

Chapter 51—Junk Yards and Junk Autos

(ORD #06-02)

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Subchapter A—Junk and Salvage Yards

51.010. Subchapter definitions.

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this subchapter:

1. "Junk" means any old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but "junk" shall not include materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.
2. "Junkyard" shall mean a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.
3. "Junk dealer" shall mean a person who operates a junkyard, as defined above, within the City and who has ten or more inoperable motor vehicles.
4. "Itinerant junk dealer" shall mean an individual (natural person) who buys, sells, collects, or delivers junk within the City as a business or employment within the City, but who is not an operator of a junkyard within the City or an employee of such an operator.
5. "Business premises" or "premises" shall mean the area of a junkyard as described in a junk dealer's license or application for license, as provided for in this subchapter.

51.020. License required.

It shall be unlawful for any person to act as a junk dealer or itinerant junk dealer in the City of Holden, whether personally, by agents or employees, singly, or along with some other business or enterprise, without first having obtained a license therefore from the city clerk in accordance with the provisions of this subchapter.

51.030. Application.

An applicant for license under this Chapter shall file with the city clerk a written application upon forms provided by the city clerk and pay a fee as hereinafter prescribed.

1. Said application shall include the junk dealer or itinerant junk dealer's name, residence address, and telephone number of applicants, the exact address or location of the place where the business is or is proposed to be carried on; and such other information as the city clerk may reasonably require.

51.040. License fee.

The fees for licenses required under this Chapter shall be One Hundred Dollars (100.00).

51.050. Investigation; approval and issuance of license.

Upon receipt of an application for a junk dealer's license as provided for herein, the chief of police shall cause an investigation to be made of the applicant's business responsibility and moral character.

- 1.** If the findings of said investigation are favorable to the applicant, the city clerk shall within thirty days after the filing of the application and payment of the fee, issue a junk dealer's license to the applicant.

51.060. License not transferable.

No license issued under this subchapter shall be transferred or assigned or used in any way by any person other than the one to whom it was issued.

51.070. Duration; proration and refund of fees.

All licenses issued under the provisions of this Chapter shall expire on the thirtieth day of June following the issuance thereof. For a partial year license, the fee shall be prorated quarterly. No license fee shall be returned to the holder upon sale, transfer or dissolution of the business for which the license was issued.

51.080. General operating requirements.

The following general operating requirements shall apply to all junk dealers licensed in accordance with the provisions of this Chapter:

- 1.** The license issued pursuant to this Chapter shall be plainly displayed on the business premises.
- 2.** The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
- 3.** No space not covered by the license shall be used in the licensed business.
- 4.** No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
- 5.** Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four inches.
- 6.** No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as described herein and is in use in the licenses business.
- 7.** No junk shall be allowed to rest upon or protrude over any public property, street, alley, walkway, or curb or become scattered or blown off the business premises.
- 8.** Junk shall be stored in piles not exceeding ten feet in height and shall be arranged so as to permit easy access to all such junk for fire-fighting purposes.

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9. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
10. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
11. No junk or other material shall be burned on the premises in any incinerator not meeting the approval of the chief of the fire department, which approval shall not be unreasonable denied.
12. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on Sunday, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.
13. The area on the premises where junk is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid vertical wall or fence of a minimum height of eight (8) feet measured from ground level. Entrances and exits shall not be wider or more numerous than reasonable necessary for the conduct of the licensed business.

51.090. Nonconforming junkyards.

All junkyards in violation of this Chapter are hereby declared to be public nuisances. However, to allow flexibility and prevent undue hardship, the City Council may consent to a schedule by which nonconforming junkyards existing as of January 19, 1985, are brought in compliance within 2 years with one quarter of the work required for compliance done each six months.

Subchapter B—Junk Autos

51.500. Subchapter definitions.

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this subchapter:

1. "Junk" shall have the same meaning as defined in Section 51.010 (1) of this Code.
2. "Vehicle" is any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons, or any part thereof.
3. (ORD #06-02) "Inoperable Vehicle" is any vehicle that has been inoperable for more than 72 hours or is in such a state of repair to be inoperable. For the purposes of this Chapter, a vehicle is inoperable if it cannot start and move under its own power. An Inoperable Vehicle shall not include:

 - a. Vehicles on the premises of a duly licensed automobile repair business so long as such vehicle is located on the property for purposes of being repaired, and so long as such vehicle has not been on the property for a period of over 120 days;

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- b.** Vehicles which are completely enclosed within a locked building or locked fence area and not visible from adjacent public or private property;
- c.** Vehicles for which the owner has provided proof that an insurance claim is pending, so long as the pending claim has not exceeded 4 months in duration; or
- d.** Vehicles upon the property of a business licensed as salvage, junk dealer, towing or storage facility, so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

51.510. (ORD #06-02) Inoperable Vehicles are nuisances.

The storage of Inoperable Vehicles is a nuisance. Except as otherwise provided herein, it is unlawful to possess, store, or maintain an Inoperable Vehicle within the city of Holden after being given written notice by the City to abate the nuisance caused by the Inoperable Vehicle.

51.515. (ORD #06-02) Presumptions.

