

Ordinance No. ~~156~~
156

AN ORDINANCE TO LICENSE AND REGULATE JUNK YARDS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EARLVILLE,
ILLINOIS: ARTICLE I.

SECTION 1: QUALIFICATIONS OF OPERATOR - Any person, firm, or corporation now or hereafter engaged in or working at the business of operation of a Retail Junk Yard or a Wholesale Junk Business as hereinafter defined, within the Corporate Limits of the City of Earlville, Illinois and also within a mile distant from said Corporate Limits, shall procure a license granting such person or corporation that right to operate such business as a Junk Dealer.

SECTION 2: LICENSE FEE - Any person, firm, or corporation engaged in the operation of a Junk Yard either wholesale or retail as hereinafter provided, shall procure from the City Clerk a license to engage in or operate such business at a license fee of \$100.00 per annum, payable in advance for the period of one year, from the first day of May to the thirtieth day of April following, and said license shall not be assignable. A separate license shall be procured by every Junk Dealer for each separate Junk Yard located on a separate premises. Provided, that such license may be revoked for cause or violation of any of the Ordinances of the City relating to such business, and the violation of any Health Regulations and Fire Regulations, provided further that revocation shall be a suspended license for all employees of any person, firm or corporation, whose license has been so revoked.

Applications to operate as a Junk Dealer shall be obtained from the City Clerk of the City of Earlville, Illinois. The applicant shall set forth the place intended to be occupied or used for the business, the name and address of the owner of the property

and if leased by applicant, the terms of such lease, and a full and complete list of all trucks and Motor Vehicles to be used in said business, including the make, size, Motor Number, and the State of Illinois License Number and City of Earlville Vehicle Tax number.

SECTION 3: DEFINITIONS - The term 'Junk' as used in this Ordinance shall be held to mean and include old iron, chain, brass, copper, tin, lead, automobile vehicles, cars, parts of cars, trucks, machinery, and all kinds of equipment, or scraps of other base metals, and also old rope, bags, rags, cloth materials, waste paper, paper clippings, scraps of woolen clips, bagging, rubber, glass bottles, and other articles and things discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned.

The term 'Junk Dealer' as used in this Ordinance shall be held to mean every person, firm, or corporation that shall engage in the business of buying, selling, bartering, or exchanging either at retail or wholesals or both or shall collect, receive, store, or hold in possession for sale, barter or exchange any of the things in and by this section defined as 'Junk' whether dealing at wholesale or at retail or as a junk peddler.

SECTION 4: BOND - That every person, firm, or corporation desiring to carry on in this city the business of junk dealer, either wholesaler, retailer, or peddler, shall first execute a bond to the City of Earlville, Illinois, in the penal sum of one thousand dollars conditioned upon the faithful obedience and adherence to the laws of the United States and the State of Illinois, and the ordinances of the City of Earlville, Illinois, and to save harmless any person who may or might be injured by reason of the granting of a license to operate as a junk dealer.

SECTION 5: INSPECTION - That every store or yard where junk as defined in this ordinance shall be dealt in, shall be subject to inspection by the police and fire departments of this city. Inspections to be made at reasonable hours. It is made the particular duty of the City Policeman to make weekly inspections of store and yards where junk is dealt in.

SECTION 6: LOCATION - FRONTAGE CONSENTS - No person, firm, or corporation shall locate, build, construct, operate, or maintain any junk yard in any block in the city where a majority of the houses abutting on both sides of the street in the block are used exclusively for residence purposes without having first secured the written consent of the owners of a majority of the frontage abutting on such street on both sides within such block.

The term 'block' as used in this section shall be construed to mean and include that portion of the street between the two intersections with other public streets nearest the specified location on each side; provided that if, on either or both sides of such location, there is no such intersection within three hundred feet of the center of the specified location, the block shall be considered as terminating at a point three hundred feet from such center.

The term 'street' as used in this section shall be construed to mean and include such highways as have been dedicated by either common law or statutory dedication as public streets and are actually in use as such; and the term 'street' shall not be construed to include or mean service highways which are commonly known as alleys.

SECTION 7: LIMITATION - That no person, firm, or corporation licensed as a junk dealer, either wholesale or retail, shall carry on the business at any other house, place, store, warehouse, building, yard, or enclosure than that designated in the license to him.

SECTION 8: VEHICLES - Every vehicle used by a junk dealer in

the conduct of his business shall bear thereon in legible characters the name and address of the owner and proprietor thereof.

SECTION 9: PENALTY - That any person, firm, or corporation carrying on the business of junk dealer, either wholesale or retail, or as a peddler without having first obtained a license therefor as provided by this ordinance or who shall violate any of the other provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than ten dollars, nor more than fifty dollars, and each day such business is carried on in violation hereof shall constitute a separate and distinct offense.

ARTICLE II.

SECTION 1: Any person, firm, or corporation that shall cause to be accumulated or permit to be accumulated any items of junk as defined in Section Three of Article I of this ordinance and allow or permit such junk to remain on the premises as owned or occupied by such person, firm or corporation for a period of more than thirty days, without the removal of the same, shall be deemed to be in violation of this ordinance regulating junk business and Junk Dealers without having obtained a license as herein provided and shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not less than twenty dollars and not more than fifty dollars and each day that such situation shall continue thereafter shall be a separate and distinct offense.

ARTICLE III.

SECTION 1: In the event that any article, section or provision of this ordinance may be declared invalid by any

Court shall not affect the validity of the remaining portion of this ordinance.

This ordinance to become effective upon the passage thereof and publication as provided by law.

The foregoing ordinance was duly passed by the Council of the City of Earlville, Illinois, this first day of April A.D., 1963.

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CITY CLERK

I hereby approve the above Ordinance this first day of April A.D., 1963.

MAYOR