Attachment E

Chapter 3.32 - JUNK, SALVAGE, SCRAP PROCESSING AND STORAGE YARDS

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3.32.010 Definitions - Junk, Salvage, Scrap Processing And Storage Yards

For the purposes of this chapter, the following words, terms, and phrases shall be deemed to have the following definitions:

Junk: Iron, lead, brass, steel, copper or other metal, glass, rags, paper, tires, railroad ties or other waste that may be used again in some form.

Junk dealer: Any person, persons, firm or corporation who, by themselves or acting by or through agents, engage in the business of buying, selling, receiving, collecting or dealing in junk, but not vehicles or salvage vehicles.

Junkyard: Any location in the city where a junk dealer operates his or her business without engaging in the business of operating a salvage yard or scrap processing yard.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or waterway, other than a device moved by human power or a device used exclusively upon stationary rails or tracks.

Salvage vehicle: Any vehicle or portion thereof not in running or operable condition, and/or not licensed for the current year as provided by law.

Salvage operator: Any person, persons, firm or corporation who engages in the business of a junk dealer and who engages in the business of operating a salvage yard.

Salvage yard: Any location in the city where any vehicle or salvage vehicles are bought or sold for the purpose of dismantling, sale, or resale of same for their parts, or for the purpose of converting the remainder of same into junk.

Scrap processor: Any person, persons, firm or corporation engaged in the operation of a scrap processing yard and in the business of a junk dealer.

Scrap processing yard: Any location in the city where any vehicles or salvage vehicles containing metal are processed by sorting, shearing to size and chemistry, baling to customer requirements and/or shredding to sell as classified melting stock as any grade of ferrous or nonferrous items with none of such materials being sold for use in the same form or manner as originally used but as melting stock.

Storage yard: A location used for the limited purpose of storing any salvage vehicle and shall not include any operation that would be defined as junk dealer, salvage operator, scrap processor, or any sales of any vehicle or parts thereof.

Licensee: Any junk dealer, salvage operator or scrap processor required to be licensed under the provisions of this chapter.

(Ord. 5257 § 1, 1996)

~~3.32.020 License Required~~

~~It is unlawful for any person, firm or corporation to engage in the business of a junk dealer, salvage operator or scrap processor, as defined in this chapter, without having first obtained a license from the city to do so. It shall be the responsibility of the health department to enforce this requirement and all other requirements of this chapter.~~

(Ord. 5194 § 2, 1995)

~~3.32.030 Application For License~~

~~Any person, persons, firm or corporation desiring to engage in the business of being a junk dealer, salvage operator, salvage yard, storage yard, or scrap processor within the city must first make application for a license to do so, on a form to be furnished for such purpose by the office of the city clerk. The application shall contain the following information:~~

1. ~~The name and place of residence of the applicant, as well as the business address, if any;~~
2. ~~If the applicant is a firm, partnership, corporation or other legal entity, the names and addresses of all associates, partners or officers thereof, shall be set forth. If the applicant is a foreign corporation, adequate proof of authority to conduct business within the state of Iowa must be attached to or included in the application;~~

3. The address of the proposed business location of the applicant where such junk, salvage, storage yard, or scrap processing operations are to be conducted, giving the street address, legal description, and the total area in square feet available for use in such operation;
4. A statement as to whether sales at retail will be made on the premises wherein such junk, salvage, storage yard, or scrap processing operations are to be conducted;
5. A statement as to the nature and type of machinery or equipment to be used as a part of such junk, salvage, storage yard, or scrap processing operations;
6. If the applicant requesting the license was not in existence prior to April 28, 1931, or was not licensed prior to said date, a statement shall be filed with the application, setting forth the date of the meeting of the city's board of adjustment at which time the conditional use in the general manufacturing zone, or heavy industrial zone, was granted, thereby allowing such junk, salvage, or scrap processing operations under the provisions of what is now CBMC 15, Zoning.
7. A list of all citations which applicant has received in the previous five years for violations of this chapter, CBMC 4 or similar codes in other jurisdictions.

