

GENERAL ORDINANCE NO. 16-13

AN ORDINANCE
AMENDING SECTION 6.07 GREEN BAY MUNICIPAL CODE,
RELATING TO THE REGULATION OF JUNK DEALERS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.07 Green Bay Municipal Code, is hereby amended as follows:

6.07 JUNK DEALERS

(1) DEFINITIONS. Section 134.405(1) Wis. Stats., as it may be amended from time to time, is hereby adopted and incorporated as though fully set forth herein. In addition, the following terms shall have the meaning indicated below:

(a) “Junk” shall mean ~~any old or scrap metal, metal alloy~~ any ferrous scrap, nonferrous scrap, metal article, proprietary article, plastic bulk merchandise containers, synthetic or organic material, cloth, rags, clothing, paper, rubbish, bottles, rubber, furniture, inoperable motor vehicle parts, ~~used building materials,~~ or other discarded articles.

(b) “Junk dealer” shall mean any person or business who stores, buys, or sells any junk and maintains a yard or building as a principal place of business, excluding persons whose business is principally the sale of used vehicles, or persons dealing in secondhand articles of personal property for resale that are subject to the provisions set forth in §6.06, Green Bay Municipal Code.

(c) “Regulated Property” shall mean ~~scrap metal, metal alloy, non-plastic pipe, copper, nonferrous metal items other than aluminum cans, stained glass, traffic signs, water meters, cemetery monument plaques, fixtures from houses of worship, catalytic converters, bicycles, bicycle frames or parts, manhole covers, including lids, grates and frames, or other articles as prescribed by the Chief of Police or a delegate~~ nonferrous scrap, metals articles, and proprietary articles.

(1) LICENSE. ~~No person shall collect junk from private or public places or maintain any building, structure, yard or place for keeping, storing, or piling commercial quantities in the City, whether temporarily, irregularly, or continually or for buying or selling at retail or wholesale or dealing in any old, used, or materials which from its worn condition renders it practically useless for the purpose it was made and which is commonly classified as junk; including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper or other metal, furniture, inoperable motor vehicle parts or other articles, whether with a fixed place of business or as an itinerant peddler, including salvage yards dealing with used building materials, and any garages, body shops, or service stations that have any partially dismantled automobiles or parts of dismantled automobiles laying on the premises without first having obtained and paid for a license as a junk dealer and collector, excluding used car lots dealing principally in the sale of used vehicles.~~

(2) APPLICABILITY. No person or business may act as a junk dealer without first obtaining a license under this subsection.

~~(2)~~ **(3) APPLICATION.** Every applicant for a license to engage in the business of junk dealer ~~and collector~~ shall file with the City Clerk, on or before January 1 of the license year, a written application upon the form prepared and provided by the City, signed by the applicant. Such application shall state:

(a) The name and residence of the applicant, if an individual, partnership, or firm; or the names of the principal officers and their residences if the applicant is an association or corporation.

(b) The length of time such applicant or any individual, firm or corporation or partnership, or the manager or person in charge, if the applicant is an association or corporation, has resided in the City; ~~the place of previous employment; whether married or single;~~ whether convicted of a felony or misdemeanor; and if so, what offense, when, and in what court.

(c) Whether the applicant or officers of applicant have previously engaged in the business for which a license is sought.

(d) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.

(e) The premises where such business is to be located or carried on, or where the collected articles are to be stored.

~~(3)~~ **(4) INSPECTION.** The City Clerk shall report such application to the Chief of Police, Fire Chief, and Inspection Department for investigation prior to approval. The Inspection Department shall inspect or cause to be inspected any Junk Dealer's premises to determine whether they comply with all the laws, ordinances, rules, and regulations. Such premises and all structures thereon shall be so situated and constructed that the business may be carried on in a sanitary condition, shall contain no fire hazards, and shall be so arranged that thorough inspection may be made at any time by the proper health, fire, building, and police authorities. The inspecting officers shall report compliance or noncompliance to the ~~City Clerk~~ **Police**, stating the respects in which the premises do not comply with such laws, ordinances rules, and regulations.

~~(4)~~ **(5) GRANTING OR REFUSING LICENSE.**

(a) Issued by City Clerk. Upon filing of the application, investigation indicating compliance, approval of such applicant, and payment of the license fee, the City Clerk shall issue the applicant a license. All licenses shall be numbered in the order in which they are issued and shall state the location of the business, the date of the issuance, the expiration of the license, and the name and address of the licensee. Such license shall be issued as of January 1 of the particular license year and shall expire on or before December 31 of that same year. No license shall be transferable as to person or location.

(b) Persons Convicted of a Felony. No license shall be granted to any person or the members or officers of an association, partnership, or corporation who has been convicted within one year of the date of the application of a violation of this section, nor, subject to §§111.32(5)(a) and (h), Wis. Stats., to any person who has within three years of the date of the application been convicted of a felony reasonably related to the licensed activity.

(c) Upon a showing of non-compliance by investigation or disapproval of such application, the applicant shall be notified by the ~~City Clerk~~ **Police** and afforded an opportunity to be heard before the Protection and Welfare Committee.

