprietor of a junk yard shall be accompanied by a bond in the penal sum as herein fixed, with a surety or collateral security, approved by the Mayor, conditioned for the due observance during the term of the license of all laws, ordinances, rules or regulations which are not in force or may hereafter be adopted by the duly constituted authorities applicable to junk dealing or being proprietor of a junk yard.
- (b) The penal sum of the bond herein required is hereby fixed as follows: For every junk dealer, proprietor of a junk yard and junk collector: Ten Thousand Dollars (\$10,000.00).

SECTION 18: LICENSE ISSUANCE

- (a) If, from the data contained in the application and from the inspection hereinbefore provided, the Mayor finds that the facts warrant the granting of a license and if a satisfactory bond has been filed by the applicant, the Mayor shall issue a license to the applicant therefor, which license shall be conditioned upon the compliance by the holder thereof with all the terms, conditions and requirements of the laws of Ohio, the provisions of this section and all ordinances of the Village applicable to the subject matter of this ordinance.

SECTION 19: PROHIBITION

- (a) No person shall engage in the business of junk collector, junk dealer or operator of a junk yard within the Village unless he shall be the holder of a license issued and maintained under the provisions of this chapter.

SECTION 20: PENALTY

- (a) Whoever violates any provision of this Ordinance shall be fined not more than One Hundred Dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation of this Ordinance occurs or continues.

SECTION B. That all other Ordinances as previously adopted and as they conflict with this Ordinance are hereby repealed.

PASSED THIS 16TH DAY OF OCTOBER, 1984.


MAYOR

ATTEST:


CLERK

1st Reading 9-18-84
2nd Reading 10-2-84
3rd Reading 10-16-84

ORDINANCE NO. 91-5

AN ORDINANCE TO AMEND ORDINANCE 84-16 AN DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF SOUTH POINT, OHIO THAT:

SECTION 4: HOURS OF BUSINESS Shall be amended to read:

- (a) No junk collector or junk dealer shall carry on his business between the hours of 7:00 p. m. to 7:00 a.m.

SECTION 7: JUNK STORAGE; RESTRICTIONS Shall be amended to read:

- (a) No junk shall be stored in the corporate limits of the Village unless the same is in a building or enclosed yard, the yard to be enclosed by a fence made of wood, metal, plastic or some other opaque material, to be so constructed that the junk stored therein is not visible through the fence which must be ten (10) feet high. Such junk whether inside a building or in an enclosed yard, shall be so piled or placed that adequate passageways are at all times open, and as to not be visible from outside the enclosure.

This amending ordinance shall take effect and be in force from and after the earliest period allowed by law.

ADOPTED THIS 16th DAY OF APRIL, 1991.

William A. Gaskin

MAYOR

Scott Thomas

CLERK