

Ordinance No. 2014-06

An Ordinance amending Section 110.03 Junk Dealers of Chapter 110: General Provisions of the Gregory Municipal Code.

BE IT ORDAINED BY THE CITY OF GREGORY THAT Section 110.03 of Chapter 110: General Provisions be amended to read as follows:

110.03 Junks Dealers

(A) Definitions:

Junk - Shall consist of any two or more junked motor vehicles as described in this Article, deteriorated, wrecked, dismantled or partially dismantled mobile homes, trailers, boats, machinery, refrigerators, washing machines, and other appliances, furniture, building materials, plumbing fixtures, tires, plastic, wood, wastepaper, concrete rubble, green hides, or other articles or things which from their worn condition are rendered useless for the purpose in which they were made.

Junk Dealers - Any person, firm or corporation engaged in business as a dealer or trader in junk, as described in this ordinance.

Junk Yard - Any area, lot or location where two (2) or more junked vehicles, deteriorated, wrecked, dismantled or partially dismantled mobile homes, trailers, boats, machinery, refrigerators, washing machines, and other appliances, furniture, building materials, plumbing fixtures, tires, plastic, wood, wastepaper, concrete rubble, green hides, or other articles are loaded or stored.

Junked Motor Vehicle - Any motor vehicle which does not have lawfully affixed thereto both a valid state license plate and plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperable or discarded.

(B) License Requirement

No person shall collect or store Junk or operate a Junk Yard within the City without first having secured a license therefore as herein provided.

(C) License Requirement

Any person desiring a license to operate as a Junk Dealer or as a Junk Yard within the corporate limits of the City of Gregory, shall make application in writing to the Council and said application shall state:

1. Name;
2. Current mailing address
3. The premises where the business is or will be located or conducted and description shall be given by lot and block number or by legal description.
4. A site plan must be submitted showing lot lines, storage plans, types of junk stored, list number of vehicles, if applicable, and location on lot(s) where junk is to be stored.

(D) Annual Fee

Every Junk Dealer or operator of a Junk Yard shall pay an annual fee of twenty-five (25) dollars for each establishment or place of business, which shall include one Junk Yard and, the sum of ten (10) dollars for each additional Junk Yard. The operator of the Junk Yard shall at all times keep said yard and his place

of business in such condition so that the same will not become offensive or obnoxious and said premises shall at all times be kept free from rodents.

(E) Approval of Application

Upon filing of the application together with the necessary license fee, and upon compliance with this Ordinance, the City shall issue a license.

(F) Right to Revoke a License

The Council shall have the right to revoke any license granted under this Article if it determines upon investigation and after hearing the licensee has violated any of the provisions of this Chapter and providing that a notice of hearing shall be served upon the licensee named in the license at least five (5) days before the hearing, either by personal service of a copy of the notice or by mailing a copy of the same to the person at the address given in the application. If any license granted under this Chapter were revoked, no refund of the license shall be made.

(G) Record Keeping

Every Junk Dealer or operator of a Junk Yard shall keep a written record of all articles and quantities purchased setting forth the name, residence, age and occupation of the person from whom each article or articles were purchased, the date the purchase was made and the price paid. Such record shall be at all times be opened for the inspection of the Police officers or any officer of the law to make investigation and securing evidence in connection with any violation of law.

(H) Records Made Available

Every Junk Dealer or operator of a Junk Yard, upon being served with written notice to do so by a member of the Police Department, shall report to the Chief of Police, giving written description of all goods, articles and things purchased or received in the course of business as a Junk Dealer or operator of a Junk Yard and covering such a period of time as may be specified in the notice. Such written notice shall state the amount paid for each item and the name, residence, and general description of the person from whom the good, articles, or things were received.

(I) Restrictions of Operations

1. No Junk Dealer or operator of a Junk Yard shall carry on a business at or from any other place than the premises designated and described in the application and license, and all junk of any kind shall be kept wholly within the boundaries of such premises, and inside of buildings, or enclosed by an approved fence as described in Subsection (I), of this Chapter.
2. It shall be unlawful for any Junk Dealer or operator of a Junk yard to burn junk or refuse on the premises covered by said license or any other place in the City.
3. The wrecking and dismantling of old cars for the purpose of securing parts shall be done wholly inside of the enclosure provided by said Junk Dealer or operator of a Junk Yard and shall not in any event be done upon the highway or streets or alleys of the City, or outside of the premises described in the application process.
4. In the case where there are (2) two or more junked vehicles and no other junk is present, a fence will not be required if the following conditions are met:

- a. Vehicles need to be lined up in rows running parallel to each other, with (15) fifteen feet between rows to allow access for emergency vehicles and cannot be stacked one on top of the other;
 - b. Setbacks of (40) forty feet in the front of the property, twenty (20) feet on the sides of the property, and six (6) feet in the rear of the property must be met and shown on the site plan;
 - c. Doors, trunks and hoods need to be closed.
 - d. No fluids from vehicles are allowed to leak and contaminate the soil.
 - e. Area has to be well maintained and follow Chapter 95 of the Gregory City Ordinance Section 95.20; 95.21 "Weeds".
5. In the case where the criteria set forth in Subsection (I) of Section 110.03 of Chapter 110 is not met, a fence approved by the Gregory City Council shall be erected. The fence shall be constructed from approved materials and shield the contents of the premises from public view and shall be well constructed and maintained, at least eight (8) feet in height and not to exceed ten (10) feet in height. The fence must be located a minimum of (150) one hundred fifty feet from any State or Federal highway. All permits required for erection of such fence must be obtained prior to construction and all provisions of Gregory City Ordinance Chapter 150 must be followed. After construction of such fence it shall at all times be suitably maintained and kept in good repair by the licensee. In no event shall an such licensee permit any advertising matter of any sort to be placed upon such fence, except that such licensee may not to exceed fifty (50) square feet of said fence for the purpose of advertising his/her business.

(J) Penalties

Any person found guilty of violating any section of this ordinance shall be fined not more than (200) two-hundred dollars, imprisonment in the City Jail for not more than (30) thirty days, or both such fine and imprisonment. Each day of violation shall be considered a separate offense. In addition, such person shall pay all costs and expenses involved in the case.

Every Police Officer and Code Enforcement Officer of the City, in connection with his duties imposed by law, shall diligently enforce the provisions of this ordinance.

Dated this 20th day of October 2014.

City of Gregory, South Dakota

Maurice Schlaht, Mayor

ATTEST: _____
Al Cerny, City Finance Officer

First Reading: 10-06-2014
Second Reading: 10-20-2014
Publication: 10-29-2014