

## Chapter 843 - JUNK DEALERS AND SECOND-HAND DEALERS

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### **Sec. 843-1. - Definitions.**

For the purpose of this chapter the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1, eff. Jan. 1, 1972)

Analogous to C.O. 741-1; r. Ord. No. 51-1969, eff. Feb. 5, 1969; and 741-3; a Ord. No. 328-1963, eff. Oct. 2, 1963; a. Ord. No. 268-1964, eff. July 17, 1964; r. Ord. No. 51-1969, eff. Feb. 5, 1969.

### **Sec. 843-1-F. - Fence.**

"Fence" shall mean a barrier at least six feet but not more than 10 feet in height, which is either comprised of plantings or natural objects, or constructed of any non-transparent material, approved by the director of buildings and inspections of the city of Cincinnati, and created and maintained so as to substantially obscure the junk located within or upon the premises of the junk yard from the ordinary view of persons passing upon any public street or highway located within the city of Cincinnati.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1-F, eff. Jan. 1, 1972)

**Sec. 843-1-H. - Home Sale.**

"Home sale" shall mean a sale of personal property to the general public conducted in or on any portion of residential premises within a residential zoning district and shall include, but not be limited to, all sales entitled "garage sale," "yard sale," "lawn sale," "patio sale," "attic sale," "room sale," "carport sale," "basement sale," "driveway sale," "flea market sale," "rummage sale," or the like.

(Ordained by Ord. No. 239-1986, eff. July 25, 1986)

**Sec. 843-1-J. - Junk.**

"Junk" shall mean old or scrap copper, brass, tin, rope, rags, batteries, paper, rubber, glass, lead, trash, waste, second-hand plumbing materials, second-hand gas and electric fixtures, used mattresses, iron, steel, and all other old or used articles commonly designated as junk, including all old or scrap ferrous or non-ferrous material.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1969; renumbered to C.M.C. 843-1-J, eff. Jan. 1, 1972)

Analogous to C.O. 741-1; r. Ord. No. 51-1969, eff. Feb. 5, 1969.

**Sec. 843-1-J1. - Junk Yard.**

"Junk yard" shall mean any establishment or place of business which is maintained or operated for the purposes of storing, keeping, buying or selling junk, except manufacturing establishments buying and storing scrap or junk materials for use, in altered form, in their manufacturing process, or establishments or places where motor vehicles, wrecked or otherwise, are being held due to impoundment by a police officer, or which are maintained principally for the repair of wrecked or damaged motor vehicles. In no event shall the exception pertaining to those engaged principally in the repair of motor vehicles apply to establishments or places wherein any wrecked or damaged motor vehicle is permitted to remain outside of a completely enclosed area for a period of more than one week, or where more than 15 wrecked or damaged motor vehicles are permitted to remain outside of a completely enclosed area at any one time. For the purposes of Sections 843-1 to 843-9, inclusive, of this code the term "junk yard" shall also include scrap metal processing facilities which are located within 1,000 feet of the nearest edge of the right of way of any public highway.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1-J1, eff. Jan. 1, 1972)

Analogous to C.O. 741-1; r. Ord. No. 51-1969, eff. Feb. 5, 1969.

**Sec. 843-1-M. - Scrap Metal.**

"Scrap metal" shall mean any scrap article or material composed of iron, steel or nonferrous metal or metal alloy, including but not limited to copper, brass, bronze, aluminum or stainless steel. Aluminum cans do not constitute "Scrap Metal" for the purposes of this chapter.

(Ordained by Ord. No. 0250-2007, § 1, passed June 6, 2007)

**Sec. 843-1-P. - Person.**

"Person" shall mean any person, firm, corporation, partnership, association, joint venture or joint

enterprise.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1-P, eff. Jan. 1, 1972)

**Sec. 843-1-S. - Scrap Metal Processing Facility.**

"Scrap metal processing facility" shall mean an establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for remelting purposes.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1-S, eff. Jan. 1, 1972)

**Sec. 843-1-S1. - Scrap Processor.**

"Scrap processor" shall mean any person maintaining an establishment having facilities for processing iron, steel, or non-ferrous scrap and whose principal product is scrap iron and steel or non-ferrous scrap for sale for remelting.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1-S1, eff. Jan. 1, 1972)

