

CHAPTER 128

LICENSING OF JUNK DEALERS

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128.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Junk” means articles or materials that, because of age, deterioration, or use, have lost their original utility or desirability but that, by alteration, restoration, or salvage, may furnish an item or items of value.
2. “Junk dealer” means any person engaged in collecting, storing, buying, or selling junk.

128.02 LICENSE REQUIRED. It is unlawful for any person to engage in the business or occupation of junk dealer in the City without having a license as provided in this chapter.

128.03 APPLICATION; FEE. Application for a license required under this chapter shall be in writing on forms furnished by the Clerk and shall include the following:

1. Applicant’s full name and address of residence;
2. Address of applicant’s business establishment or office;
3. Names and addresses of principal officers if applicant is a corporation or other association;
4. Location at which the business of junk dealer is to be conducted.

The application shall be filed with the Clerk and shall be accompanied by a license fee in an amount set by resolution of the Council. The Clerk shall give the applicant a written receipt showing the sum received and the time of receipt.

128.04 ISSUANCE OF LICENSE. If the Clerk determines that the application is in proper form and that all of the prescribed conditions for the issuance of a license to engage in the business of junk dealer have been satisfied and that the conduct of such business will not endanger the public welfare, order, safety, health, or morals, the Clerk shall issue such license.

128.05 REFUSAL OF ISSUANCE; APPEAL. If the Clerk refuses to issue a license, the reasons for such refusal shall be endorsed on the application. The applicant shall then have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the members present (if a quorum), and the Clerk shall carry out the Council’s decision.

128.06 DURATION OF LICENSE. A junk dealer’s license shall expire one year after the time of its issuance.

128.07 TRANSFER RESTRICTED. Unless otherwise provided in this chapter, no license issued hereunder is transferable to another person and no such license may be used for a purpose other than that for which it was issued.

128.08 DISPLAY OF LICENSE. The license issued under this chapter shall be displayed in a prominent manner at the place where the business of junk dealer is conducted.

128.09 RECORDS. Every junk dealer shall maintain a permanent record book that shows as description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid and the time and date of the transaction.

128.10 PROPERTY NOT TO BE DISPOSED OF FOR CERTAIN PERIOD. Every junk dealer shall segregate each day's collection for a period of 48 hours. During this period, no item shall be disposed of or altered in any manner.

128.11 PURCHASES FROM MINORS RESTRICTED. A junk dealer shall not purchase or receive junk from a minor unless the junk dealer receives the written consent of the parents or guardian of the minor. Such consent shall be attached to the record book as a part of the permanent record.

128.12 FENCING OF PREMISES. All junkyards shall be enclosed with a six-foot fence that hides the contents of the yard from public view.

128.13 INSPECTION AND INVESTIGATION.

1. In order to discover stolen property, peace officers are permitted at all times to inspect the junk dealer's yard, store, or establishment without a warrant to search the premises.
2. The City Building Inspector is permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.
3. The Clerk has the power to inspect and investigate the conduct of business of the junk dealer licensed under this chapter or to cause such an inspection or investigation to be made by the Police Department.

128.14 REVOCATION.

1. Grounds. The Clerk, after giving a licensee reasonable notice and a fair hearing, may revoke any license issued under this chapter for the following reasons:
 - A. If the licensee has made fraudulent statements in the application for the license or in the conduct of business;
 - B. If the licensee has violated the provisions of this chapter or otherwise conducted business in an unlawful manner;
 - C. If the licensee has conducted business in a manner endangering the public welfare, health, safety, order, or morals.
2. Notice. The notice of intended revocation of a license shall be in writing and shall be served personally or as required for personal service by the Iowa Rules of Civil Procedure. The notice shall state the time and place of the hearing and the reasons for the intended revocation.
3. Appeal. If the Clerk revokes a license, the Clerk shall immediately notify the Council in writing, giving the reasons for the revocation. The licensee shall then have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the members present (if a quorum).

4. Effect. Revocation of a license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.

128.15 EXEMPTIONS. This chapter does not require a license for each employee or agent of a junk dealer. Only the owner, manager, or agent of the business need possess a license.

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