

CHAPTER 8
JUNK DEALERS

The Town Board of the Town of Theresa do ordain:

Section 8.1 No person or persons, association, partnership, firm or corporation shall hereafter in the Town of Theresa, keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling, in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper or other metal, furniture, used motor vehicles, or the parts thereof, or other articles which from its worn condition renders it practically useless for the purpose for which it was made, and which is commonly classed as junk, whether with a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided. One carrying on the aforesaid business shall be referred to herein as “junk dealer.”

Section 8.2 Every applicant for a license to engage in the business of junk dealer shall file with the building inspector a written application upon a form prepared and provided by the Town, signed by the applicant or applicants. Said application shall state:

(A) The name and residence of the applicant, if an individual, partnership, or firm, or the names of the principal officers and their residences, if the applicant is an association or corporation.

(B) The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.

(C) The premises where such business is to be located or carried on.

Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the Town Board.

Section 8.3 The Building Inspector shall report such applications to the Town Board who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinance, rules, any regulations that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that there can be a thorough inspection at any time by proper authorities.

Each of the premises upon which the business of junk dealer is to be carried on shall be enclosed by a solid, painted fence, cyclone fence, or any other suitable structure not less than seven (7) feet in height. Such enclosure shall be maintained in good condition at all times. No article shall be piled so as to protrude above said enclosure.

Section 8.4 No premises shall be used for carrying on the business of junk dealing when more than two buildings situated within a distance of three hundred (300) feet are used solely for residence purposes. Said enclosure shall be located twenty-five (25) feet from the street line and nine (9) feet from the said lot line. Two or more adjoining junk yards may be constructed wall to wall if approved by the Town Board, the Building Inspector and property owners.

Section 8.5 Upon the filing of the application and the payment to the Building Inspector of the license fee hereinafter provided, the Building Inspector shall issue to the applicant a license to engage in business as provided in Section 1. No license shall be refused except for a specified reason. All licenses shall be numbered in the order in which they are issued and shall clearly state the location of the junk business, the date of issuances and expiration of the license and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.

Section 8.6 Every junk dealer shall pay an annual license fee of \$100.00. All licenses shall be issued as of July 1st, and shall continue in force until June 30th next succeeding the date of issuance thereof, unless revoked sooner.

Section 8.7 Every junk dealer's license shall designate the place of business in or from which the junk dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until a written permit has been secured from the Town Board, and the same shall have been endorsed upon the license.

Section 8.8 No junk dealer shall carry on the business at or from any other place than the one designated in the license thereof. Nor shall said business be carried on after such license has been revoked or has expired.

Section 8.9 The Health Officer shall formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.

Section 8.10 Every junk dealer upon being served with a written notice to do so by the Town Board on blank forms to be furnished by the said Town Board, an accurate description of all goods, articles, or other things purchased or received by him in the course of business of a junk merchant at such time and during such period of time specified in the noticed, stating the amount paid for the same, and the name, residence, and general description of the person from whom such goods, articles or things were received.

Section 8.11 If any goods, articles or things whatsoever shall be advertised in any newspaper printed in the City of Mayville as having been lost or stolen, and the same or any answering the description advertised or any portion or part thereof shall be or come into possession of any junk merchant or peddler, he or it shall give information thereof in writing to the proper officer and state from whom the same was received. Any junk merchant or peddler who has or receives any goods, articles or things lost or stolen, or alleged or supposed to have been lost or

stolen, shall exhibit the same on demand to any police officer, Town Board, or any magistrate or person duly authorized in writing by the Sheriff of Dodge County, or any magistrate who shall exhibit such authorization to such dealer or peddler.

Section 8.12 Upon complaint being made in writing by any town official or resident of the Town of Theresa to the Town Clerk that any licensee has violated any of the provisions of this ordinance, the Town Board shall summon such licensee to appear before it at the time specified in the summons, which shall not be less than three days after the date of the service thereof, to show cause why this license shall not be revoked. The Town Board and the Building Inspector shall proceed to hear the matter and if they find the allegations of said complaint are correct, they shall revoke said junk dealer's license.

Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefore shall be made and no license shall be granted to any person, firm, partnership, association or corporation whose license has been revoked within a period of one year from the date of such revocation. Notice of such revocation and the reason or reasons therefore in writing shall be served by an officer upon the person, firm, partnership, association or corporation named in the application by mailing the same to the address given in the application and upon filing a copy of the same with the Building Inspector.

Section 8.13 Any person, persons, firm, association, partnership, or corporation who by himself or itself or by his or its clerk, agent, or employee, shall conduct the business of a junk dealer as herein defined without the license required by this ordinance, or shall violate any of the provisions of this ordinance, or shall violate any of the provisions of this ordinance, or who, having had his, its, or their licenses revoked, shall continue as a junk dealer, may upon conviction thereof be subjected to a fine or penalty of not more than \$10.00 for each day during which said violation shall continue, together with the costs of prosecution, and in default of the payment of such fine and the costs of such prosecution, shall be imprisoned in the County Jail of Dodge County, or county workhouse for a period not exceeding ninety days. In addition to the penalties imposed the license of the person, persons, firm, association, partnership or corporation violating the same, shall be cancelled or revoked.

This ordinance shall take effect and be in force from and after its passage and publication as amended.

Adopted November 4, 1963

Section 6 fee changed to \$100.00 at the April 4, 1981 annual Town Meeting.

Section 3 amended as written at the July 6, 1965 meeting.