(Ord. 5194 § 3, 1995)

3.32.040 License Application Grant Or Denial

Subsequent to the filing of the application for a license, in the manner prescribed by CBMC 3.32.030, the city clerk shall refer the same to the fire chief, the sanitation superintendent, and the building official, each of whom shall cause the premises proposed to be used in such junk, salvage, storage yard, or scrap processing operations to be inspected and, following such inspections, shall each submit his/her written recommendation to the city council in connection therewith. The city council shall also receive a copy of applicant's response to CBMC 3.32.030 Paragraph G regarding previous citations. Thereafter, the city council shall, at either the next regular meeting or at a special meeting, either grant or deny the application. The city clerk shall notify the applicant of the council's decision within fourteen days of said action.

(Ord. 5194 § 4, 1995)

3.32.050 License Required For Each Separate Location

A junk, salvage, storage yard, or scrap processing license shall be required for each separate location at which junk, salvage, storage yard, or scrap processing operations are proposed to be conducted, and the fee required shall be commensurate therewith. The license shall be nontransferable, and in the event of the discontinuance of such operations by the licensee, either voluntarily or involuntarily, no refund for the unused portion of the period for which the same was issued shall be granted.

(Ord. 4992 § 1 (part), 1990)

3.32.060 Operational Requirements

The operations of a junk, salvage, storage yard or scrap processing yard shall be carried on within a fully enclosed building, except that such operations may be conducted outside a building within the enclosed premises, provided the premises are fully surrounded and enclosed by a fence not less than six feet in height. Such fence shall be maintained in good repair at all times. Existing operators may be given until January 1, 1998, to comply with this provision upon application to the director of public health. It is also unlawful for any junk, salvage or scrap processing materials, salvage vehicles or parts thereof, or equipment used in connection therewith, whether owned by the licensee or someone else, to be stored or parked on any portion of the city's right-of-way, or parking area thereof, or for the same to be stored or parked outside building or fence, as prescribed herein, unless such storage or parking shall otherwise meet the requirements of this section.

(Ord. 5230 § 1, 1995)

3.32.070 Burning Regulations

It is unlawful for any fires other than those fully contained and used for heating purposes to be permitted upon the premises of any licensee hereunder, and only firewood shall be burned except in an incinerator approved by the fire marshal and health director.

(Ord. 5194 § 7, 1995)

3.32.080 Maintenance Requirements

The holder of a license granted under the terms of this chapter shall maintain the premises in and upon which his or her business operations are conducted in as sanitary manner and conditions as is reasonable and consistent therewith, but in no event shall the licensee permit or suffer any condition to exist which by its nature constitutes a health or safety hazard to surrounding property or persons.

(Ord. 4992 § 1 (part), 1990)

3.32.090 Compliance With Other Provisions

The provisions of this chapter shall in no way relieve the holder of a license issued hereunder from compliance with other provisions, rules or regulations of the city of Council Bluffs, to which the licensee may be subject, nor shall he or she be relieved from the necessity of procuring such other licenses as may be required by the city, by reason of the nature and extent of the operations of the licensee.

(Ord. 4992 § 1 (part), 1990)

3.32.100 Records Required

1. Every licensee shall keep for a period of three years from the date of each transaction legible records as follows:
    1. In the case of purchase of junk, the records shall set forth a description of the type and amount of junk purchased, the amount paid, the name and address of the seller from whom the junk is purchased, and the name and address of seller's agent, if any, who relinquishes physical control of the junk.
    2. In the case of transactions of vehicles or salvage vehicles, the records shall set forth the name of the seller from whom purchased together with his or her full address and the name and address of seller's agent, if any, who relinquishes physical control of the vehicle or salvage vehicle. The records shall also include the license number on any license plate attached to the vehicle or salvage vehicle, any vehicle identification number which is visible, or which upon reasonable inspection would become visible, and the model and year of the vehicle or salvage vehicle so purchased.
2. The records shall at all times be kept open to inspection by the chief of police and sheriff of Pottawattamie County, or the deputy of either, any officer of the police force of the city, the city attorney, and the Pottawattamie County attorney, or an assistant of either, and any other local, state or federal law enforcement personnel authorized in writing for that purpose by the chief of police, which authority shall be exhibited to the salvage operator.
3. In all transactions referred to in paragraph A of this section, where records are required to be kept, the licensee shall demand the seller, or agent or employee of the seller, to produce a driver's license which appears valid on its face or a social security card to establish the true and correct identity of the seller, or agent or employee of the seller. No licensee shall purchase any junk or any vehicle or salvage vehicle unless the seller, or employee or agent of the seller, has produced and displayed to the licensee a driver's license which appears valid on its face or a social security card.
4. No junk, salvage or scrap dealer shall accept any junk, as defined in CBMC 3.32.010, unless he or she shall take a single fingerprint from such person and attach it to the card provided by the city. The fingerprint shall be taken from the right index finger; if the right index finger is missing, the fingerprint shall be taken from the left index finger. The print shall be clear and legible. The card shall become part of the record required herein. A notice shall be displayed in a prominent place to the effect that the dealer is required by city ordinance to fingerprint every person delivering or selling any junk to the dealer. Exception: The requirements of this paragraph shall not apply to ferrous metals and beverage cans.

