

## **TITLE XI: BUSINESS REGULATIONS**

### **Chapter**

- 110. JUNK STORES AND JUNK DEALERS**
- 111. SOLICITORS AND CANVASSERS**
- 112. GENERAL LICENSING PROVISIONS**



## **CHAPTER 110: JUNK STORES AND JUNK DEALERS**

### **Section**

- 110.01 License required
- 110.02 Application for license; waiver by freeholders
- 110.03 Issuance of license; term; fees
- 110.04 Licensed premises; fence required; signs
- 110.05 Lost or stolen property; inspection by police
- 110.06 Vehicles used in business

### **§ 110.01 LICENSE REQUIRED.**

It shall be unlawful and a misdemeanor to operate or carry on the business of junk dealer within the corporate limits of the town, without having first obtained a license therefore as is hereinafter provided. The business of junk dealer, within the meaning of this section, shall include the buying, selling, assorting, processing, or storing of any kind of scrap iron, scrap metal, scrap tin, discarded automobile parts, equipment, machines, and discarded bottles, paper, rope, rubber, plastic, fabrics, rags, or other junk. The buying and selling of junk at wholesale or transportation or movement of same to and from wholesale markets is not included within the definition.

(1981 Code, § 4.401) (Ord. 1-1965, passed 2-2-1965) Penalty, see § 10.99

### **§ 110.02 APPLICATION FOR LICENSE; WAIVER BY FREEHOLDERS.**

Application for the license shall be made in writing to the Town Council and shall state with particularity each place of proposed operation of the business of junk dealer, and, as a condition to the original license, the application for the license shall contain as a part of same a written statement or waiver addressed to the Town Council from at least two-thirds of the freeholders residing in the town within 1,000 feet of any part or portion of the place where the business is proposed to be conducted, recommending that the license be granted.

(1981 Code, § 4.402) (Ord. 1-1965, passed 2-2-1965)

**§ 110.03 ISSUANCE OF LICENSE; TERM; FEES.**

Upon approval of any such application for license by the Town Council, the license shall be issued to the applicant by the Town Clerk-Treasurer upon the payment of the fees hereinafter prescribed. Licenses issued after the effective date of this chapter shall be for a term ending on 12-31-1965, and thereafter any such license shall be issued annually for a term of one year beginning January 1 and ending on the succeeding December 31. The fee to be collected by the Clerk-Treasurer upon issuance of the license shall be: for an annual license, \$25 for each junk yard or place of business of junk dealer, and an additional fee of \$5 for each truck used in the conduct of the business of junk dealer; provided that a junk dealer not maintaining a junk yard or business of junk dealer within the town shall pay \$25 per vehicle used or operated within the town.

(1981 Code, § 4.403) (Ord. 1-1965, passed 2-2-1965)

**§ 110.04 LICENSED PREMISES; FENCE REQUIRED; SIGNS.**

Any premises, area, or piece or parcel of land licensed and used as a junk yard shall have not more than two entrances and two exits, each of which shall not exceed 15 feet in width at the perimeter of the premises. The premises, areas, pieces or parcels of land shall be enclosed with either a solid nontransparent wall or nontransparent fence or combination thereof with a minimum height of six feet from the ground level, except for entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding 100 square feet in size.

(1981 Code, § 4.404) (Ord. 1-1965, passed 2-2-1965)

**§ 110.05 LOST OR STOLEN PROPERTY; INSPECTION BY POLICE.**

Every owner or operator of a junk yard or a business of junk dealer within the town, who shall receive or be in possession of any goods, articles, or things of value which may have been lost or stolen, shall, upon reasonable demand, produce the article or thing to any member of the Police Department for inspection as reasonably necessary for the Police Department to ascertain the facts concerning the loss or theft in a routine police investigation.

(1981 Code, § 4.405) (Ord. 1-1965, passed 2-2-1965) Penalty, see § 10.99

**§ 110.06 VEHICLES USED IN BUSINESS.**

Every vehicle used by a junk dealer in the conduct of his or her business shall bear thereon, in legible characters, the name and address of the owner and proprietor thereof.

(1981 Code, § 4.406) (Ord. 1-1965, passed 2-2-1965) Penalty, see § 10.99

## **CHAPTER 111: SOLICITORS AND CANVASSERS**

### **Section**

- 111.01 Registration required
- 111.02 Registration fee; term
- 111.03 Registration certificate
- 111.04 Exceptions
- 111.05 Revocation of registration
- 111.06 Remedies

### **§ 111.01 REGISTRATION REQUIRED.**

It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at residences in the town without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions, or business of any kind, or seeking for information or donations, without first having registered in the office of the Clerk-Treasurer. The registrant shall give his or her complete identification, his or her signature, the name of his or her employer, the nature of the products or services in which he or she is interested, the names of the manufacturers of those products or of the organization which he or she is representing, and the proposed method of operation in the town. (1981 Code, § 4.501) (Ord. 2-1967, passed 5-2-1967) Penalty, see § 10.99

### **§ 111.02 REGISTRATION FEE; TERM.**

Each registrant shall pay to the Town Clerk-Treasurer a registration fee of \$5 for the period expiring 90 days after the date of the registration. (1981 Code, § 4.502) (Ord. 2-1967, passed 5-2-1967)

### **§ 111.03 REGISTRATION CERTIFICATE.**

Each applicant who shows evidence of good character and who pays the fee provided for herein shall be furnished a certificate indicating that he or she has registered and showing the dates covered by the registration. Each person shall, at all times while soliciting or canvassing in the town, carry upon his

or her person the registration certificate and the same shall be exhibited by the registrant whenever he or she is required to do so by any police officer or by any person solicited.

