

ORDINANCE NO. 11

AN ORDINANCE DEFINING "JUNK DEALER", REGULATING THE PRACTICE OF SUCH OCCUPATION OR BUSINESS WITHIN THE VILLAGE OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO, PROVIDING FOR THE LICENSING OF JUNK DEALERS, DESCRIBING CONDITIONS OF SAID LICENSES, REQUIRING SAID DEALERS TO MAINTAIN CERTAIN RECORDS, AND REGULATING THE USE OF LAND IN THE SAID VILLAGE FOR THE OPERATION OF JUNK OR AUTOMOBILE WRECKING YARDS, PRESCRIBING STANDARDS TO BE MAINTAINED BY PERSONS USING LAND WITHIN THE SAID VILLAGE FOR SAID PURPOSES:

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Dalton Gardens:

SECTION I: DEFINITION: Every person is a junk dealer within the meaning of this Chapter, who shall be occasionally regularly, principally or incidentally engaged either in buying, collecting or selling old lead, old metals, bottles, broken glass, old paper, rope, rags, rubber and other odds and ends of every nature and description, including discarded, demolished, wrecked or damaged automobiles or parts thereto.

SECTION II: LICENSE: No person shall engage in the occupation of a junk dealer as hereinbefore defined without first obtaining a license from the Board of Trustees of the Village and paying the annual license fee of \$50.00. No license shall be issued under the provisions of this Section for a lesser or longer period than one (1) year.

SECTION III: CONDITIONS OF LICENSE: It shall be unlawful for any person to engage in the business of a junk dealer without first having obtained a license so to do. No license shall be issued to any person who is not of good moral character and who shall not have a fixed place of business for carrying on such business of a junk dealer. The words "fixed place of business" as used herein shall be understood as meaning a place of business situated upon land either owned by the licensee or for the use of which said licensee holds a lease from the owner thereof.

SECTION IV: USE OF LAND FOR PURPOSES OF OPERATING AS A JUNK DEALER: No existing junk or automobile wrecking yard shall be operated or maintained for more than one (1) year from the date hereof, nor shall a license be issued for a new junk or automobile wrecking yard except in that area of the Village within 300 feet East of U. S. Highway No. 95, and then only upon petition of all of the adjacent property owners within 1000 feet of the land proposed to be so used, and upon the condition that the same shall be enclosed in a masonry building, or when the Board of Trustees deems it impractical to roof over a large area containing junk materials or automobile wrecking yard the Board may permit the construction around said area of a six foot (6') high masonry wall and may then permit for a specified time the continued use of such property for such purposes.

SECTION V: RECEIPT OF PROPERTY FROM MINORS: It shall be unlawful for any junk dealer by himself or his employees or agents to purchase or receive any junk or second hand or used property from any person under the age of twenty-one (21) years of age.

SECTION VI: REGISTER OF PURCHASES:

A. Every junk dealer shall keep a substantial and well-bound register in which he shall enter at the time of making every purchase made at his place of business the following, to-wit:

1. The date, hour and place of purchase.
2. A true and accurate description of every article purchased.
3. The amount paid for every such article.
4. The name, age, residence and occupation of the vendor.

B. All entries shall be made in the English language in a legible manner and with ink. Said register shall be open to inspection by any official of the municipality at any and all times.

SECTION VII: CHANGE OR ABANDONMENT OF OCCUPATION:
REGISTRY BOOKS: Whenever any junk dealer abandons his occupation as such, he shall deliver in good condition to the Clerk of the Village, a register of transactions that he has kept during the term he was licensed as a junk dealer.

SECTION VIII: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX: This ordinance shall take effect and be in full force and effect upon its passage and publication in one issue of the Coeur d'Alene Press, being the official newspaper of said Village.

Passed under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the Village of Dalton Gardens at a special meeting of the Board of Trustees of the Village of Dalton Gardens held on March 3, 1965.

Ward B. Newcomb
Chairman, Board of Trustees

ATTEST:

Merrion A. Bray
Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Ann M Neuman being first duly sworn upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party to the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Ordinance No 11 Village of Dalton Gardens of which the annexed is a printed copy, was published in the regular daily issue of said newspaper for one issue consecutive March 5th commencing on the 5th day of March, 1965, and ending on the 5th day of March, 1965, and such publication was made as often during said period as said newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Ann M Neuman Subscribed and sworn to before me this 6th day of March 1965

C Patrick King Notary Public for the State of Idaho, residing at Coeur d'Alene, Idaho.

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Ward B. Newcomb Chairman, Board of Trustees

ATTEST: Marion C. Bray Clerk March 5, 1965.