(Ord. 5951 § 1, 2007)

3.32.110 Purchase From Minor

It is unlawful for any licensee to purchase any junk or vehicles or salvage vehicles from a minor without having secured the written consent of one of the parents or the legal guardian of the minor.

(Ord. 4992 § 1 (part), 1990)

3.32.120 Requirements Of Other Codes

All operations conducted in a junk, salvage or scrap processing yard located within the city shall be accomplished in accordance with and meet not less than the minimum requirements of the city's Uniform Building Code, current edition, as adopted; the city's National Electrical Code and local Uniform Electrical Rules supplementary thereto, as currently adopted, and the city's plumbing code, as adopted.

(Ord. 4992 § 1 (part), 1990)

3.32.130 Penalty For Violation

Any person, persons, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars ($100.00) or imprisonment in jail for a term not to exceed thirty (30) days, and each day such violation is continued shall constitute a separate and distinct offense.

(Ord. 4992 § 1 (part), 1990)

~~3.32.140 Suspension And Revocation~~

~~Following reasonable notice and an opportunity to be heard, the city council may suspend or revoke the license or licenses of any licensee under this chapter for the following reasons:~~

1. ~~Upon a final conviction in a court of competent jurisdiction for a violation of any provision of this chapter, the city council may suspend the license or licenses of a licensee for a period of up to sixty days.~~
2. ~~Upon a final conviction in a court of competent jurisdiction for a violation of CBMC 3.32.120 where the violation involves property that is stolen, the city council may revoke the license or licenses of a licensee.~~
3. ~~If any person shall intentionally misrepresent any material fact in making application for a license under this chapter, the city council may revoke the license of the licensee or suspend the license for a period of sixty days.~~

(Ord. 4992 § 1 (part), 1990)

~~3.32.150 Effect Of Revocation~~

~~Any licensee under this chapter whose license is revoked pursuant to CBMC 3.32.140 shall not thereafter be permitted to hold a license under this chapter, for a period of two years from the date of such revocation. A spouse or business associates holding ten (10) percent or more of the capital stock or ownership interest in the business of a person whose license has been revoked shall not be issued a license under this chapter for a period of two years from the date of such revocation. In the event a license is revoked, the city council shall grant the licensee a reasonable period of time to dispose of its inventory and business.~~

(Ord. 4992 § 1 (part), 1990)

3.32.160 Nonprofit Collection Centers - Waiver Of Fee

1. For purposes of interpreting this section, the term "nonprofit organization" shall mean any organization associated with a governmental body, any corporation holding a tax exempt status as permitted by the Internal Revenue Service, or any other organization which can prove to the satisfaction of the city council that its intended function is to benefit the public, and that the profit is not being utilized for someone's personal profit.
2. A nonprofit organization taking part in a recycling project by means of operating a collection center for recyclables shall be exempt from all fees required by this chapter. It shall, however, be expected to comply with all other provisions.

(Ord. 4992 § 1 (part), 1990)

~~3.32.170 Fee~~

~~The fee for a license requested pursuant to this chapter shall be as set forth in the prevailing schedule of fees as most recently adopted by the city council.~~

(Ord. 5166 § 1, 1994)

~~3.32.180 Duration And Renewal~~

~~All junk, salvage, scrap processing and storage yard licenses issued pursuant to the provisions of this chapter, unless sooner suspended or revoked, shall expire each year on the first day of January. All junk, salvage, scrap processing and storage yard licenses may be renewed thereafter annually upon written application of the licensee and payment of the renewal fee set forth in the prevailing schedule of fees as most recently adopted by the city council.~~

(Ord. 5166 § 2, 1994)