



Legislation Text

File #: 070789, Version: 1

070789 SUBSTITUTE 1

THE CHAIR

A substitute ordinance amending the definition of junk, establishing a fingerprinting requirement for junk collector and junk dealer license applicants, and prohibiting the purchase of junk from unlicensed junk collectors and junk dealers.

92-3-2-a am

92-3-2-c am

92-3-3-c cr

92-3-4.3 cr

This ordinance amends the definition of junk to clarify that persons in the business of transporting 5 or fewer waste tires at any one time, or used or secondhand motor vehicles or the parts thereof, are required to first hold junk collector or junk dealer licenses, provided that the persons are not otherwise licensed as, and solely engaged in the business of, a waste tire transporter, auto wrecker or secondhand dealer. In addition, this ordinance establishes a fingerprinting requirement for license applicants.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 92-3-2-a and c of the code is amended to read:

92-3. Junk Collectors and Dealers.

2. DEFINITIONS.

a. "Junk" shall mean used materials of any kind that may be recycled or converted to new materials or products including rags, paper, rubbish, bottles, glassware, crockery, bags, cloth, rubber, ~~[[vehicle]]~~>>waste<< tires, ferrous and nonferrous metals, clothing, siphons, old rope, plumbing materials, salvage gas and electric fixtures, waste materials, and all articles or things discarded. This definition >>shall include used or secondhand motor vehicles or the parts thereof, but<< shall not include secondhand articles of personal property for resale that are subject to the provisions of s. 92-2.

c. A "junk collector" shall mean a person who buys, sells, collects, gathers or delivers junk within the city as a business or employment but who is not a junk dealer within the city ~~[[or an employee of such a dealer]]~~.

Part 2. Section 92-3-3-c of the code is created to read:

3. LICENSE REQUIRED.

c. This section shall not apply to:

c-1. A person solely engaged in the ordinary course of his or her regular employment by a junk dealer

licensed under this section.

c-2. A person engaged solely in the business of a waste tire transporter licensed under s. 84-48.

c-3. A person engaged solely in the business of an auto wrecker or any used or secondhand dealer licensed under s. 93-5.

Part 3. Section 92-3-4.3 of the code is created to read:

4.3. FINGERPRINTING. a. Required. All applicants for licenses issued under this section shall be fingerprinted. If the applicant is a corporation or limited liability company, the agent and each officer or member, as well as each stockholder owning 20% or more of the stock of the corporation, shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted.

b. Exemptions. The requirement that an applicant be fingerprinted shall not apply to a person already licensed by the city when that person is renewing the permit, unless a set of fingerprints is not on file with the police department. The fingerprinting requirement shall also not apply to the officers and directors of nonprofit corporations which apply for a permit, except that the fingerprinting requirement shall apply to the agents of such corporations.

c. Duplicate Sets Not Required. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for purposes of verification.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

CCL07918-1

RGP

09/18/07

LRB07503-2

TWM: sd

6/28/10

Clerical corrections made -- JRO -- 07/21/10