

CHAPTER 10 JUNK DEALER LICENSE

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3-10-1 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. “Junk Dealer” shall mean any person engaged in collecting, storing, buying or selling junk.

2. “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.

3-10-2 LICENSE REQUIRED. It shall be unlawful for any person to engage in any activity, vocation, or profession regulated by this Ordinance without a valid license from the City of Maquoketa, Iowa.

3-10-3 APPLICATION FOR LICENSE. Application for any license under this Ordinance shall be made in writing on forms furnished by the City Clerk. One application shall be filed with the City Clerk and shall include:

1. The applicant's full name and address, the address of his/her local business establishment, and the nature of his/her business.

2. If the applicant is not the owner of the place which the business is to be conducted, the name and address of the owner.

3. If the applicant is a corporation or other association, it shall also list the names and addresses of its principal officers.

4. The attachment of a receipt from the City, showing payment of all fees.

3-10-4 FEE PAYMENT. All fees required by this Ordinance shall be paid to the City Clerk, who shall give the applicant a written receipt showing the sum received and the date of receipt.

3-10-5 ISSUANCE OF A LICENSE. If the City Clerk finds that all of the prescribed conditions for the issuance of a license have been satisfied, that no grounds for revocation under 3-10-7 of this Ordinance exists, and that the special requirements of 3-10-14 of this Ordinance have been complied with, the license shall issue immediately to the applicant. The Clerk must make a determination where to issue the license within ten (10) days from the date a completed application is submitted. If the Clerk refuses to act within this ten (10) day period, the applicant shall have a right to a hearing before the Council at its next regular meeting on whether the license should be issued.

3-10-6 FEES AND DURATION OF LICENSE.

1. An applicant may apply for an annual or a daily license. The annual license shall be valid for one year after the date on which it is issued. The daily license shall be valid for only one twenty-four (24) hour period, but the applicant may apply for and receive 7 daily licenses at one time. However, no daily license shall be issued more than 3 days before the date for which the license is valid.

2. The fees for licenses shall be:

a. Junk Dealers

(1) For one day - \$5.00

(2) For one week - \$10.00

(3) For up to six months - \$15.00

(4) For one year or major part thereof - \$25.00

3-10-7 REVOCATION OF A LICENSE. After giving a licensee 7 days notice and after a hearing, the Clerk may revoke any license issued under this Ordinance for the following reasons:

1. The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

2. The licensee has violated this Ordinance or has otherwise conducted his/her business in an unlawful manner.

3. The licensee has conducted his/her business in such manner as to endanger the public welfare, health, safety, order or morals.

The notice 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.

3-10-8 APPEAL. If the City Clerk revokes or refuses to issue a license, he/she shall endorse his/her reasons upon the application. The applicant shall 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 City Clerk by a majority vote of the Council members present, if a quorum, and the City Clerk shall carry out the Council's decision.

3-10-9 EFFECT OF REVOCATION. Revocation of a license shall bar the licensee from being eligible for any license under this Ordinance for a period of 3 months from the date of revocation.

3-10-10 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee he/she has paid if he/she surrenders his/her license before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least one dollar of the original fee shall be retained by the City to cover administrative costs.

3-10-11 TRANSFER OF LICENSE PROHIBITED. In no case shall a license issued under this Ordinance be transferred to another person or be used for a purpose other than that for which it was issued.

3-10-12 DISPLAY OF LICENSE. Every person who is issued a license under the provisions of this Ordinance shall display the license in a conspicuous place on the premises on which the business is being conducted.

3-10-13 EXEMPTIONS. This Ordinance shall not be construed to require a license of each employee or agent of one engaged in a licensed occupation. Only the owner, manager or agent of such an occupation need possess a license.

3-10-14 SPECIAL REQUIREMENTS. Every person who is granted a license under the terms of this Ordinance shall comply with the following regulations that apply in his/her case:

1. Junk dealers.

- a. Every junk dealer shall maintain a permanent record book that shows a 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.

- b. Every junk dealer shall segregate each day's collection for a period of forty-eight (48) hours. During this period no item shall be disposed of or altered in any manner.

- c. A junk dealer shall not purchase or receive junk from a minor unless he/she first receives the written consent of the minor's parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.

d. The County Health Officer and peace officers shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health.