

ORDINANCE NO. 07-419

AN ORDINANCE AMENDING THE
TAYLOR, MICHIGAN, CODE OF ORDINANCES
BY AMENDING CHAPTER 25, ENTITLED, SECONDHAND GOODS, ARTICLE III. Secondhand
Or Junk Dealers, Subsections 25-61 through 25-67

THE CITY OF TAYLOR ORDAINS:

SECTION 1. That Chapter 25, ENTITLED SECONHAND GOODS, Article III. Secondhand Or Junk Dealers, Subsections 25-61 through 25-67, of the Taylor, Michigan Code of Ordinances, be amended as follows:

ARTICLE III. SECONDHAND OR JUNK DEALERS

DIVISION 1. GENERALLY

Sec. 25-61. Secondhand or Junk Dealer; Businesses Covered.

(1) A person, corporation, copartnership, or firm shall not carry on the business of dealer in second hand goods or junk dealer in the City of Taylor without having first obtained from the City a license, pursuant to Sections 25-81 through 25-86 of this Chapter, authorizing that person, corporation, copartnership, or firm to carry on that business.

(2) This subsection does not require an internet drop-off store complying with subsection (3), or a person engaged in the sale, purchase, consignment, or trade of personal property or other valuable thing for himself or herself, to obtain a license under this act.

(3) An internet drop-off store in compliance with the following conditions is exempt from licensure as a second hand dealer or junk dealer under this act:

(a) Has a fixed place of business within this state except that he or she exclusively transacts all purchases or sales by means of the Internet and the purchases and sales are not physically transacted on the premises of that fixed place of business.

(b) Has the personal property or other valuable thing available on a website for viewing by photograph, if available, by the general public at no charge, which website shall be searchable by zip code or state, or both. The website viewing shall include, as applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(c) Maintains records of the sale, purchase, consignment, or trade of the personal property or other valuable thing for at least 2 years, which records shall contain a description, including a photograph, if available, and, if applicable, serial number, make, model, and other unique identifying marks, numbers, names, or letters appearing on the personal property or other valuable thing.

(d) Provide the City of Taylor Police Department with any name under which it conducts business on the website and access to the business premises at any time during normal business hours for purposes of inspection.

(e) Within 24 hours after a request from the City of Taylor Police Department, provide an electronic copy of the seller's or consignor's name, address, telephone number, driver license number and issuing state, the buyer's name and address if applicable, and a description of the personal property or other valuable thing as described in subdivision (c). The provision of information shall be in a format acceptable to the City of Taylor Police Department but shall at least be in a legible format and in the English language.

(f) Provide that payment for the personal property or other valuable thing is executed by means of check or other electronic payment system, so long as the payment is not made in cash. No payment shall be provided to the seller until the item is sold.

(g) Immediately remove the personal property or other valuable thing from the website if the City of Taylor Police Department determines that the personal property or other valuable thing is stolen.

Sec. 25-62. License.

(1) The City may grant to any person, corporation, copartnership, or firm, a license authorizing that person, corporation, copartnership, or firm to carry on the business of a second hand dealer or junk dealer subject to the provisions of this Ordinance.

(2) The license shall designate the particular place where that person, corporation, copartnership, or firm shall carry on that business. The business shall be conducted only in the place designated in the license.

(3) A license shall not be issued to any person, firm, or corporation desiring to conduct a junk business in any residential community where 65% or more of the property owners within a radius of 1 city block of the contemplated junk business petition the City and/or issuing officer not to do so.

(4) The license shall be for the period of 1 year from date of issuance unless sooner revoked for cause and is not transferable. The City Council shall establish the fee for the processing and issuance of the license.

(5) The City may inspect the premises of a licensed second hand or junk dealer at any time during normal business hours.

Sec. 25-63. Definitions.

As used in this Ordinance:

(a) "Automotive recycler" means a person who engages in business primarily for the purpose of selling retail salvage vehicle parts and secondarily for the purpose of selling retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal or a person employed as a salvage vehicle agent as that term is defined in section 56c of the Michigan vehicle code, 1949 PA 300, MCL 257.56c.

(b) "Industrial scrap" means materials that are a direct product or by-product of any form of manufacturing, shaping, or cutting process from a person, company, corporation,

copartnership, or firm whose principal business is the manufacturing, shaping, or cutting of materials at a fixed place of business.

(c) "Internet drop-off store" means a person, corporation, or firm that contracts with other persons, corporations, or firms to offer its personal property or other valuable thing for sale, purchase, consignment, or trade through means of an internet website and meets the conditions described in section 1(3).

(d) "Local law enforcement agency" means the City of Taylor Police Department.

(e) "Scrap processor" means a person, utilizing machinery and equipment and operating from a fixed location, whose principal business is the processing and manufacturing of iron, steel, nonferrous metals, paper, plastic, or glass, into prepared grades of products suitable for consumption by recycling mills, foundries, and other scrap processors.