**Sec. 843-1-S2. - Second-Hand Dealer.**

"Second-hand dealer" shall mean any person who operates a second-hand store and offers for sale, exchanges, barter or keeps with the intention of selling, bartering or exchanging any second-hand goods, wares or merchandise. Second-hand goods shall include, but not be limited to wearing apparel, antiques, furniture, fixtures, household goods, tableware, office supplies, machinery, tools, army cameras, lenses, field or opera glasses, pictures, paintings, watches, jewelry, cutlery, gold or other precious metals, diamonds and other precious stones. Second-hand goods shall not include used automobiles or parts thereof or used books, magazines, newspapers, phonograph records, tape recordings, audio or video cassettes, or similar means for the reproduction of information, speech or music, held for sale as other than scrap. "Second-hand dealer" shall not mean any dealer whose stock of used or second-hand articles consists solely of repossessed articles originally sold, leased or rented by the same dealer, articles taken in trade for similar new articles sold by the dealer, or unclaimed articles serviced by the dealer and sold to defray the cost of servicing; or bona fide nonprofit religious or charitable organizations maintaining permanent facilities and administering full-time rehabilitation programs for the indigent and handicapped, and who sell donated and unadvertised second-hand articles only, and where no part of the proceeds from such sales are paid to an individual conducting or administering the same, as a salary, fee or bonus.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1-S2, eff. Jan. 1, 1972; a. Ord. No. 514-1973, eff. Dec. 21, 1973; a. Ord. No. 264-1981, eff. July 1, 1981.)

Analogous to C.O. 741-3; a. Ord. No. 328-1963, eff. Oct. 2, 1963; a. Ord. No. 268-1964, eff. July 17, 1964; r. Ord. No. 51-1969, eff. Feb. 5, 1969.)

**Sec. 843-1-S3. - Second-Hand Store.**

"Second-hand store" shall mean any store, house, apartment, place or premises or any part thereof,

where second-hand goods, wares, or merchandise are sold, offered for sale, exchanged, bartered or kept, if the premises are completely enclosed and under roof.

(Sec. 741-1; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1-S3, eff. Jan. 1, 1972)

Analogous to C.O. 741-3; r. Ord. No. 328-1963, eff. Oct. 2, 1963; a. Ord. No. 268-1964, eff. July 17, 1964; r. Ord. No. 51-1969, eff. Feb. 5, 1969.

**Sec. 843-1-S4. - Scrap Metal Purchaser.**

"Scrap metal purchaser" shall mean any scrap processor, second-hand dealer, second-hand store, junk yard, facility, establishment or place of business that buys, trades, accepts or receives any scrap metal.

(Ordained by Ord. No. 0250-2007, § 1, passed June 6, 2007)

**Sec. 843-1-S5. - Substantially Obscured.**

"Substantially obscured" shall mean that a fence, plantings or natural object or objects of no less than six feet and no more than 10 feet in height obscure the junk located within or upon the premises.

(Sec. 741-4; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-1-S4, eff. Jan. 1, 1972; renumbered to C.M.C. 843-1-S5, passed June 6, 2007)

**Sec. 843-3. - License Required.**

No person shall act as a second-hand dealer or scrap processor, or shall operate or maintain a junk yard, second-hand store or scrap metal processing facility within the city limits of Cincinnati without first obtaining from the city treasurer a license to act as a scrap processor or second-hand dealer, or to operate a junk yard, for each junk yard, second-hand store or scrap metal processing facility operated by such person except that auctioneers duly licensed under the provisions of Chapter 811, Cincinnati Municipal Code, need not obtain a second-hand dealer's license under the provisions of the chapter.

Before an original license is issued under this chapter, the person seeking the license shall make application therefor with the city treasurer, and shall attach to the application an accurate plot plan of the area, showing the actual shape and dimensions of the lot or area to be used, and shall provide any other additional information that may be requested by the city treasurer, city engineer or director of buildings and inspections in determining whether the applicant should be granted the requested license. An application shall be approved by the city engineer and the director of buildings and inspections prior to granting and shall show that the applicant has complied with all city ordinances and rules regarding zoning, drains, signs, driveways, fencing and barrier curbs. Approval by the city engineer and the director of buildings and inspections will not be necessary for the renewal of any license issued under this chapter. However, the city treasurer shall be empowered to suspend or revoke any existing license when it is shown that the licensee has not complied with all city ordinances and rules regarding zoning, drains, signs, driveways, fencing and barrier curbs.

Under no circumstances shall any license to operate a junk yard be issued or renewed until the fencing requirements set forth in Section 843-7 of this chapter have been met and the fence has, after completion, received final approval by the director of buildings and inspections. No license to operate a junk yard shall be renewed if, in the opinion of director of buildings and inspections, the premises are not adequately fenced pursuant to Section 843-7 of this chapter. Anyone who operates a motor vehicle

salvage lot on the same premises and who has obtained a license therefor shall not be required to also obtain a license under this chapter.

(Sec. 741-2; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 741-2, eff. Jan. 1, 1972; a. Ord. No. 261-1976, eff. June 16, 1976)

Analogous to C.O. 741-5; r. Ord. No. 51-1969, eff. Feb. 8, 1969.

**Cross reference**— Penalty, § 843-99.

### **Sec. 843-5. - License Fees.**

The annual license fee to be paid to the city treasurer by any person acting as a junk dealer, second-hand dealer or scrap processor, or operating or maintaining a junkyard, second-hand store or scrap metal processing facility, shall be as follows:

Scrap processor:

\$400.00 for each scrap metal processing facility.

