

ORDINANCE NO. 3422

**TITLE:** An Ordinance licensing junk dealers and junk yards, establishing standards for operation and maintenance of junk yards, requiring the keeping of records and reports by junk yards and junk dealers, providing penalties for violations of ordinance.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: LICENSE APPLICATION

An application for license to conduct a junk shop or junk yard shall contain the name of the person desiring to conduct such business and the proposed location of the same. No application for a license to operate a junk yard or junk shop shall be granted until approved by the council. Any person locating, maintaining or conducting what is commonly known as a junk shop or junk yard in which there is deposited or kept old rubber, rags, old scrap metals, bottles or other articles commonly found in a junk shop or junk yard, or locating, maintaining or conducting any motor vehicle wrecking business or establishment for old or used motor vehicles and are kept or stored and the parts of the same disassembled shall pay an annual license fee of \$25.00

Section 2: FEE

The owner or deliver of every cart, wagon or other mode of transportation used for collecting, buying, selling or otherwise dealing in junk, old metal, bottles, broken glass, old paper or any other articles usually found in a junk shop or junk yard shall pay an annual license fee of \$10.00.

Section 3: FENCE

It is hereby determined and declared that the keeping of any junk, old machinery, old automobiles, old automobile parts, old parts of machinery, abandoned automobile engines or second hand material out of doors on any lot or premises within the city not entirely enclosed by a fence not less than 7 feet in height and constructed in such manner as to effectively shield or screen the junk from surrounding premises, or any building that is not wholly or entirely enclosed, excepting doors used for egress and ingress, is a nuisance and is unlawful.

It shall be and is hereby declared to be unlawful for any person or the agent or employee of any person, to keep or maintain any junk, old machinery, old automobiles, old automobile parts, or old parts of machinery, abandoned automobile engines or second hand material out of doors or on any lot or premises within the city not entirely enclosed by a fence not less than 7 feet in height and constructed in such a manner as to effectively shield or screen the junk from the surrounding premises or in a building that is not wholly or entirely enclosed, except doors used egress and ingress. Such fence shall be built to withstand a wind pressure of 15 pounds to the square foot. The fence may be built of wood or metal, but wood posts shall be pressure treated with an approved wood preservative. The finished side of the fence shall be on the street side of the property, or, in case of an inside lot shall face the adjoining property. It shall be painted with a coat of paint of one solid color which is compatible to the material used. The fence and the paint thereon shall be in good presentable condition. There shall be no advertising placed thereon. No material in any junk yard shall be piled higher than the surrounding fence.

Section 4: INSPECTION -- ASSESSMENT

A police officer may enter upon the premises where any junk, old machinery, old automobiles, old automobile parts, old parts of machinery, abandoned automobile engines or second hand material is kept and inspect the same and, if in his judgment, there is a violation of this ordinance he shall immediately notify in writing either by service upon the person in charge of the premises or upon the person being the alleged owner of the premises to cease such operation, and shall notify such owner, occupant, lessee or other person in possession to abate the same and to destroy or remove the junk, old machinery, old automobiles, old automobile parts, old parts of machinery, abandoned automobile engines or second hand material within ten (10) days therefrom. If at the expiration of ten (10) days the owner of the premises or person in charge of the same shall fail, neglect or refuse to comply with the order, the Chief of Police may thereupon abate the nuisance or cause the same to be abated under his direction by tearing down, removing or destroying the junk, old machinery, old automobiles, old automobile parts, old parts of machinery, abandoned automobile engines or any second hand material and shall report to the council his doings and any and all expenses incurred by him or under direction in so doing.

Upon receipt of such report from the Chief of Police embodying such expense, it shall be the duty of the council to levy an assessment upon the premises, meaning the whole of the lot or lots or parts of lots occupied by the junk, old machinery, old automobiles, old automobile parts, old parts of machinery, abandoned automobile engines or second hand material for the expense incurred. The levy shall be made by ordinance and the lien thereby declared shall be entered upon the city lien docket in the same manner as city assessments for the construction of public improvements.

Section 5: RECORDS

It shall be the duty of every person operating a junk yard or junk shop to keep the same records and make the same reports as are required of pawn brokers and second hand dealers under the ordinances of the City of Albany.

Section 6:

It shall be unlawful for any junk dealer or buyer of junk to purchase any second hand articles materials, merchandise, brass, lead, copper, copper wire, pipe, faucets, coils, builder's hardware or any electric gas, steam, plumbers or pipe fittings, fixtures and supplies or any tools, pieces of machinery, bicycles, motor cycles or robes, tires, lamps, seats, cushions or any bicycle, motorcycle or automobile tools, fittings, fixtures, accessories, or any scrap metal, junk metal or bottles from any person under the age of 21 years, from an unknown person or from any person not pursuing a trade, profession, vocation or employment for a livelihood or to purchase stolen property from any person, without ascertaining by diligent inquiry that the person selling or delivering the same has a legal right to do so.


Section 7: PENALTIES

Any person found to be violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed \$100.00 or imprisonment not to exceed 30 days, or both. Each day of violation shall be considered a separate offense and shall be subject to punishment as a separate offense.

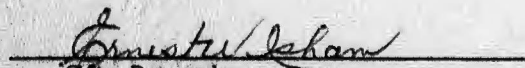
Passed by the Council: June 11, 1969

Approved by the Mayor: June 11, 1969

Effective Date: July 11, 1969

  
Mayor

ATTEST:

  
City Recorder