

AN ORDINANCE REGULATING JUNK DEALERS

The Town Board of the Town of Sherry, Wood County, Wisconsin,
Do Ordain:

Section 1. No person or persons, association, partnership, firm or corporation shall hereafter in the Town of Sherry, keep, conduct or maintain any building, structure, yard, or place for keeping, storing or piling, in commercial quantities, whether temporarily, irregularly or continually, or for the buying or selling at retail or wholesale or dealing in any old, used or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron or other articles which from its worn condition renders it practically useless for the purpose for which it was made, and which is commonly classed as junk, ~~whether with a fixed~~ place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided. One carrying on the aforesaid business shall be referred to herein as "junk dealer". Location of two or more inoperative vehicles on any one premises shall constitute a "junk yard" and the owner thereof a "junk dealer" within the meaning of this ordinance.

Section 2. Every applicant for a license to engage in the business of junk dealer shall file with the Clerk a written application upon a form prepared and provided by the Town, signed by the applicant or applicants. Said 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

(B) The detailed nature of the business to be conducted and the kinds of material to be collected, bought, sold or otherwise handled.

(C) The premises where such business is to be located or carried on.

Each application shall contain an agreement that the applicant accepts the license, if granted, upon the condition that it may be suspended for cause at any time by the Town Board.

Section 3. The Clerk shall report such application to the Town Board who shall inspect or cause to be inspected such premises to determine whether it complies with all laws, ordinances, rules and regulations, and inquire into the character, reputation, and qualifications of applicants and determine whether a license should be issued. Said premises and all structures thereon shall be so situated and constructed that the business of junk dealer may be carried on in a sanitary manner, shall contain no fire hazards, and shall be arranged so that there can be a thorough inspection at any time by proper authorities.

Each of the premises upon which the business of junk dealer is to be carried on shall be enclosed by a solid, painted fence or other structure not less than ten (10) feet in height, constructed so that no dust or other material may pass through. Said enclosure shall be maintained in good condition at all times. No articles shall be piled so as to protrude above said enclosure or be seen from any public highway or private residence. All fences shall be set back 200 feet from all lot lines. Premises outside of fenced enclosures shall be maintained in a neat and orderly manner and no junk shall remain on the premises outside the fenced enclosure for more

fire hazard and in a manner which is not nauseous, offensive or unwholesome to the public.

Section 4. No premises shall be used for carrying on the business of junk dealing when more than two buildings situated within a distance of three hundred (300) feet are used solely for residence purposes

Section 5. Upon the filing of the application and the payment to the Clerk of the license fee hereinafter provided and upon approval by the Town Board, the Clerk shall issue to the applicant a license to engage in business as provided in Section 1. No license shall be refused except for a specified reason. All licenses shall be numbered in the order in which they are issued and shall clearly state the location of the junk business, the date of issuance and expiration of the license and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection unless he can show that the reason for such rejection no longer exists.

Section 6. Every junk dealer shall pay an annual license fee of \$120.00. All licenses shall be issued as of July 1st, and shall continue in force until June 30th next succeeding the date of issuance thereof, unless revoked sooner.

Section 7. Every junk dealer's license shall designate the place of business in or from which the junk dealer receiving such license shall be authorized to carry on such business. No licensee shall remove his or its place of business from the place designated in the license until a written permit has been secured from the Town Board, and the same shall have

business be carried on after such license has been revoked or has expired.

Section 9. The Town Board shall formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which shall protect the health of the community. No junk dealer shall violate any such rule or regulation.

Section 10. Every junk dealer upon being served with a written notice to do so by the Town Board on blank forms to be furnished by the said Town Board, ^{shall furnish} an accurate description of all goods, articles, or other things purchased or received by him in the course of business of a junk merchant at such time and during such period of time specified in the notice, stating the amount paid for the same, and the name, residence and general description of the person from whom such goods, articles or things were received.

Section 11. If any goods, articles or things whatsoever shall be advertised in any newspaper printed in the City of Wisconsin Rapids as having been lost or stolen, and the same or any answering the description advertised or any portion, or part thereof shall be or come into possession of any junk merchant or peddler, he or it shall give information thereof in writing to the proper officer and state from whom the same was received. Any junk merchant or peddler who has or receives any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any Police Officer, Town Board, or any magistrate or person duly authorized in writing by the Sheriff of Wood County, or any magistrate who shall exhibit such authorization to such dealer or peddler.

summon such licensee to appear before it at the time specified in the summons, which shall be not less than three days after the date of the service thereof, to show cause why this license shall not be revoked. The Town Board and the Clerk shall proceed to hear the matter and if they find the allegations of said complaint are correct, they shall revoke said junk dealer's license.

Whenever any license shall be so revoked, no refund of any unearned portion of the fee therefor shall be made and no license shall be granted to any person, firm, partnership, association or corporation whose license has been revoked within a period of one year from the date of such revocation. Notice of such revocation and the reason or reasons therefor in writing shall be served by an officer upon the person, firm, partnership, association or corporation named in the application by mailing the same to the address given in the application and upon filing a copy of the same with the Clerk.

~~the license of the person, persons, firm, association, partnership or corporation violating the same, shall be cancelled or revoked.~~

Section 14. This ordinance is adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Sherry and its inhabitants and is specifically adopted in order to control junk yards and junk dealers within the Town of Sherry in the event the ordinance adopted by the Town Board prohibiting junk yards in the Town of Sherry should for any reason be ineffective.

Section 14. Separability and conflict. If any section, subsection, paragraph, sub-paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

This ordinance shall take effect and be in force from and after its passage and publication.

Approved this 25 day of October, 1965

Adopted this 25 day of October, 1965

TOWN OF SHERRY

Wm Richardson Jr.
Chairman

Merton J. Thomas
Clerk

Charles Lang
Supervisor

J. X. Buck