

TITLE III

BUSINESS AND OCCUPATIONS

Subject

Chapter

Junkyards

3.1

ORDINANCE NO. 3.1**AN ORDINANCE TO ESTABLISH THE LICENSING AND REGULATION OF JUNKYARD OPERATIONS**

Be It Enacted by the Board of Supervisors of Franklin County, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to regulate all junkyard operations to promote the public health, safety and welfare in Franklin County, and to require permits for junkyard operations and to provide a penalty. The provisions found herein shall apply only to the unincorporated area of the County.

SECTION 2. Definitions. For use in this ordinance terms or words used herein shall be interpreted or defined as follows:

1. "Board" shall mean the Board of Supervisors of Franklin County.
2. "Inoperable motor vehicle" shall mean any motor vehicle which lacks current registration or two or more wheels or other component parts, the absence of which renders the vehicle totally unfit for legal use on the highways.
3. "Junk" shall mean all old or scrap copper, brass, lead, or any other nonferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste; dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old scrap ferrous material; old discarded glass, tinware, plastic, or old discarded household goods or hardware.
4. "Junk dealer" shall mean any person who buys, sells, transfers, delivers, or stores junk, including all persons who carry on such business at a junk shop or junkyard or as a peddler, and any person who by advertisement, sign or otherwise holds himself out as a junk dealer, or dealer in old or discarded metals, machinery, rags, paper stock, and the like.
5. "Junk shop" shall mean any building or structure in which a junk dealer stores or places junk in connection with a business of buying, selling, or trading junk.
6. "Junkyard" shall mean any place not fully enclosed in a building, used in whole or in part for the storage or deposit of junk, whether in connection with a business or not, which encompasses a place where more than two inoperable motor vehicles, or used parts and materials thereof, when taken together equal the bulk of two motor vehicles, are stored or deposited.
7. "Sheriff" shall mean the County Sheriff of Franklin County.

SECTION 3. Permit Required. No person or firm shall carry on the business of junk dealer in Franklin County without first having obtained a permit as herein required.

Application for a junk dealer's permit shall be made to the Board of Supervisors as least twenty (20) days prior to the issuance of such permit. The application shall include: the name and permanent address of the owner, the name and address of the operator if different from the owner, the locations of the proposed site for a junkyard or junk shop, a sketch showing the specific area that will be covered by the permit, a list of the names and addresses of all adjacent property owners, and proof that a zoning permit has been obtained for use of the proposed site as a junkyard or junk shop.

Any person or firm wishing to expand a junkyard or junk shop beyond the specific area approved for a permit shall obtain a new permit and any person or firm conducting several or separate places of business as a junk dealer shall pay the permit fee and procure a permit for each such place.

The fee for application for a junk dealer's permit shall be one hundred fifty (\$150.00) and is non-refundable.

All junkyards or junk shops in existence at the time of adoption of this ordinance shall apply for a permit within sixty (60) days of the effective date of this ordinance, but shall be granted an extension of twelve (12) months within which to comply with all provisions found herein.

SECTION 4. Public Notification of Application. The Board shall send written notification to all adjacent landowners of the proposed site of the junkyard or junk shop that an application for junk dealer's permit has been received for that location. The Board shall also publish notice in the county newspaper or newspapers stating that an application for junk dealer's permit has been received, the location of the proposed site and when the application will be acted on. The Board shall consider all information and comments received concerning the application, but all final determinations shall rest with the Board.

SECTION 5. Non-transferable to New Owner or Operator. If control of a junkyard is acquired by any owner or operator other than the person holding a permit for the junkyard or junk shop, that person shall within fifteen (15) days apply for a new permit in the name of the new owner or operator.

SECTION 6. Revocation of Permit. After giving a permit holder (30) days notice and the opportunity for a hearing, the Board may revoke any permit issued under this ordinance if the permit holder has violated this ordinance or has otherwise conducted the business in an unlawful manner or if the permit holder has presented any false information to the County.

