

CHAPTER 739
Salvage Yard Operators

739.01	Definitions.	739.08	Period of license.
739.02	License required.	739.09	License fees.
739.03	Separate license for each salvage yard.	739.10	License not transferable.
739.04	Salvage Yard Operator Licensing Board.	739.11	General operating requirements.
739.05	Enforcement.	739.12	Suspension and revocation of license.
739.06	Application for license; contents.	739.13	Hearings.
739.07	Investigation; approval and issuance of Salvage Yard Operator's license.	739.14	Former salvage yards.
		739.15	Injunction.
		739.99	Penalty.

CROSS REFERENCES

Power to regulate secondhand dealers--see Ohio R.C. 715.61

Dealing with minors prohibited; hours regulated--see Ohio R.C. 4737.03

State licensing and required fencing--see Ohio R.C. 4737.05 et seq.

Used motor vehicles and parts--see BUS. REG. Ch. 769

739.01 DEFINITIONS.

For the purpose of Chapter 739, the following words and phrases shall have the following meanings ascribed to them respectively.

- (a) "Business premises" or "premises" means the area of a salvage yard as described in a salvage yard operator's license or application for license as provided in Chapter 739.
- (b) "Salvage" means scrap iron, steel, brass, copper, tin, lead, or other base metals; used building materials; used plumbing, heating, ventilation, air conditioning and electrical fixtures; old cordage, ropes, rags, fibers, or fabrics; old rubber and used tires; old bottles or other glass; bones, wastepaper and other waste or discarded material which might be prepared to be used again in some form; used auto parts; wrecked, ruined or partially dismantled motor vehicles and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts. "Salvage" shall include those materials commonly or customarily referred to as "junk". "Salvage" shall not include materials or objects accumulated by a person as by-products, waste, or scraps (excepting therefrom parts of machines and

vehicles) from the operation of his own business and which are stored indoors or in an enclosed container; materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes; used articles made of precious metal, used jewelry; or used furniture and household appliances in operating condition stored indoors for resale. "Salvage" shall not include garbage or rubbish.

- (c) "Salvage yard" means a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building when the salvage contained in the enclosed building covers more than two hundred square feet of floor space in the enclosed building, containing salvage, upon which occurs one or more acts of buying, keeping, storing, dismantling, selling, recycling, exchanging, or offering for sale any such salvage, in whole units or by parts, for a business or commercial purpose, or for personal use, and including the processing of iron, steel, nonferrous metals, or wastepaper for sale to be used in manufacturing, whether or not the proceeds from such acts or such sale are to be used for charity.
- (d) "Salvage yard operator" means a person who operates a salvage yard.
- (e) The terms "garbage" and "rubbish" shall have the same meaning given to those terms in Chapter 919.
- (f) The term "combustible salvage material" means readily ignitable and free burning fibers, such as cotton, sisal, henequen, ixtle, jute, hemp, tow, coca fiber, okum, bailed paper, kapok, hay, straw, spanish moss, excelsior and synthetic fibers; those substances which have a flash point of above 80^o Fahrenheit to and including 150^o Fahrenheit, as determined by the Tagliabue open cup tester.
- (g) The term "hazardous substance" means a substance or mixture of substances which:
 - (1) Is Toxic;
 - (2) Is corrosive;
 - (3) Is an irritant;
 - (4) Is a strong sensitizor;
 - (5) Is radioactive and has a capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface; or Generates pressure through decomposition, heat, or other means, if such substances or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.(Ord. 88-318. Passed 5-31-88.)

739.02 LICENSE REQUIRED.

No person shall act as a salvage yard operator whether personally, by agents or employees, or singly along with some other business or enterprise, without first having obtained a license therefor from the Community Development Department or while such license is under suspension or revocation as provided in Section 739.12.
(Ord. 94-368. Passed 10-11-94.)