Any of the following criteria shall give rise to a presumption that a vehicle is in Inoperable Vehicle pursuant to the terms of this Chapter:

- a.** Any vehicle that is not properly registered with the State of Missouri or another state.
- b.** Any vehicle that has remained in one location for a sufficient period that the vegetation under the vehicle is dead, missing, or is in a substantially different condition than the vegetation surrounding the vehicle.
- c.** Any vehicle that has remained in one location for a sufficient period that there is grass or weeds grown up around the edges of the vehicle more than one foot in height.
- d.** Any vehicle which does not appear to have been moved for 72 hours that has a flat tire.
- e.** Any vehicle that has more than one flat tire.
- f.** Any vehicle that does not appear to have been moved for 72 hours that has one wheel removed.
- g.** Any vehicle that has more than one wheel removed.
- h.** Any vehicle that does not appear to have been moved for 72 hours and is missing its hood or trunk lid or has a hood or trunk lid that will not latch.
- i.** Any vehicle that does not appear to have been moved for 72 hours that has a broken window, has an open window, or has a window that will not close.
- j.** Any vehicle that does not appear to have been moved for 72 hours which stores junk or trash.

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- k. Any vehicle that does not appear to have been moved for 72 hours which does not contain a battery.
- l. Any vehicle that does not appear to have been moved for 72 hours which has a broken headlight or taillight.
- m. Any vehicle that does not appear to have been moved for 72 hours which does not have an engine.
- n. Any vehicle on private property upon which a written notice has been left on the vehicle pursuant to Sect. 51.540 for at least 72 hours and that does not appear to have been moved after the notice was posted and has not been shown to the City's code enforcement officer or Chief of Police to be an operable vehicle capable of starting and moving under its own power.
- o. Any vehicle located on public property upon which a written notice has been left on the vehicle pursuant to Sect. 51.540 for at least 48 hours and which does not appear to have been moved after the notice was posted.
- p. Any vehicle which does not appear to have been moved for 72 hours which leaks oil or gasoline.
- q. Any vehicle which does not appear to have been moved for 72 hours and which is missing one or more of its doors.
- r. Any vehicle that does not have license plates or temporary tags, or any vehicle that has license plates that have been expired for more than 60 days.

This presumption can be rebutted by the owner or custodian of the vehicle showing the City's Code Enforcement Officer or other person designated by the City that the vehicle will start and can be moved under its own power.

51.520. (ORD #06-02) Certain other vehicles are nuisances.

Any vehicle or part thereof which presents a hazard to children; harbors tall grass, weeds, or other vegetation; creates a fire hazard; or affords a breeding place or nesting place for mosquitoes, rodents, flies, rats, or other vermin is a nuisance. Possessing, maintaining, or storing any such vehicle within the City of Holden in violation of this Chapter after being given written notice that the vehicle is a nuisance as provided in this Section is unlawful. The provisions of this section shall not apply to the following vehicles:

- a. Vehicles on the premises of a duly licensed automobile repair business so long as such vehicle is located on the property for purposes of being repaired, and so long as such vehicle has not been on the property for a period of over 120 days.
- b. Vehicles which are completely enclosed within a locked building or locked fence area and not visible from adjacent public or private property.
- c. Vehicles for which the owner has provided proof that an insurance claim is pending, so long as the pending claim has not exceeded 4 months in duration; or,

- d.** Vehicles upon the property of a business licensed as salvage, junk dealer, towing or storage facility, so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

51.530. (ORD #06-02) Notice.

Whenever the City's code enforcement officer, law enforcement officer, or other person designated by the City has determined that any vehicle is a nuisance as defined herein, he shall cause written notice to be sent to the owner of the vehicle if such person can reasonably be determined and located, or if not, the person in custody or possession of the vehicle or the person upon whose property the vehicle is situated. Such written notice shall be hand-delivered or sent by registered mail to the person's last known address. The notice shall state that the vehicle is an Inoperable Vehicle or that it is otherwise a nuisance as set forth in this Chapter and shall briefly state what facts bring the vehicle within the provisions of this Chapter. The notice shall instruct the person to abate the nuisance within a designated time, not less than 48 hours. Failing to timely abate the nuisance after being given written notice as provided for in this Section is unlawful.

51.540. (ORD #06-02) Proceedings when owner or custodian cannot be located.

Whenever the owner or custodian of a vehicle, or the owner of the land upon which the vehicle is found, cannot be located after using reasonable effort, the written notice shall be placed conspicuously upon the vehicle and shall indicate that if the nuisance is not abated within the time frame designated in the notice, the City will abate the nuisance, or criminal citations will be issued to the owner or custodian of the vehicle. The notice shall contain the date and time the notice was posted as well as the name of the officer or agent of the City responsible for issuing the notice. If notice is provided as set forth in this Section, abatement by the City shall not take place for at least 7 days if the vehicle is located on private property and shall not take place for at least 2 days if the vehicle is located on public property.

51.550. Duty of the owner or custodian.

Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement.

51.560. Disposition.

If not removed within the times specified in the notice (provided for by Sections 51.530 and 51.540), the vehicle or junk shall be transported to a storage area by or at the direction of the chief of police or his duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least 90 days, and the person entitled to possession thereof may sell it to the highest bidder or, if it has no sale value, may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee of \$1.00 per day. If the vehicle or junk is unredeemed after the expiration of the 90-day period, the chief of police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof, and any excess held in escrow or returned to him. After another 90-day period, if the excess be unclaimed, it shall be paid over to the general fund of the City.

51.570. Notice of sale.

Prior to the sale of any such property, the chief of police shall cause to be posted in the city hall, place of storage and at least one other public place in the City, a notice of sale stating:

1. that the City is selling abandoned property,
2. the color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property,
3. the terms of the sale,
4. the date, time, and place of the sale.

This notice shall be published not less than ten nor more than twenty days prior to the date of the sale.

51.580. Entry onto private property.

The chief of police or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this Chapter. If any person refuses to allow entry onto his private property, the chief of police may obtain a warrant from the proper official and proceed in accordance therewith.