(f) "Second hand dealer" or "junk dealer" means any person, corporation, or member or members of a copartnership or firm whose principal business is that of purchasing, selling, exchanging, storing, or receiving second hand articles of any kind, scrap metals, cast iron, old iron, old steel, tool steel, aluminum, copper, brass, lead pipe or tools, or lighting and plumbing fixtures. Second hand dealer or junk dealer does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap that is licensed by the City.

Sec. 25-64. Sign; Record of Transactions.

(1) A second hand dealer or junk dealer shall post in a conspicuous place in or upon its place of business a sign having its name and occupation.

(2) A second hand or junk dealer shall keep a separate book or other record open to inspection by a member of the City of Taylor Police Department, in which shall be written or entered in the English language at the time of the purchase or exchange of any article a detailed description of the article, including but not limited to, the make, model and serial number of the article, the purchase price, the name, description, clear right thumbprint or if not possible left thumbprint or some other finger, operator's or chauffeur's license or state identification number, registration plate number, and address of the person from whom the article was purchased and received, and the day and hour when the purchase or exchange was made as well as the location from which the item was obtained, if applicable. Each entry shall be numbered consecutively. The fingerprint shall be clear and done in duplicate so that one is retained by the second hand or junk dealer and the other is delivered to the chief of police in accordance with Section 25-65(2). A legible photo copy of the operator's or chauffeur's license or state identification card of the person from whom the article was purchased and received shall also be made and delivered to the chief of police in accordance with Section 25-65(2).

Sec. 25-65. Retention of Goods Purchased; Tagging; Records to Police.

(1) The articles purchased or exchanged shall be retained by the purchaser for at least 15 days before disposing of them, in an accessible place in the building where the articles are purchased and received. A tag shall be attached to the articles in some visible and convenient

place, with the number written thereupon, to correspond with the entry number in the book or other record.

(2) The purchaser shall prepare and deliver on Monday of each week to the chief of police for the City of Taylor, before 12 o'clock noon, a legible and correct copy of the book or other record described in Section 25-64(2), containing the information for each article purchased or received during the preceding week. The information provided shall be verified by the person subscribing his or her name thereto.

(3) This section does not apply to old rags, waste paper, and household goods but shall apply to radios, televisions, record players, electrical appliances, video game systems, stereo and other music playback equipment and computers. This section does not require the purchaser to retain articles purchased from individuals, firms, or corporations having a fixed place of business after those articles shall have been reported.

Sec. 25-66. Unlawful purchases.

No person shall purchase or receive any article:

- (1) Between the hours of 9:00 p.m. and 7:00 a.m.;
- (2) On Sunday;
- (3) From any person intoxicated or under the age of seventeen (17) years without written consent of parent or guardian; and
- (4) From a person known or suspected to be a thief or a receiver of stolen property.
(Ord. No. 75-60, § 27(c), 7-22-75)

State law references: Similar provisions, MCL 445.407, MSA 19.717.

Sec. 25-67 Violations; Punishment; License Revoked.

- (1) The license of a person, corporation, copartnership, or firm found to be in violation of any provision of this ordinance shall be considered to be revoked.
- (2) A second hand or junk dealer who buys or sells second hands goods knowing that it is stolen is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment.
- (3) A second hand or junk dealer who violates any provision of this Ordinance is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment.

SECTION 2. Repeal. All ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. Savings. Should any phrase, word, sentence, paragraph, or section of this ordinance be declared unenforceable, unconstitutional, or illegal by a court of competent jurisdiction, the remainder of this ordinance shall be considered to be in full force and effect.

The determination by the court shall have no effect with respect to the validity of the remaining portions of the ordinance, which are not affected by the decision of the Court.

SECTION 4. Publication and Effective Date. This ordinance shall become effective upon passage by the City Council and the publication of the ordinance in accordance with the Charter of the City of Taylor and the statutes of the State of Michigan.

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Taylor, at a Regular Meeting held in the Council Chambers at the Taylor Municipal Building, 23555 Goddard Road, Taylor, Michigan on the 1st day of May, 2007.

I further certify that the following Council Members were present at said meeting: Ramik, Brandana, Molner, Lamarand, Weycker, Sollars, Geiss
Members were absent: None

I further certify that Council Member Brandana moved adoption of said Ordinance, and said motion was supported by Council Member Lamarand.

I further certify that the following Council Members voted for adoption of said Ordinance: Ramik, Brandana, Molner, Lamarand, Weycker, Sollars, Geiss and that the following Council Members voted against adoption of said Ordinance: None

ORDINANCE NO. 07-419

RESOLUTION NO. 5.240-07


MARY ANN RILEY, CITY CLERK

I hereby approve the foregoing Ordinance.


CAMERON G. PRIEBE, MAYOR