739.03 SEPARATE LICENSE FOR EACH SALVAGE YARD.

A salvage yard operator who operates more than one salvage yard within the City shall be required to have a separate license for each salvage yard.
(Ord. 88-318. Passed 5-31-88.)

739.04 SALVAGE YARD OPERATOR LICENSING BOARD.

A Salvage Yard Operator Licensing Board, hereinafter referred to as the Licensing Board, consisting of the City Manager, Community Development Director, Health Commissioner, Chief of the Police Division and the Chief of the Fire Division, or their duly

authorized representatives, is created with the City Manager, or his duly authorized representative, as Chairman. Except where otherwise provided, a majority of the members of the Licensing Board shall constitute a quorum. The Licensing Board shall appoint a secretary for itself from among the employees of the City, adopt its own procedural rules, and keep a record of its proceedings and transactions.
(Ord. 94-368. Passed 10-11-94.)

739.05 ENFORCEMENT.

It is made the duty of the Licensing Board to enforce, or aid in the enforcement of the provisions of Chapter 739, and for this purpose any member of the Board, or his duly authorized representative, shall have the right and is empowered to enter upon any premises on which any business subject to the provisions of these sections is located, or is about to be located, and inspect the same at any reasonable time. The Licensing Board is further empowered to issue orders granting, suspending, or revoking any license provided for in accordance with the provisions of these sections.
(Ord. 88-318. Passed 5-31-88.)

739.06 APPLICATION FOR LICENSE; CONTENTS.

(a) An applicant for a salvage yard operator's license shall be supplied an application blank by the Community Development Director which shall be completed by the applicant and filed with the Chairman of the Licensing Board together with the required fee. The application shall be signed by the applicant, if an individual, by all partners, if a partnership, and by the president or chief officer, if a corporation or other organization. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths.

- (b) All salvage yard operator applications shall contain the following information:
- (1)
 - A. The legal name and any trade names of applicant,
 - B. Whether the applicant is a sole proprietorship, general partnership, limited partnership, corporation, association, trust or other type of entity,
 - C. The applicant's business street address and mailing address,
 - D. The applicant's City income tax identification number and the applicant's social security number or federal employer identification number,
 - E. The applicant's vendor license number and issue date,
 - F. The applicant's business telephone number,
 - G. A description of applicant's business activities, including applicant's hours of operation, and
 - H. The name, residence street address, residence telephone number, social security number, date of birth, residence addresses for the past five years and the name and location of each business affiliate in the salvage business during the past five years of applicant if the applicant is a sole proprietorship or of applicant's manager if the applicant is managed by anyone other than a sole proprietor.
 - (2) For each officer of an applicant corporation, for each general partner of an applicant partnership, for each member of an applicant association and for each trustee of an applicant trust:
 - A. The name, social security number and date of birth,
 - B. The residence street address and residence telephone number,
 - C. The individuals residence addresses for the past five years and the name and location of each business affiliate in the salvage business during the past five years,
 - D. The relationship of such person to applicant.

- (3) With respect to the applicant and to each person specified in subsection (b)(2) hereof a statement as to whether such person has been previously convicted of any felony, any theft offense, any violations of Ohio R.C. Chapters 4737 or 4738, or Chapter 739 of the City's Codified Ordinances and as to whether any indictments are pending against such person.
- (4) Regarding the premises to be used as a salvage yard:
 - A. The permanent parcel number(s),
 - B. The area of the premises in acres or square feet,
 - C. The name, address and telephone number of each holder(s) of a freehold estate in the premises and all lessees and land contract vendees along with a description of each such person's interest in the premises,
 - D. A description of each existing structure on the premises and a description of the current and intended use of each such structure.
 - E. A description of combustible salvage material and hazardous substances intended to be kept on the premises and the anticipated length of time individual items of such materials would be kept on the premises.
- (5) A plot plan, drawn to scale, showing the location of existing and proposed fences together with a description of their construction, the location of all buildings on the business premises, together with a description of the type of construction of such buildings and their uses, and showing adjoining streets, roads, and property lines, watercourses, fire lanes, points of ingress and egress and storage locations for flammable materials, hazardous materials and explosive materials.
(Ord. 88-318. Passed 5-31-88.)

