

DIVISION 2. - JUNK DEALERS  <sup>[35]</sup>

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**Sec. 8-281. - Definition.** 

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Secondhand dealer* and *junk dealer* mean any person whose principal business is that of purchasing, selling, exchanging, storing or receiving secondhand articles of any kind, cast iron, old iron, old steel, tool steel, aluminum, copper, brass, lead pipe or tools, and lighting and plumbing fixtures.

(Code 1979, § 5.28.010)

*State law reference*— Similar provisions, MCL 445.403.

**Sec. 8-282. - License required.** 

No person, corporation, copartnership, or firm shall carry on the business of dealing in junk without obtaining a license issued in accordance with the provisions of this division.

(Code 1979, § 5.28.020)

**State law reference**— License required, MCL 445.401.

### **Sec. 8-283. - Issuance of license.**

The mayor may, upon recommendation of the city manager, grant under his hand and seal to any suitable person, corporation, copartnership, or firm a license authorizing such person, corporation, copartnership, or firm to carry on the business of junk dealer subject to the provisions of this division. A license issued shall designate, if the licensee has a regular place of business in the city, the particular place in the city where such person, corporation, copartnership, or firm shall carry on the business of junk dealer. In the event a particular place is designated for the carrying on of the business of junk dealer, the business shall not be carried on in any place other than the place designated in the license.

(Code 1979, § 5.28.030)

**State law reference**— Similar provisions, MCL 445.402.

### **Sec. 8-284. - License application; notice.**

After the applicant submits his application to the mayor for a junk license, the mayor shall wait three weeks before issuing a license. During the waiting period, the applicant shall post on the premises where junk business is to be conducted at least one suitable notice stating that an application has been submitted to the mayor for the issuance of a junk license and that the junk business will be conducted on the posted site. The notice shall contain a minimum of 100 square inches of surface and shall be placed in a position so that it can be readily seen by neighboring property owners. At the end of the three-week waiting period the applicant shall prove to the city manager's satisfaction that a public notice was posted for at least 18 days.

(Code 1979, § 5.28.060)

### **Sec. 8-285. - Notice a necessity.**

The notice requirements as set forth in [section 8-284](#) shall be necessary only upon the initial establishment of the junkyard or when the yard is expanded to cover more area than that set forth in the original notice.

(Code 1979, § 5.28.070)

### **Sec. 8-286. - Investigation by city officials after application.**

(a)

*Investigations.* During the initial three-week waiting period, the applicant shall contact the following city officials to make their respective investigations:

(1)

Health officer, to determine whether or not the premises are or will be a health hazard when used in carrying on the business of junk dealer;

(2)

Fire chief, to determine whether or not there is or would be a fire hazard involved in the use of the premises for conducting the business of junk dealer;

(3)

Chief of police, to determine whether or not there is or would be a hazard to public safety and to determine whether or not law enforcement work could be adequately maintained in the use of the premises by the owner for conducting the business of junk dealer.

(b)

*Reports.* After completion of their investigations and before the license is issued, the respective officers shall submit written reports to the city manager, and the city manager shall base his recommendation to the mayor on whether or not to issue the license on the material contained in the aforementioned written reports.

*(Code 1979, § 5.28.080)*

#### **Sec. 8-287. - Investigation ordered by city manager.**

section 8-286 shall apply only upon the initial application for the junk license; provided, however, that the city manager shall have the power to ask the health officer, fire chief and the chief of police to make a report on the operations of any existing junkyard and, based on the written reports submitted, the city manager shall have the power to refuse to recommend to the mayor the renewal of the subject junk license.

*(Code 1979, § 5.28.090)*

#### **Sec. 8-288. - Fencing requirements.**

If the business of the junk dealer is to be conducted on a vacant lot or in a partially enclosed structure, the person, corporation, copartnership, or firm carrying on the business of dealing in junk shall enclose such property with a properly painted board or metal fence at least six feet high and erected in such a manner as to obliterate the premises from view, which fence shall at all times be properly maintained by the licensee. The aforementioned fence shall be constructed within 30 days following the date of issuance of the license and if such fence is not constructed within the aforementioned 30-day period, the license issued shall be null and void and it shall be a violation of this division for the licensee to carry on the business of dealer in junk.