~~(5)~~ **(6) FEES.** Every licensee maintaining a building, warehouse, or yard therefor **junk dealer** shall pay an annual fee of \$50. ~~The fee for each vehicle in use for junk dealing or collecting, other than hand drawn, shall be \$3 per vehicle. The fee for hand drawn vehicles used in junk dealing or collecting shall be \$1 per vehicle.~~

~~(6)~~ **(7) LICENSE TO BE DISPLAYED.**

(a) On Licensed Premises. Every holder of a license shall at all times keep the license posted in a conspicuous place on the premises described in the application. No person shall post such license upon premises other than those mentioned in the application or knowingly deface or destroy such license.

~~(7) HOURS OF JUNK COLLECTING.~~ No licensed junk collector shall collect junk on or near residential properties from the hours of 10:00 P.M. to 7:00 A.M.

(8) DAILY ELECTRONIC REPORTS OF REGULATED PROPERTY TRANSACTIONS TO POLICE.

(a) Junk dealers must submit an electronic report of every regulated property transaction to the police department ~~daily in the following manner. Junk dealers must provide to the police department all required information prescribed by the Chief of Police or a delegate~~ no later than the business day following the date of purchase, by transferring it from their computer to the web server via modem designated by the Green Bay Police Department. The electronic reports shall include each seller's or deliverer's name, date of birth, identification number, and address, and the number and state of issuance of the license plate on each seller's or deliverer's vehicle. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the police department using procedures that address security concerns of the junk dealer and the police department.

(b) If a junk dealer is unable to successfully transfer the required reports by modem, the junk dealer must provide the police department with printed copies of all regulated property transactions by 12:00 noon the next business day.

(c) If the problem is determined to be in the junk dealer's system and is not corrected by the close of the first business day following the failure, the junk dealer must provide the required reports, and shall be charged a daily reporting failure fee of \$10.00 until the error is corrected; or, if the problem is determined to be outside junk dealer's system, the junk dealer must provide the required reports and resubmit all such transactions via modem when the error is corrected.

(d) Regardless of the cause or origin of the technical problems that prevented the junk dealer from uploading the regulated property transactions, upon correction of the problem, the junk dealer shall upload every regulated property transaction from every business day the problem has existed.

(e) The provisions of this section notwithstanding, the police department may, upon presentation of extenuating circumstances, delay the implementation of the daily reporting penalty.

(f) Subsection (9) shall not apply to businesses which had less than 50 regulated property transactions in the past calendar year. However, any such junk dealer must follow the daily reporting procedure for each regulated property transaction by submitting a written transaction form approved by the police department to the department on the business day following the date of the regulated property transaction.

~~(8) (9) NON-REGULATED~~ PROPERTY RECORDS TO BE KEPT FOR POLICE INSPECTION. Every licensee shall keep such forms as the Chief of Police or a delegate may prescribe, which shall be open to the Chief of Police or a delegate records as prescribed by Section 134.405(3)(a)2. to 5. and (b) Wis. Stats., and make them available to a law enforcement officer who presents credentials at the junk dealer's place of business during business hours. Whenever a motor vehicle is purchased, or any parts thereof, the serial number on the body or part shall be preserved, and the style of body, model, color, and license number of any car purchased shall be retained. No dealer shall wreck, tear down, paint, or otherwise destroy the identity of or dispose of, or allow to be taken out of the dealer's possession any second hand motor vehicle until five days after the same comes into the dealer's possession unless granted special permission to do so by the Chief of Police.

~~(9) (10)~~ PURCHASE WHERE NUMBER DEFACED. No licensee shall buy, sell, or receive, dispose of, conceal, or possess any motor vehicle, part, or accessory from which the manufacturer's serial number or any other number of identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory. Every licensee to whom is offered for sale, storage, or wreckage any motor vehicle, part, or accessory from which has been removed the manufacturer's serial number or any other identification mark shall immediately notify the Chief of Police of such offer.

~~(10)~~ **(11) STOLEN GOODS TO BE REPORTED AND EXHIBITED.** ~~If any goods, articles, or personal property are advertised in any newspaper printed in the City as having been lost or stolen and the same, or any articles answering the description advertised or any part or portion thereof, come into the possession of any licensee, the licensee shall give information thereof in writing to the Chief of Police and state from where and from whom the article was received, collected, bought, delivered, stored or sold.~~ Any licensee who has or receives any goods, articles, or things stolen or lost or alleged or supposed to have been stolen or lost shall exhibit the same on demand to any police officer.

~~(11)~~ **(12) RENEWAL.** Any license issued hereunder may be renewed upon application, but sub ~~(3)~~ **(4)** relating to inspection and report shall not apply unless the ownership of the premises is changed. However, any such application for a renewal shall be subject to the license fees under sub. ~~(5)~~ **(6)** and all other provisions of this section.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 20th day of August, 2013.

APPROVED:

/s/ James J. Schmitt
Mayor

ATTEST:

/s/ Kris Teske
Clerk

JLM:bc

First Reading: 7/30/13
Effective Date: 8/24/13