

## Chapter 26

### SECONDHAND GOODS\*

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\***State law references**—Licensing of secondhand and junk dealers, MCL 445.401 et seq., 445.471 et seq.; junkyards near highways, MCL 252.201 et seq.; pawnbrokers licensing, MCL 445.471 et seq., 446.201 et seq.



## ARTICLE I. IN GENERAL

**Secs. 26-1—26-18. Reserved.**

## ARTICLE II. JUNK AND JUNK DEALERS

### Sec. 26-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned vehicle* means and includes, without limitation, any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner or occupant of the property or for a period of 48 continuous hours, or more, after the consent of the owner or occupant has been revoked.

*Building materials* means and includes, without limitation, lumber, bricks, concrete or cinder blocks, plumbing materials, electric wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

*Junk* means and includes, without limitation, parts of machinery or inoperable motor vehicles, discarded furniture, stoves, refrigerators, or other appliances, remnants of wood, metal, or any other cast-off materials of any kind, whether or not it could be put to any reasonable use.

*Junk vehicles* means and includes, without limitation, any inoperable motor vehicle or any other motor vehicle that is not licensed for use upon the highways of the state. Excepted from this definition are unlicensed, but operable, vehicles that are kept as the stock in trade of a regularly licensed and established new or used automobile dealer or equipment used in the operation of an established business.

*Secondhand dealer* and *junk dealer* mean any person whose principal business is that of purchasing, selling, exchanging, storing or receiving secondhand articles of any kind, cast iron, old

iron, old steel, tool steel, aluminum, copper, brass, lead pipe or tools, and lighting and plumbing fixtures.

*Trailers* means and includes mobile homes, travel and camping trailers, boat trailers, utility trailers, and all types of trailers designed to be pulled by a motor vehicle.

*Trash* and *rubbish* mean and include all forms of debris not herein otherwise classified. (Code 1972, § 20.451; Ord. No. 85, § 1, eff. 3-15-1972; Ord. No. 85-A, eff. 9-15-2000)

### Sec. 26-20. Legislative findings.

It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk vehicles, abandoned vehicles, abandoned trailers, and building materials upon any private property within the city tends to result in blighted and deteriorated neighborhoods, an increase in criminal activity, and the spread of vermin and disease, and is hazardous to persons and property and contrary to the public peace, health, safety, and general welfare of the community. (Code 1972, § 20.452; Ord. No. 85, § 2, eff. 3-15-1972; Ord. No. 85-A, eff. 9-15-2000)

### Sec. 26-21. Accumulation; storage; disassembly.

(a) It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, junk vehicles, or abandoned vehicles and abandoned trailers or any appliance or machinery on any private property in the city, except within a completely enclosed building or upon the premises of a duly licensed junk buyer, dealer in used auto parts, dealer in secondhand goods, or junk gatherer.

(b) It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble any junk vehicle, abandoned vehicle, or any appliance or machinery, except in a completely enclosed building or upon the premises of a duly licensed secondhand dealer, junk dealer, junk buyer, dealer in used auto parts, dealer in secondhand goods, or junk gatherer. (Code 1972, § 20.453; Ord. No. 85, § 3, eff. 3-15-1972; Ord. No. 129, eff. 5-13-1979; Ord. No. 85-A, eff. 9-15-2000)

**Sec. 26-22. Storage and accumulation of building materials.**

It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except where the building materials are part of the stock in trade of a business located on the property or except when the materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the city when such construction is completed within a reasonable time.

(Code 1972, § 20.454; Ord. No. 85, § 4, eff. 3-15-1972; Ord. No. 85-A, eff. 9-15-2000)

**Sec. 26-23. Enforcement.**

The provisions of this article shall be enforced by the police department and the police shall issue a written notice to the property owner to take care of any violation of this article.

- (1) Violations pertaining to junk shall be remedied by the property owner within seven days.
- (2) Violations pertaining to junk vehicles shall be remedied by the property owner within 48 hours.

If after seven days, the property is not in compliance with this article, then enforcement shall proceed as provided in section 1-13.

(Code 1972, § 20.455; Ord. No. 85, § 5, eff. 3-15-1972; Ord. No. 129, eff. 5-13-1979; Ord. No. 159, eff. 5-12-1986; Ord. No. 85-A, eff. 9-15-2000)

**Sec. 26-24. Removal to be in accordance with law; penalty.**

(a) *Removal; disposal.* Junk automobiles, abandoned vehicles or trailers, appliances or machinery, or the parts of or from any of the aforementioned, or building materials, or trash, shall be removed and disposed of in accordance with law.

(b) *Obligation to keep property free from accumulation.* The removal by the city shall not excuse or relieve any person of the obligation imposed by this article to keep his property free from storage or accumulation of junk automobiles, abandoned vehicles, or trailers, appliances or machin-

ery, or the parts of or from any of the aforementioned, or building materials, or trash, nor from the penalties for violation of this article.

(c) *Expense account; sworn statement.* In addition, the city manager or the designee shall keep an accurate account of the expenses incurred in carrying out the provisions above and shall make a sworn statement of such account to the city assessor.