*(Code 1979, § 5.28.100)*

**Sec. 8-289. - Sign; transaction records.** 

Each secondhand dealer or junk dealer shall post in a conspicuous place in or upon his shop, store, wagon, boat or other place of business a sign having his name and occupation legibly inscribed thereon, and shall keep a separate book, open to inspection by members of the police department or other person, in which shall be written in the English language, at the time of the purchase or exchange of such articles, a description thereof, the name, description and residence of the person from whom the article was purchased and received, and the day and hour when such purchase or exchange was made. Each entry shall be numbered consecutively, commencing with number one.

*State law reference— Similar provisions, MCL 445.404.*

**Sec. 8-290. - Retention of purchased articles; records.** 

- (a) Articles that are purchased or exchanged shall be retained by the purchaser thereof for at least 15 days before disposing of such articles, in an accessible place in the building where such articles are purchased and received. A tag shall be attached to such articles in a visible and convenient place, with the number written thereupon that corresponds with the entry number in the transaction book. Such purchaser shall prepare and deliver to the chief of police on Monday of each week, before 12:00 noon, a legible and correct copy, written in the English language, from such book, containing a description of each article purchased or received during the preceding week, the hour and day when the purchase was made, and the description of the person from which it was purchased. Such statement shall be verified by the affidavit of the person subscribing his name thereto.
- (b) This section shall not apply to old rags, waste paper and household goods, except radios, televisions, record players and electrical appliances.
- (c) Nothing contained in this section shall make it necessary for the purchaser to retain articles purchased from individuals having a fixed place of business after such articles shall have been reported.

*State law reference— Similar provisions, MCL 445.405.*

**Sec. 8-291. - Purchasers and receivers without places of business in a building.** 

If the purchaser or receiver, by exchange or otherwise, is a **peddler** or goes about with a wagon to purchase or obtain, by exchange or otherwise, any of such articles, and does not have a place of business in a building, he need not retain such articles for 15 days

before selling the articles; provided, on Monday of each week, he files with the chief of police a report showing the place of business of the person to whom such sale was made, and a copy of the record required by [section 8-290](#) to be kept in a separate book of the articles purchased or received during the preceding week, including a description of such articles sold, to whom sold and his place of business.

*State law reference— Similar provisions, MCL 445.406.*

### **Sec. 8-292. - Unlawful purchases.**

No person shall purchase or receiver, by sale, barter, exchange or otherwise, any article referred to in this article from:

(1)

Any person between the hours of 9:00 p.m. and 7:00 a.m.;

(2)

Any person who is at the time intoxicated or an habitual drunkard; or

(3)

Any person known by such secondhand dealer or junk dealer to be a thief, an associate of thieves or receiver of stolen property, or any person he has reason to suspect of being such.

*State law reference— Similar provisions, MCL 445.407.*

### **Sec. 8-293. - Fingerprints of seller.**

(a)

At the same time any secondhand dealer or junk dealer shall receive any article of personal property or other valuable thing, by way of pledge or pawn, or shall acquire or purchase any article of personal property or other valuable thing, except new articles, wares or merchandise purchased at wholesale from manufacturers, wholesale distributors or jobbers for retail sale to customers, except motor vehicles, old rags, wastepaper, books, magazines, tapestries, antiques and household furniture, he shall take, in duplicate, the legible imprint of the right thumb of the person from whom such property was received, or if not possible, of the left thumb or another finger of such person. Such fingerprint shall be taken under such rules and regulations as prescribed by the commissioner of the state police. One copy shall be forwarded within 48 hours, together with a statement of the nature of the property received, to the chief of police, together with a statement of the nature of the property received. The second copy shall be forwarded within 48 hours, together with a statement of the nature of the property received, to the commissioner of the state police.

(b)

Nothing in this section shall be deemed to apply to any secondhand or junk dealer purchasing scrap iron and metal, except scrapped motor vehicles not purchased from a licensed second hand or junk dealer.

*State law reference— Similar provisions, MCL 445.472, 445.476.*

**Secs. 8-294—8-310. - Reserved.** 

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FOOTNOTE(S):

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<sup>(35)</sup> **State Law reference—** *Licensing of secondhand and junk dealers, MCL 445.401 et seq., 445.471 et seq.; junkyards near highways, MCL 252.201 et seq. [\(Back\)](#)*