739.07 INVESTIGATION; APPROVAL AND ISSUANCE OF SALVAGE YARD OPERATOR'S LICENSE.

(a) Upon receipt of an application for a salvage yard operator's license as provided for herein, the Chairman of the Licensing Board shall furnish a copy of the application to each of the other members of the Board. The proposed or existing premises and equipment with which the salvage yard is being or is to be operated shall be examined by the other members of the Board or their designees.

(b) The Chief of the Police Division shall cause an investigation to be made to determine whether any of the persons listed in the application have on two or more occasions been convicted of a violation of Chapter 739, violations of Ohio R.C. Chapters 4737 or 4738, or other crime related to the business of salvage yard operator, within a period of five years preceding the filing of such application, and the Chief of the Police Division shall recommend that the license be issued only if the Chief of the Police Division finds that there have been fewer than two such convictions during the five year period.

(c) The Community Development Director shall recommend that the license be issued only if he finds that the land on which the business is located and any existing or proposed building or equipment which the salvage yard is being or is to be operated with, conform to the requirements of Chapter 739, the Building Code, and the Zoning Code.

(d) The Health Commissioner shall recommend that the license be issued only if he finds that the existing or proposed premises and equipment conform to the requirements of Chapter 739 and all applicable health laws and health ordinances which the Health Commissioner has jurisdiction to enforce. The Health Commissioner may qualify a recommendation that a salvage yard license be issued by requesting that the salvage yard license be made subject to conditions inserted in the license that the licensee

maintain compliance with a plan adopted by both the Health Commissioner and the licensee to achieve the licensee's compliance with such health laws and health ordinances as the Health Commissioner enforces and which the licensee is not in full compliance with.
(Ord. 98-311. Passed 9-8-98.)

(e) The Chief of the Fire Division shall recommend that the license be issued only if he finds that the existing or proposed premises and equipment conform to the requirements of Chapter 739 and all applicable fire prevention laws and fire prevention ordinances of the City.

(f) No salvage yard operator's license shall be issued unless all members of the Licensing Board recommend that the license be issued. If any member of the Board recommends that a license not be issued, the Chairman shall immediately notify all of the members of the Board and shall also notify the applicant, in writing, of such disapproval and the grounds therefor, and simultaneously therewith the Chairman shall set the matter for a hearing before the Licensing Board on the question of whether or not the license should be issued. The Chairman shall give notice in writing of the date, time, and place of such hearing to the members of the Licensing Board and to the applicant, and such hearing shall be held within forty-five days after the filing of the application. At the conclusion of the hearing, the members of the Board shall vote on whether the Board shall recommend that a license be issued.

(g) If all of the members of the Licensing Board recommend that a license be issued, or if after the hearing described in subsection (f) hereof, a majority of the members of the Board recommend that a license be issued, the Chairman shall so notify the Department of Development within thirty days after the filing of the application, and request the Community Development Department to issue a salvage yard operator's license to the applicant if he finds:

- (1) That the applicant has obtained a Certificate of Occupancy to the effect that the salvage yard will not be in violation of the Fire Code, Building Code and the Zoning Code; and
- (2) That the applicant has paid the fees, if any are due, provided for in the Building and Zoning Codes and in this chapter.
(Ord. 94-368. Passed 10-11-94.)

(h) The Chairman shall not request that a salvage yard operator's license be issued to the applicant if he finds:

- (1) That the applicant has knowingly attempted to obtain his license through any fraud or misstatement; or
- (2) That the business or activity is no longer being operated or carried on.