(1981 Code, § 4.503) (Ord. 2-1967, passed 5-2-1967) Penalty, see § 10.99

#### **§ 111.04 EXCEPTIONS.**

The provisions of this chapter shall not apply to officers or employees of the town, county, state, or federal government, or any subdivision thereof, or any employee of a public utility serving residences in the town, when on official business.

(1981 Code, § 4.504) (Ord. 2-1967, passed 5-2-1967)

#### **§ 111.05 REVOCATION OF REGISTRATION.**

Any such registration may be revoked by the Town Council or the Town Marshal because of any violation by the registrant of this chapter or of any other ordinance of the town, or of any state or federal law, or whenever the registrant shall cease to possess the qualifications and character required in this chapter for the original registration.

(1981 Code, § 4.505) (Ord. 2-1967, passed 5-2-1967)

#### **§ 111.06 REMEDIES.**

The practice of going in and upon private residences in the town by solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise, not having been requested or invited to do so by the owners or owners, or occupant or occupants, of the private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is declared to be a nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

(1981 Code, § 4.507) (Ord. 2-1967, passed 5-2-1967)

## **CHAPTER 112: GENERAL LICENSING PROVISIONS**

### **Section**

- 112.01 Licenses required to engage in certain trades, businesses, or professions
- 112.02 Application for license
- 112.03 Standards; issuance of license
- 112.04 Date and duration of license
- 112.05 License not transferable
- 112.06 License certificate to be displayed
- 112.07 Revocation or suspension
- 112.08 Appeal and review
- 112.09 Exemptions

### **§ 112.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESSES, OR PROFESSIONS.**

No person shall engage in any of the trades, businesses, or professions for which licenses are required by any provision of this code or any other ordinance of the town without first applying for and obtaining a license from the Clerk-Treasurer or other duly authorized issuing authority.

Penalty, see § 10.99

### **§ 112.02 APPLICATION FOR LICENSE.**

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the Clerk-Treasurer in writing upon forms to be furnished by him or her and shall contain:

- (1) The name of the applicant and of each officer, partner, or business associate;
- (2) His or her present occupation and place of business;
- (3) His or her place of residence for five years next preceding the date of application;
- (4) The nature and location of the intended business or enterprise;
- (5) The period of time for which the license is desired;

(6) A description of the merchandise to be sold, if for a vendor; and

(7) Other information concerning the applicant and his or her business as may be reasonable and proper, having regard to the nature of the license desired.

(B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.

(C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.

(D) It shall be unlawful to knowingly make any false statement or representation in the license application.

Penalty, see § 10.99

### **§ 112.03 STANDARDS; ISSUANCE OF LICENSE.**

(A) Upon receipt of an application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the Clerk-Treasurer shall forthwith deposit the fee in the General Fund of the town and issue to the applicant a proper license certificate signed by the Clerk-Treasurer and any other appropriate town official. If for any reason the license is not issued, the license fee shall be returned to the applicant.

(B) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(C) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. Tangible evidence of any of the following will constitute valid reasons for disapproval of an application:

(1) The applicant has been convicted of a crime of moral turpitude;

(2) The applicant has made willful misstatements in the application;

(3) The applicant has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;

(4) The applicant has committed prior fraudulent acts;

(5) The applicant has a record of continual breaches of solicited contracts; or

(6) The applicant has an unsatisfactory moral character.

**§ 112.04 DATE AND DURATION OF LICENSE.**

(A) A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued. However, at any time after December 14, licenses may be issued for the ensuing calendar year. Unless otherwise specified, the full annual fee will be required of licensees irrespective of the date of issue of the license.

(B) In no event shall a license be granted to any business or any person for a longer time than one year.

**§ 112.05 LICENSE NOT TRANSFERABLE.**

Every license shall be issued to a real party in interest in the enterprise or business and, unless otherwise provided, no license shall be assigned or transferred.  
Penalty, see § 10.99

**§ 112.06 LICENSE CERTIFICATE TO BE DISPLAYED.**

Every licensee carrying on business at a fixed location shall keep posted in a prominent place upon the licensed premises the license certificate. Other licensees shall carry their license certificates at all times and, whenever requested by any officer or citizen, shall exhibit the license.  
Penalty, see § 10.99

**§ 112.07 REVOCATION OR SUSPENSION.**

A license granted under this chapter may be suspended or revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application;
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;
- (C) Any violation of this chapter;
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

**§ 112.08 APPEAL AND REVIEW.**

(A) Any person aggrieved by a decision under §§ 112.03 or 112.07 shall have the right to appeal to the Town Council. The appeal shall be taken by filing with the Town Council, within 14 days after notice of the decision has been mailed to the person's last known address, a written statement setting forth the grounds for appeal. The Town Council shall set the time and place for a hearing, and notice for the hearing shall be given to the person by mail at his or her last known address, at least ten days prior to the date set for the hearing.

(B) The order of the Town Council after the hearing shall be final.

**§ 112.09 EXEMPTIONS.**

The provisions of this chapter shall not apply to any business, occupation, or profession which is exempt from municipal licensing or license taxes pursuant to state or federal law.