SECTION 7. Right of Entry. As a condition of issuance of every permit, members of the Board, the Sheriff, or their designees shall have the right of entry to, upon, or through any junkyard or junk shop for the purpose of enforcing the provisions found herein.

SECTION 8. Requirements of Junkyards. A junkyard as defined in this ordinance must be surrounded with a solid opaque fence of uniform design and color and not less than six (6) feet high, which substantially screens the area in which junk is stored or deposited. The fence must be kept in good repair and shall not be used for advertising displays or signs. Suitable gates, likewise opaque, are required, which shall be closed and locked after business hours or when the junkyard is unattended. A portion of the gate, not to exceed ten (10) feet in length, may be constructed of a non-opaque material to permit observation of the fenced premises after business hours. No junk shall be permitted to be stored or deposited outside the fence, nor may junk be stacked higher than the fence within thirty (30) feet of the fence, nor may junk be stored in any flood hazard area. If a portion of the perimeter of the junkyard is not in any way subjected to public view, the Board may allow a buffer planting screen of coniferous trees in lieu of the solid opaque fence as required above.

SECTION 9. Other Requirements.

1. Segregation of Specific Items.
Upon order of the Sheriff, each junk dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the Sheriff. The holding period shall be a reasonable time and shall not exceed forty-five (45) days.
2. Concealing Articles to Prevent Identification.
No junk dealer shall conceal, secrete or destroy any article purchased or received by him to prevent identification thereof by law enforcement officers or any person claiming the same.
3. Disposing of Stolen Goods for Which There is Adverse Claim.
No junk dealer shall sell, melt, break up, or otherwise dispose of any article which he has reason to believe has been stolen, or which is adversely claimed by any person, or which he has been notified not to sell or otherwise dispose of by any law enforcement officer, without first obtaining a permit, in writing, from the Sheriff.
4. Clerks, Agents and Employees Subject to Ordinance.
Every clerk, agent, or employee of any junk dealer shall be subject to and bound by all the provisions of this ordinance, and liable to the same penalties and to the same extent as his employer or principal, for any violation thereof.
5. Conditions Subject to Abatement.
If any junkyard or junk shop is kept or operated in a way detrimental to the health and welfare of the public to the extent that a public or private nuisance exists, or is kept or operated contrary to the provisions of this ordinance, the Board, in addition to other remedies, may find that the condition constitutes a nuisance and have it abated as provided for in the Nuisance Ordinance of this Code.

SECTION 10. Violation – Penalty. Any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents, that violates, disobeys, omits or neglects the provisions of this title shall be given a NOTICE OF VIOLATION either by personally giving, certified mail or served by law enforcement. This NOTICE OF VIOLATION shall identify the action required to correct the violation and give 20 days to correct it. If said violation is not corrected then a COUNTY CITATION shall be filed either by personally giving, certified mail or served by law enforcement with fines of \$750 for the first offense, \$1000 for the second and subsequent offences. A NOTICE OF VIOLATION may be in the form of a STOP WORK ORDER which shall instruct the violator to cease any activity until said violation is corrected. Situations where a STOP WORK ORDER may be used include but are not limited to incidences where business has begun without a JUNK DEALER’S PERMIT or where proper documentation has not been filed. Each day the violation is permitted to exist shall constitute a separate offense. The Zoning Administrator shall keep a record of violations in his office. If any person, firm, co-partnership, corporation or other association of persons, whether acting directly or through employees or agents violates, disobeys, omits or neglects the provisions of this title three (3) or more times in a three (3) year period they shall be deemed a chronic offender. Chronic Offenders shall be issued a COUNTY CITATION when the Zoning Administrator becomes aware of a violation. A NOTICE OF VIOLATION with a 20 day notice shall not be required in the case of chronic offenders. In case of a violation of any provision of this title, the proper authorities of the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent or abate the illegal act.

SECTION 11. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.