(i) The license as issued shall bear the following language on its face: **"IMPORTANT.** This license applies only to the premises indicated herein and authorizes the licensee to operate a salvage yard in a lawful place and manner only; it is not a substitute for, nor is it in lieu of, any Certificate of Occupancy, building permit, or any other certificate or permit that is now or may hereafter be required by law or ordinance, and it does not relieve the licensee of the responsibility to have all such required permits or certificates at all times and comply with all laws and ordinances affecting the above described business."

(j) The license as issued may have included thereon, in writing, such conditions as the Health Commissioner recommended in providing his qualified recommendation that a salvage license be issued to the applicant.
(Ord. 98-311. Passed 9-8-98.)

(k) The Community Development Department shall keep a record of all applications filed and all licenses issued in accordance with this section.
(Ord. 94-368. Passed 10-11-94.)

739.08 PERIOD OF LICENSE.

(a) All applications for a license to be issued under the provisions of Section 739.07, shall be filed with the Chairman of the Licensing Board not less than sixty days prior to the date the applicant desires the license to become effective.

(b) Any license issued hereunder shall be effective as of the date of its issuance and shall expire December 31, next following the issuance of the license.
(Ord. 88-318. Passed 5-31-88.)

739.09 LICENSE FEES.

The annual fees to be paid for the salvage yard operator's license issued under Chapter 739, shall be as follows:

- (a) One hundred dollars (\$100.00) for the first acre, plus fifty dollars (\$50.00) for each additional acre or part thereof of salvage yard space.
- (b) Of the fees stated in subsection (a) hereof, the sum of fifty dollars (\$50.00) will be treated as an "application fee" and shall be paid by the applicant at the time the application for a license is filed with the Chairman of the Licensing Board. This "application fee" will be used by the City to defray the costs of investigation and processing the application and is not refundable. The balance of the fees stated in subsection (a) hereof shall be paid at the time a license is issued to the applicant.
- (c) If the license is issued, or is to become effective on or after July 1, in any given year for the remainder of that year, the license fee shall be one-half of the above stated fees, but in all cases the "application fee" shall remain as set forth herein and shall not be abated or proportionately reduced.
(Ord. 88-318. Passed 5-31-88.)

739.10 LICENSE NOT TRANSFERABLE.

No license issued under Chapter 739 shall be transferred or assigned or used by any person other than the one to whom it was issued, and no salvage yard operator's license shall be used for any premises other than those described in the application upon which it was issued.
(Ord. 88-318. Passed 5-31-88.)

739.11 GENERAL OPERATING REQUIREMENTS.

(a) The following general operating requirements shall apply to all salvage yards and salvage yard operators:

- (1) The license issued pursuant to Section 739.07 shall be plainly displayed on the business premises at all times;
- (2) Any space or land area not described in the license shall not be used in the licensed business;
- (3) Should any place on the premises become a breeding place for mosquitoes, the salvage yard operator shall have the place sprayed with an insecticide so as to eliminate the mosquito nuisance;
- (4) No garbage or rubbish shall be kept or permitted to accumulate and remain on the premises in violation of Chapter 919;
- (5) No salvage shall be allowed to rest upon or protrude into any public right-of-way, fire lane, or become scattered or blown off the business premises;
- (6) Combustible salvage material, including tires, shall be placed or stored at least fifteen feet from a required outside fence and any building;
- (7) No salvage shall be placed, stored or offered for sale outside of any required fence;
- (8) A fire lane eighteen feet in width shall be maintained from the main

entrance throughout an outside salvage yard, so that no point of the salvage yard shall be more than 200 feet from a fire lane. No salvage shall be deposited within thirty inches of a required fence.

