

Chapter 58

SECONDHAND GOODS*

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***Cross reference**—Businesses, ch. 22.

ARTICLE I. IN GENERAL

Secs. 58-1—58-30. Reserved.

ARTICLE II. JUNKYARDS

Sec. 58-31. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junkyard means any place where miscellaneous junk, rags, paper or bagging, old metal or iron, secondhand furniture, old rope or empty bottles are kept upon premises either entirely outside of buildings or partly within and partly without the confines of buildings. Junkyards shall also include automobile salvage yards where automobiles are wrecked, parts sold, and the balance disposed of for junk. It shall not be construed to include an automobile sales yard wherein no cars are wrecked.

Junk shop means any place where secondhand furniture, junk, clothing, jewelry, rags, papers, old metal, or where automobiles are wrecked, parts sold and the balance disposed of for junk, and miscellaneous articles of personal property are bought or sold, and where all such articles are kept in a building or buildings. This definition does not include sale of secondhand furniture where such furniture is taken in on trade by a dealer and disposed of, such business not being the main business in which the dealer or seller is engaged. Nor shall this definition include any person engaged in the buying and selling of strictly antique furniture.

(Code 1977, § 32.01(a))

Cross reference—Definitions generally, § 1-2.

Sec. 58-32. License required.

It shall be unlawful to operate, maintain or carry on the business of keeper of a junk shop, store, yard or place without a license for such business.

(Code 1977, § 32.01(b))

Sec. 58-33. Enclosures.

It shall be unlawful for any place of business operating as a junk shop to keep, maintain or place any of its articles of business outside the building from which the business is operated. All places operating as junkyards shall keep and maintain all such articles of that business, including automobiles in a damaged condition which are to be dismantled or repaired, rebuilt or stored, within the confines of an enclosure. The enclosure shall be a wooden fence at least six feet high, or eight feet high and solid and opaque in the case of an automobile salvage yard, with the space at the bottom of the fence from the base of the fence boards to the ground not greater than one foot at any point along the fence, with the boards spaced not more than two inches apart along the fence. A fence constructed of corrugated iron may be used subject to the height and space regulations provided for wooden fences. Every fence shall be kept painted and no advertising other than that relative to the business on which the fence is located shall be displayed thereon.

(Code 1977, § 32.01(c))

Sec. 58-34. Location.

The location of any junk shop or junkyard shall be governed by the zoning and building regulations of the village.

(Code 1977, § 32.01(d))

Sec. 58-35. Setback lines.

It shall be unlawful to set any enclosure or fence described in section 58-33 nearer than 15 feet to the abutting property lines and where the premises in question abut on any highway, street or road, nearer than 200 feet thereto, provided, however, that the setback for automobile salvage yards shall be as provided in the zoning ordinance.

(Code 1977, § 32.01(e))

Sec. 58-36. Investigations.

Upon receipt of an application for a license, the village clerk shall refer such application to the village administrator for making an investigation or inspection. The village administrator may make the inspection or may order the building commis-

sioner to make the inspection. The report of such inspection or investigation, favorable or otherwise, shall be made within five days after receiving the application or copy thereof and shall be made to the village clerk who, if the report is favorable, shall issue the license.

(Code 1977, § 32.01(f))

Sec. 58-37. Fees.

The fee to be paid for such annual license shall be \$100.00. When application for an annual license is made after the expiration of six months of the current license year, the license for the remainder of the year shall be issued upon payment of one-half of the annual fee.

(Code 1977, § 32.01(g))

Sec. 58-38. Frontage consents.

It shall be unlawful for any new or proposed place of business to keep, store or maintain any junk yard or junk shop unless the written consents of 51 percent of the property owners within a radius of 1,200 feet of such new or proposed place of business shall first be obtained in writing and filed with the application for such license.

(Code 1977, § 32.01(h))

Sec. 58-39. Stolen goods.

Every keeper of a junk shop or a junkyard, who shall receive or be in possession of any goods, articles or things of value, which may have been lost or stolen shall upon demand produce such article or things to any member of the police department for examination.

(Code 1977, § 32.01(i))

Sec. 58-40. Minors.

It shall be unlawful for any keeper of any junk shop or junkyard to make purchases or receive any articles of value from any minor without the written consent of his parent or guardian.

(Code 1977, § 32.01(j))

Secs. 58-41—58-60. Reserved.

ARTICLE III. RESERVED*

***Editor's note**—Section I of Ord. No. 2008-11, adopted February 4, 2008, repealed art. III, §§ 58-61—58-66, which pertained to scavengers and derived from § 32.02 of the 1977 Code.