

CHAPTER 18
JUNK DEALERS (1)

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Sec. 18-. Defined

The term “junk dealer” when used in this chapter shall be defined to be any person maintaining a store, shop or place of business wherein purchases are made of used metals, rags, bottles, bones, dead animals or scrap of any kind or material of any description for the purpose of resale, either at retail or otherwise or any person who solicits the purchase or sale for resale or purchases or sells for resale other than from or to a licensed junk dealer in the city any used metals, rags, bottles, bones, dead animals scrap or material of any description; or who operates or maintains a store, shop or place of business where farm or other machinery, equipment or automobiles are purchased for the purpose of wrecking, dismantling and sale as scrap, parts or otherwise.

This section shall not be construed to mean or include any person who has an incident to the business of selling merchandise in a new condition takes in trade, used articles of farm machinery, household goods, automobiles or similar merchandise for the purpose of resale as such.

Sec. 18-2. License- Required

Every person desiring to conduct or carry on the business of junk dealer in the city shall first apply to the city council for a license to do so.

Sec. 18-3. Same- Application; Fee; Issuance; Expiration Date

The license required by this chapter shall be applied for on forms to be provided by the city auditor and the application for such license shall be accompanied by a fee of twenty-five dollars. Upon approval by the city council the city auditor shall issue a license for the conduct of such:

1. As to state law authorizing city to regulate, etc., junk stores, see NDCC: 40-05-01, 53. As to refusal to exhibit stolen, etc. goods to owner or agent, see NDCC: 12-42-07. **Business**. Such license shall be on a calendar year basis, shall expire December thirty-first of each year and shall be renewed not later than January second immediately following expiration.

Sec. 18-4. Same- Revocation

Every license issued under the provisions of this chapter may be revoked by the city council at any time upon the conviction of the holder thereof of any violation of this Code or other ordinances of the city or any law of the state or for any other cause which, to the city council may be deemed sufficient.

Sec. 18-5. Same- Failure to Obtain Declared Nuisance

The keeping, storing, selling or displaying of any junk as defined in Section 18-1 at any place within the city without first obtaining a license therefor is hereby declared to be a nuisance.

Sec. 18-6. Bond

No license required by this chapter shall be issued until the applicant after notice of approval of his application, shall furnish bond to the city in the penal sum of one thousand dollars in form to be approved by the city attorney, conditioned that such applicant will comply with this Code and all other ordinances of the city and the laws of the state respecting such business, and further conditioned that he will pay all damages that may occur to any person arising out of the conduct of such business. The bond required shall be a corporate surety bond.

Sec. 18-7. Condition of Premises Generally

The person obtaining a license required by this chapter shall keep the premises for which the same is issued in a neat and orderly fashion and free of junk or property which might create obnoxious odors or disease. Such premises shall at all times be kept clean. Water and sewer shall be installed in any premises for which a license is granted, if water and sewer is available to the premises.

Sec. 18-8. Fencing of Junk Yard Required

No material shall be piled or stored in the area comprising the premises upon which a license is issued for a junk yard unless a tight board fence not less than seven feet high and securely built shall be erected so as to completely enclose the yard or place where such piling or storing is to be done. The gates or places of access to such place where such material is to be piled or stored shall likewise be constructed of board and shall be of equal height as the fence herein required. Such gates or places of access shall, when not in use, be tightly closed. Such fence shall be built to specifications supplied by the city engineer, shall not be constructed closer than one foot from the property line shall be at all times be kept and maintained in a good state of repair and no signs or advertising shall be painted or placed thereon or attached thereto; provided, however; that where any railway spur is located within the confines of such yard, any part of the fence herein provided for which fifty feet of such spur track may be built of tightly woven wire fence of the same height as the board fence required herein and of such texture that the operation of any railway equipment within such fence may be observed from the outside.

Sec. 18-9. Transactions with Minors Prohibited

No person engaged in the business of a junk dealer shall transact any business whatsoever with any minor and shall not purchase any merchandise, goods or property from a minor.