- (9) Every salvage yard, together with the things kept therein, shall be maintained so as to be free from vermin, rats, fire hazards, public nuisances and all other conditions harmful to the public health, safety or welfare;
- (10) Required fences and gates shall be maintained so as to prevent dilapidation, rusting, rotting, leaning, or other deterioration;
- (11) Gasoline shall be removed from any engines or vehicles, qualifying as salvage, on the premises;
- (12) No salvage shall be burned on the premises except in a manner approved by law;
- (13) The area on the premises where salvage is kept (other than indoors) which has a boundary line which is common to that of any public road, street or highway or which is adjacent to any improved premises occupied or utilized for other than industrial uses or purposes, shall be obscured from the ordinary view of any person passing upon any such public road, street or highway and of any person upon any such adjacent premises with a non-transparent wall or fence of uniform material and uniform height with a minimum height of eight feet measured from ground level and a maximum height of ten feet measured from ground level. No advertisement shall be permitted on the wall or fence other than the name of the person under whose name the license has been issued and the nature of the business conducted herein; provided, however that all such signage shall conform to City ordinances governing signage. Entrances and exits shall not be wider than thirty feet and shall be equipped with a nontransparent gate or gates made of sturdy material;
- (14) The licensee shall permit inspection of the business premises by any member or representative of the City at any reasonable time;
- (15) Each purchase or receipt of salvage shall be recorded in legible English in a prenumbered register kept on the licensed premises or such other format as is approved by the Chief of Police. The register shall contain all of the following:
 - A. The name and address of the seller,
 - B. An identification number taken from an identification card issued by a governmental agency to the seller, such as a driver's license, or a photocopy of such a card,
 - C. A description of the salvage acquired,
 - D. The vehicle identification number of any motor vehicle, or motor vehicle part(s) being received as salvage bearing a vehicle identification number,
 - E. The date and time of the transaction, and
 - F. The license number of the seller's vehicle when reasonably obtainable.

The register shall be kept current through the end of the previous business day. The register shall be available for inspection at the licensed premises by a member or representative of the Licensing Board for a period of at least one year from the date of purchase or receipt. Each business day, each salvage yard operator shall make a copy of the register, complete through the end of the prior business day, available to the Chief of Police. In lieu of making a copy of the register available to

the Chief of Police, a salvage yard operator may electronically transmit the information described above to the Police Division in such format as the Chief of Police may approve. A salvage yard operator is not required to record a purchase of salvage which includes only beverage cans and bottles.

(Ord. 07-41. Passed 2-15-07.)

- (16) The salvage yard shall be operated in such a manner that all loading, unloading, and working of the salvage piles, and the equipment involved therein, shall be done entirely within the confines of the licensed premises as shown on the plot plan described in Section 739.06(b)(5);
- (17) A sign constructed of durable material and announcing a telephone number where a responsible representative of the salvage yard operator can be reached after business hours shall be posted in a conspicuous place on the primary entrance to the premises.

(b) The Community Development Director, with the assistance of the director of such other department or departments as may be appropriate, shall cause such inspections to be made as necessary to insure compliance with the general operating requirements herein provided.

(Ord. 94-368. Passed 10-11-94.)

739.12 SUSPENSION AND REVOCATION OF LICENSE.

(a) The license of a salvage yard operator may be suspended for a period of time specified by the Licensing Board or revoked by the Licensing Board for failure to comply with the provisions of Chapter 739 or on the basis that the Health Commissioner has certified to the Licensing Board the licensee is not complying with the conditions included in his license pursuant to subsection 739.07(j). However, such suspension or revocation shall not take place until the Chairman of the Licensing Board shall have first notified the salvage yard operator, calling specific attention to the infraction of Chapter 739 and/or that the Health Commissioner has certified to the Licensing Board the licensee is not complying with the conditions included in his license pursuant to subsection 739.07(j) and affording a minimum of fifteen days to correct such infractions, except in the case of an emergency order as hereinafter provided. Such notice shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the subsections violated, and order remedial action which, if taken, will effect compliance with the provisions of such subsection and/or a statement that the Health Commissioner has certified to the Licensing Board that the licensee is not complying with the conditions included in his license pursuant to subsection 739.07(j);
- (3) Specify a reasonable time for compliance, except in the case of an emergency order as hereinafter provided;
- (4) Advise the salvage yard operator of the procedure for appeal;
- (5) Be served upon the salvage yard operator. Such notice and order shall be deemed to be properly served upon such salvage yard operator if a copy thereof is sent by certified or registered mail to such salvage yard operator at the address on file with the Community Development Department or as stated in the salvage yard operator's application and a copy of the notice is posted in a conspicuous place in or on the premises.

