

ORDINANCE NO: 1**AN ORDINANCE REGULATING SALVAGE DEALERS****1.1 Purpose**

It shall be unlawful for any person, firm, partnership, corporation or association to keep, conduct, or maintain any premises within the Town of Grand Rapids on which there is an accumulation of scrap metal, paper, rags, glass, scrap lumber, wrecked or disabled motor vehicles or other scrap materials or junk, stored or customarily stored for salvage, sale or other purpose, without first having obtained and paid for a Salvage Dealer's license as hereinafter provided.

1.2 Definitions

For the purposes of this ordinance the following phrases shall have the meaning set forth below:

- A. "Wrecked or disabled motor vehicles" shall mean "motor vehicles in such a state of physical or mechanical ruin or disrepair as to be incapable of self propulsion or of being lawfully operated upon the public streets and highways excepting special purpose vehicles used seasonally for agricultural purposes."
- B. "Scrap materials of junk" shall mean "materials or articles which by reason of their worn condition are rendered practically useless for the purposes for which they were made. However this shall not include agricultural machinery or equipment kept by a person engaged in agriculture on his own premises."

1.3 Application

Every person, firm, partnership, corporation or association desiring to obtain a Salvage Dealer's license shall file with the Building Inspector, a written application on the form supplied by the Town. Said application shall state:

- A. The name and residence of the applicant, or if the applicant be an association or corporation, the name and residence of its principal officers.
- B. The nature of the business to be conducted in detail, and the kinds of material to be collected, bought, sold, stored or otherwise handled.
- C. The legal description of the premises where such business is to be carried on or located.

Each applicant shall further state that applicant agrees to accept a license, if one is granted, upon the condition that it may be revoked or suspended at any time for cause by the Town Board.

1.4 Granting License

The Building Inspector shall report such application to the Town Board of Supervisors who shall either grant or deny a Salvage Dealer's license to the applicant. No such license shall be granted until the Town Board has inspected or caused to be inspected the premises described in the application and determined whether said premises complies in all respects with this ordinance and all other applicable laws, ordinances, rules and regulations. No license shall be denied except for specified reasons.

1.5 Specifications

Any premises upon which the activities regulated by this ordinance are to be carried on shall conform to the following specifications:

- A. The premises and all structures thereon shall be so situated and constructed that the business of salvage dealer may be carried on in a sanitary manner, that it does not constitute a fire hazard, and that it is arranged so that the same may be thoroughly inspected by proper authorities at any time.
- B. The premises shall be enclosed by a solid fence or other structure not less than seven (7) feet high and so constructed that no dust or other material may pass through. Said enclosure shall be maintained in good condition at all times.
- C. All material to be kept or stored or dealt in on the premises shall be so stored or kept so as not to protrude above the fence provided for in subsection (B) above.
- D. None of the activities regulated by this ordinance shall be conducted on any premises which is within three hundred (300) feet of any two (2) buildings which are used solely for residential purposes. This subsection shall apply only to the initial application for a Salvage Dealer's license and not to renewals thereof.
- E. The enclosure provided for in subsection (B) above shall be located at least twenty-five (25) feet from any street line and at least nine (9) feet from the side and rear lot lines, however, two (2) or more salvage yards may be constructed fence to fence if approved by the Town Board, the Building Inspector, and the property owners.

1.6 Fees

Upon granting a license the Town Board shall notify the Building Inspector who shall collect the fee, hereinafter provided for, from the applicant and shall issue to the applicant a Salvage Dealer's License. All licenses shall be serially numbered and shall state clearly the location for which the license is issued, the date of issuance, the expiration date and the name and address of the licensee.

No person, firm, association or corporation whose application has been refused shall be eligible to make a further application until a period of at least six (6) months shall have elapsed since the date of rejection, unless such applicant can show that the reason for the rejection no longer exists.

1.7 Renewal

Every applicant for a Salvage Dealer's License or a renewal thereof shall pay an annual license fee as per Ordinance 39 "Schedule of Fees and Forfeitures". All licenses shall be issued as of July 1st and shall continue in force until the next succeeding June 30th, unless sooner revoked or surrendered.

1.8 License Premises

No Salvage Dealer's License shall permit any person, firm, association or corporation to carry on any activity regulated by this ordinance except upon the premises described in this license. Any licensee desiring to change the location of the premises for which a license was obtained shall first obtain an amendment to the license from the Town Board. If the new location requires additional rules or regulations, then the Town Board shall issue the amendment and the same shall be endorsed on the original license by the Building Inspector.

1.9 Rules Regarding Health

The Health Officer may from time to time establish such reasonable rules and regulations concerning the carrying on of the activities regulated by the ordinance as may be deemed necessary or proper to protect the health of the community. No licensee shall violate any of such rules or regulations.

1.10 Notification of Articles Received

Every licensee, upon written request by the Town Board, shall on forms to be furnished by the Town Board, provide to the town Board an accurate description of all goods, articles, or other things purchased or received by the licensee in carrying on the activities regulated by this ordinance during the period of time specified in the request, and further stating the price paid for such articles and the name and address of the person, firm, association, or corporation from whom said articles were received.

1.11 Advertising

If any goods, articles or things whatsoever shall be advertised in any newspaper in general circulation in the Town of Grand Rapids as having been lost or stolen, and the same articles or any answering in full or in part the description contained in the advertisement shall be or come into possession of any licensee, he or it shall give information thereof in writing to the proper officer and state from whom the same was received. Any licensee who has or received any goods, 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, the Town Board, or any magistrate or person duly authorized in writing by the Sheriff of Wood County or any magistrate, upon exhibiting such authorization to such licensee.

1.12 Enforcement

Upon complaint being made in writing by any town official or resident of the Town of Grand Rapids to the Town Clerk that any licensee has violated any of the provisions of this ordinance, the Town Board shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than three (3) days after the date of the service thereof, to show cause why his or its license should not be revoked. The Town Board and the Building Inspector shall proceed to hear the matter and if they find the allegations of said complaint are correct, they may in their discretion revoke said license or require said licensee to take such immediate steps as are necessary to correct any violation.

1.13 Penalties

Any person, persons, firm association, or corporation who by itself or himself or by his or its clerk, agent or employee, shall conduct the business of a Salvage Dealer as herein defined without the license required by this ordinance, or who, having had his, its or their license revoked and shall continue as a Salvage Dealer, may upon conviction thereof be subjected to a forfeiture per Ordinance 39 "Schedule of Fees and Forfeitures" for each day during which said violation shall continue together with the costs of prosecution, and in default of the payment of such forfeiture and costs of such prosecution, shall be imprisoned in the County Jail of Wood County for a period not exceeding ninety (90) days. In addition to the penalties imposed herein such person, persons, firm, association, or corporation shall be ineligible to obtain a license hereunder for a period of one (1) year from the date of the conviction.

1.14 Repealer

All ordinances of the Town of Grand Rapids which are in conflict herewith are hereby repealed to the extent of such conflict.

This ordinance shall take effect from and after the date of its passage and publication as provided by law.

HISTORY

Declaration/Ordinance/Resolution No

Dated

RESOLUTION NO:

2005-08
2006-07

10-June-1970
13-September-2005
23-May-2006