(d) *Copy of sworn statement.* A copy of the sworn statement of the account shall be sent by regular mail to the owner or occupier of the property, and if said amount is not paid within 60 days or written arrangements made with the city manager or the designee for an extension of time, then the following shall occur:

- (1) The city assessor shall make up a special assessment roll covering all parcels of property upon which expenditures were made by the city in removing such junk automobiles, abandoned vehicles or trailers, appliances, or machinery, or the parts of or from any of the aforementioned, or building materials, or trash, and shall include in such special assessment roll as a levy against the individual parcel together with the proportionate cost of levying the special assessment, and the same shall become a lien upon the lands and shall be collected in the same manner as other city special assessments are collected.
- (2) When collected, the money shall be paid into the city treasury.

(Code 1972, § 20.456; Ord. No. 85, § 6, eff. 3-15-1972; Ord. No. 159, eff. 5-12-1986; Ord. No. 85-A, eff. 9-15-2000)

**Sec. 26-25. Junk dealers; license required.**

No person shall be a secondhand dealer or junk dealer, or operate a junkyard within the city without first obtaining a license therefor.

(Code 1972, § 20.457; Ord. No. 85, § 7, eff. 3-15-1972)

**Sec. 26-26. Application for license.**

Any person desiring to become a secondhand dealer or junk dealer, or operate a junkyard shall be entitled to make an application therefor to the city manager or his designated representative. The application form shall be sufficient to identify the owner and address of the proposed junkyard. (Code 1972, § 20.458; Ord. No. 85, § 8, eff. 3-15-1972)

**Sec. 26-27. License fee.**

No license shall be issued pursuant to this article until an annual license fee, as established by city council resolution, has been paid. (Code 1972, § 20.460; Ord. No. 85, § 10, eff. 3-15-1972)

**Sec. 26-28. Sign; transaction records.**

Each secondhand dealer or junk dealer shall post in a conspicuous place in or upon his shop, store, wagon, boat or other place of business, a sign having his name and occupation legibly inscribed thereon, and shall keep a separate book, open to inspection by members of the police department or other person, in which shall be written in the English language at the time of the purchase or exchange of such articles, a description thereof, the name, description and residence of the person from whom the article was purchased and received, and the day and hour when such purchase or exchange was made. Each entry shall be numbered consecutively, commencing with number one.

**State law reference**—Similar provisions, MCL 445.404.

**Sec. 26-29. Retention of purchased articles, record.**

(a) Articles that are purchased or exchanged shall be retained by the purchaser thereof, for at least 15 days before disposing of such articles, in an accessible place in the building where such articles are purchased and received. A tag shall be attached to such articles in a visible and convenient place, with the number written thereupon that corresponds with the entry number in the transaction book. Such purchaser shall prepare and deliver to the chief of police on Monday of each week, before 12:00 noon, a legible and cor-

rect copy, written in the English language, from such book, containing a description of each article purchased or received during the preceding week, the hour and day when the purchase was made, and the description of the person from which it was purchased. Such statement shall be verified by the affidavit of the person subscribing his name thereto.

(b) This section shall not apply to old rags, waste paper and household goods, except radios, televisions, record players and electrical appliances.

(c) Nothing contained in this section shall make it necessary for the purchaser to retain articles purchased from individuals having a fixed place of business after such articles shall have been reported.

**State law reference**—Similar provisions, MCL 445.405.

**Sec. 26-30. Purchasers and receivers without places of business in a building.**

If the purchaser or receiver, by exchange or otherwise, as defined in section 26-19, is a peddler or goes about with a wagon to purchase or obtain, by exchange or otherwise, any of such articles, and does not have a place of business in a building, he need not retain such articles for 15 days before selling the articles; provided, on Monday of each week, he files with the chief of police a report showing the place of business of the person to whom such sale was made, and a copy of the record required by section 26-28 to be kept in a separate book of the articles purchased or received during the preceding week, including a description of such articles sold, to whom sold and his place of business.

**State law reference**—Similar provisions, MCL 445.406.

**Sec. 26-31. Unlawful purchases.**

No person shall purchase or receive, by sale, barter, exchange or otherwise, any article referred to in this article from:

- (1) Any person between the hours of 9:00 p.m. and 7:00 a.m.;
- (2) Any person who is at the time intoxicated or an habitual drunkard; or

- (3) Any person known by such secondhand dealer or junk dealer to be a thief, an associate of thieves or receiver of stolen property, or any person he has reason to suspect of being such.

**State law reference**—Similar provisions, MCL 445.407.

**Sec. 26-32. Fingerprints of seller.**

At the same time any secondhand dealer or junk dealer shall receive any article of personal property or other valuable thing, by way of pledge or pawn, or shall acquire or purchase any article of personal property or other valuable thing, except new articles, wares or merchandise purchased at wholesale from manufacturers, wholesale distributors or jobbers for retail sale to customers, except motor vehicles, old rags, wastepaper, books, magazines, tapestries, antiques and household furniture, he shall take, in duplicate, the legible imprint of the right thumb of the person from whom such property was received, or if not possible, of the left thumb or another finger of such person. Such fingerprint shall be taken under such rules and regulations as prescribed by the commissioner of the state police. One copy shall be forwarded within 48 hours, together with a statement of the nature of the property received, to the chief of police, together with a statement of the nature of the property received. The second copy shall be forwarded within 48 hours, together with a statement of the nature of the property received, to the commissioner of the state police.

**State law reference**—Similar provisions, MCL 445.472.