(Ord. 98-311. Passed 9-8-98.)

(b) Whenever the Chairman of the Licensing Board finds that an emergency exists which requires immediate action to protect the health and safety of the public or the health and safety of the employees of a salvage yard operator, he may, after having made a good faith

effort to give the salvage yard operator at least one hour advance notice of his intended action issue an order reciting the existence of the emergency and suspend forthwith the license of a salvage yard operator. Notwithstanding any other provision hereof, any such order or order shall be effective immediately and complied within the time and manner prescribed in the emergency order.

(Ord. 88-318. Passed 5-31-88.)

739.13 HEARINGS.

(a) Any person aggrieved by a notice, order or both of the Licensing Board which has been issued as provided in Section 739.12 may request and shall be granted a hearing on the matter before the Licensing Board. However, such person shall file with the Community Development Department a written request for such hearing and set forth the name and address and telephone number of the operator and a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Licensing Board. The written request shall be filed within ten days after the date of the notice and order of the Licensing Board. Upon receipt of such a request, the Chairman of the Licensing Board shall set a time and place for a hearing before the Licensing Board and shall give the operator written notice thereof. The hearing shall be commenced within a reasonable time after a request has been filed. At such hearing, the salvage yard operator shall be given an opportunity to be heard and to show cause why any item appearing on such notice and order should be modified or withdrawn. The failure of the salvage yard operator or his representative to appear and state his case at such hearing shall have the same effect as if request was not filed.

(Ord. 94-368. Passed 10-11-94.)

(b) After a hearing, the Licensing Board may sustain, modify or withdraw any item appearing on the notice and order by majority vote, depending upon its findings as to whether the provisions of Chapter 739 have been complied with, and the salvage yard operator shall be notified in writing of such findings. The decision of the Licensing Board shall be issued within forty-five days of the conclusion of the hearing.

(c) The proceedings at such hearings, including the findings and decision of the Licensing Board, and reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the office of the Community Development Director. Such record shall also include a copy of every notice and order issued in connection with the matter.

(Ord. 94-368. Passed 10-11-94.)

739.14 FORMER SALVAGE YARDS.

(a) The Chairman of the Licensing Board shall issue an order to any owner of a salvage yard, which is not licensed pursuant to this chapter, to obtain a Salvage Yard Operator's License.

(b) Every owner of a salvage yard who receives an order from the Chairman of the Licensing Board, pursuant to this section, and fails to obtain or is ineligible to obtain a Salvage Operator's License shall, within 150 days of receiving the order remove all salvage from his salvage yard which may become a harbor for vermin or rats, may constitute a fire hazard or other public nuisance or may contribute to any other condition harmful to the public health, safety or welfare. All ground within the former salvage yard shall be leveled so as to prevent water from collecting in such a manner as to afford a breeding place for mosquitoes.

(Ord. 88-318. Passed 5-31-88.)

739.15 INJUNCTION.

In addition to other remedies which the City may have to enforce this chapter, the City may also seek a court injunction against continued violation of this chapter and any order issued

pursuant thereto.
(Ord. 88-318. Passed 5-31-88.)

739.99 PENALTY.

Except as otherwise provided, whoever violates any provision of this chapter, or any rule, regulation or order issued thereunder, shall be guilty of a misdemeanor of the third degree, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding sixty days, or both such fine and imprisonment.
(Ord. 88-318. Passed 5-31-88.)