

Title 7 Chapter 2

Junk Shops and Yards Licensing and Regulation

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Sec. 7-2-1 Title/Purpose

The title of this Chapter is Junk Shop and Yard Licensing and Regulation. The purpose of this Chapter is to regulate junk shops and yards to promote the general health, welfare and public safety in the Town of Arlington.

Sec. 7-2-2 Authority

The Town Board of the Town of Arlington has the general authority under its village powers to adopt this Chapter pursuant to Wis. Stats. §60.10, §60.22 and §61.34.

Sec. 7-2-3 License Required

No person, persons, association, partnership, firm or corporation, hereinafter all referred to in the singular as “person”, shall operate, or maintain in the Town of Arlington, Columbia County, Wisconsin, a junk shop, junk yard or any other place for the deposit and/or keeping of old iron, brass or other metal or non-metallic materials including used motor vehicles or parts thereof and including any other article which because of the condition of such article is practically useless for the purpose for which it was made and which article is commonly classified as junk, without first having obtained a license to do so from the Town Board of the Town of Arlington and unless said person complies with the requirements of this Ordinance.

Sec. 7-2-4 License Application

Any person desiring to keep or maintain such a shop, yard or other place as hereinbefore defined shall make application to the Town Board in writing on such form or forms as the Town Board shall designate, which application shall be accompanied by an application fee of \$500.00, which fee shall also cover the initial license if granted by the Town Board. The application shall be signed by the applicant and, among other things, the following information shall be included in or submitted with the application:

(A) Applicant's name, address and length of residence in Town of Arlington and all other residences of applicant within 5 years immediately previous to date of application.

(B) A legal description of the premises whereon the business is to be conducted and for which the license is sought together with a sketch of said premises showing location, type and height of all proposed fences herein required and showing the size of openings in such fences as proposed for ingress and egress to the premises and the type of closure for such openings and further showing the location of all dwellings and other buildings within 400 feet of said premises and showing the location of all public highways adjacent to or within 200 feet of said premises.

(C) A complete and accurate summary of the type and nature of the business to be conducted including an enumeration of the articles of merchandise to be handled.

(D) A statement of ownership of the premises and if the applicant is not the fee owner a signed statement of the owners of the fee consenting to the granting of the application and the proposed use of the premises.

(E) A statement whether or not the applicant or any of the applicant's officers, if the applicant is a corporation, has been convicted of any felony within 15 years previous to the date of the application or any misdemeanor within 7 years previous to such date.

(F) Each application shall contain an agreement that the applicant will accept the license, if granted, on condition that it may be at any time revoked or terminated on any of the grounds herein set forth.

Sec. 7-2-5 Issuance

(A) The application shall be filed with and the fee paid to the Town Clerk. The Town Clerk shall inspect the premises and investigate the application and report thereon to the Town Board. The Town Board shall consider the application, and may, in its discretion, if it finds the application and the proposed operation in all

respects complies with this Ordinance and with all other applicable rules, laws and regulations order the licensed issued.

(B) No license shall be issued to any applicant who has been or if a corporation if any of its officers have been convicted of a felony within 15 years immediately prior to the date of the application or of a misdemeanor within 7 years immediately prior to such date.

(C) The Town Board upon the refusal to grant a license to any applicant shall specify the reason or reasons for such refusal to the applicant.

Sec. 7-2-6 Duration of License

All licenses issued hereunder shall expire on July 1st next following the date of issuance and, unless revoked, licenses initially issued under the required application shall be renewed for annual periods of one year upon payment of a renewal license fee of \$25.00. All such licenses shall be issued by the Town Clerk pursuant to the direction of the Town Board.

Sec. 7-2-7 Display

All licenses issued and in effect shall be prominently displayed in some conspicuous place on the premises licensed and it shall be unlawful and a violation of this Chapter for any person including any third person to post said license on any premises other than the licensed premises or to knowingly deface or destroy the same.

Sec. 7-2-8 Conditions of Operation

Licenses shall be initially issued or continued in force only if, or so long as, the following additional conditions and provisions are found to exist:

(A) Setbacks. All junk yards or junk shops or place herein regulated shall, unless provided with the fence as hereinafter required, be set back from all public highways at least 200 feet from the nearest margin thereof.

(B) Fence. A junk yard, shop or place herein regulated shall may be located not closer than 50 feet to the near margin of any public highway if said yard, shop or place is entirely screened from said highway by a solid fence or other structure not less than eight (8) feet in height which fence or structure shall at all times be maintained in a good state of repair and neat condition. No article commonly classed as junk shall be permitted outside of any required fence or structure or be kept or piled so that it protrudes above or over or outside or through the same. The required fence or structure may be provided with suitable openings for ingress and egress to the yard, shop or place which opening shall be kept closed

and locked by a substantial door, gate or other closure when the yard, shop or place is not attended and open for business.

(C) Distance From Dwellings. The regulated yard, shop or place shall be located at no point closer than 400 feet from the nearest point of any building used as a dwelling or from the nearest point of any public building unless screened therefrom in the same manner hereinbefore required as to public highways and if so screened said regulated yard, shop or place may be located up to but not closer than 200 feet from any such dwelling or public building on the side so screened.

(D) Burning Prohibited. No auto bodies or other materials commonly classed as junk shall be burned on the premises at any time unless said burning is specifically authorized by the fire chief of and supervised by the fire department serving the Town of Arlington.

(E) Compliance. The operation and maintenance of regulated yards, shops and places and the premises therefore shall in all respects comply with all other applicable rules, regulations and Ordinances of the Town of Arlington or of any Health officer thereof and with the laws of the State of Wisconsin and of regulatory agencies thereof and with all applicable rules and Ordinances of the County of Columbia, State of Wisconsin.

Sec. 7-2-9 Number of Licenses Limited

Except as the same may be increased by the wanting and renewal of licenses to each person operating or maintaining a junk yard, shop or place at the effective date of this Chapter in the Town of Arlington, no more than 2 licenses for the operation or maintenance of regulated junk yards, shops or places shall at any time hereinafter be issued or be in effect in the Town of Arlington.

Sec. 7-2-10 Revocation for Cause

Any license issued hereunder may be revoked during the license period by the Town Board for any misstatement in the application or for any violation of any provision of this Chapter or for any other cause upon at least 3 days notice by ordinary mail to the last known address of the licensee to appear before the Town Board and show cause why such license should not be revoked and upon a finding by the Town Board that such violation or other cause for revocation exists. A notice of revocation stating the reasons therefore shall be mailed to the licensee whose license is revoked.

Sec. 7-2-11 License Ineligibility

No license revoked hereunder shall be reissued nor any new license granted to the person whose license was revoked or to any other person who was materially connected with the operation or maintenance of the yard at the time of such revocation for a period of at least one year from the date of such revocation.

Sec. 7-2-12 Nuisance

Any and all operation or maintenance of junk yards, shops or places in the Town of Arlington contrary to the provisions hereof are hereby expressly declared to be a public nuisance and appropriate proceedings for abatement or other abolition of such nuisance may be commenced in a Court of jurisdiction in addition to all other penalties or remedies herein or otherwise by law provided for such violation.

Sec. 7-2-13 Penalty

Any person violating a provision of this Chapter shall be subject to a penalty as printed in Sec. 9-3-4 of this Code.