Junk dealer:

Class 1: Junk dealers having a store, stand or other place of business at which more than \$25,000 in annual gross sales are made, \$400.00 for each store, stand or place of business.

Class 2: Junk dealers having a store, stand or place of business at which less than \$25,000 in annual gross sales are made, \$200.00 for each store, stand or place of business. If an applicant for a Class 2 license fails to provide the city treasurer with sufficient evidence that the annual gross sales are less than \$25,000, the city treasurer shall assess the applicant the Class 1 license fee.

Class 3: Junk dealers operating from trucks, wagons, or other vehicles, except pushcarts, \$60.00 for each such truck, wagon or other vehicle.

Class 4: Junk dealers operating from pushcarts, \$10.00 for each such pushcart.

Class 5: Junk dealers required to have a junk facility license pursuant to Chapter 1021 of the Cincinnati Municipal Code shall obtain its license from the health commissioner upon the payment of a license fee for the calendar year of \$40.00.

If the premises are operated as both a junkyard and motor vehicle salvage lot, the combined annual gross sales for both operations shall determine the license fee to be assessed.

Second-hand dealer:

Class 1: For any church, charitable, civic or welfare organization conducting a rummage sale of articles contributed by its members and friends, for a period of not more than three days, and not more than twice in any one year, the license fee shall be \$7 for each such rummage sale so conducted.

Class 2: For any second-hand dealer that does not qualify as a Class 1 dealer, the license fee shall be \$400.

(Sec. 741-3; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-5, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Jan. 1, 1975; a. Ord. No. 261-1976, eff. June 16, 1976; a. Ord. No. 272-1979, eff. Sept. 1, 1979; a. Ord. No. 460-1980, eff. Nov. 13, 1980; a. Ord. No. 345-1995, eff. Nov. 24, 1995; Emer. Ord. 463-2010, § 39, eff. Dec. 30, 2010)

Analogous to C.O. 741-6; a. Ord. No. 265-1962, eff. Aug. 4, 1962; r. Ord. No. 51-1969, eff. Feb. 1, 1969.

### **Sec. 843-7. - Fence Required.**

No person shall operate or maintain a junk yard within 1,000 feet of the nearest edge of the right of way of any public street or highway unless the ordinary view thereof from such street or highway is substantially obscured by a barrier of natural objects, plantings or a fence as defined in Section 843-1-F of this chapter.

The fence herein required shall be kept in good order and repair and no advertisement shall be permitted thereon other than the name of the person under whose name the license to operate said junk yard has been issued and the nature of the business conducted therein. In the event plantings are used to obscure the area, only those varieties of trees, bushes, shrubs or other plantings approved by the Cincinnati Park Board and listed in the office of the director of buildings and inspections shall be authorized. Such plantings shall ring the area which can be viewed from the public street or highway, to a depth of no less than five feet, in no less than two rows, in a staggered pattern, so as to provide the greatest possible concealment of the junk sought to be obscured.

No person shall operate or maintain a junk yard located either partially or completely within the limits of the city of Cincinnati, without a junk yard license issued by the city treasurer, nor operate or maintain a junk yard without the required fence.

No fence required to be erected pursuant to the provisions of this chapter shall be constructed until a permit therefor has been obtained from the director of buildings and inspections of the city of Cincinnati, and no permit shall be issued until complete plans for the construction of the fence, including materials, have been submitted to and approved by the director. No license to operate or maintain a junk yard shall be issued by the city treasurer until the fence has been completed and been given final approval by the director of buildings and inspections.

(Sec. 741-4; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 843-7, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 843-99.

### **Sec. 843-9. - Pawn Shops.**

No person shall conduct the business of a pawn shop or loan office, or advance any moneys upon goods pawned or received in any building or store room not completely separated by permanent partitions or walls through which a person could not pass from an adjoining retail store.

No person shall keep open any pawn shop or loan office or transact business therein, or advance any moneys upon goods pawned or received therein, at any time other than the following:

- (a) On Fridays and on all weekdays preceding New Year's Day, Memorial Day, Independence Day and Thanksgiving Day, between the hours of 9 a.m. and 7 p.m.
- (b) Other weekdays, between the hours of 9 a.m. and 6 p.m.

(c) Any weekday during the period in each year beginning with December 1 and ending with December 25, between the hours of 9 a.m. and 9 p.m.

Whoever violates this section is guilty of illegally operating a pawn shop, a minor misdemeanor.

(C.M.C. 843-9; ordained by Ord. No. 623-1973, eff. Jan. 1, 1974)

Analogous to C.O. 901-p2; renumbered to C.M.C. 901-P2, eff. Jan. 1, 1972; a. Ord. No. 571-1972, eff. Dec. 20, 1972; r. Ord. No. 523-1973, eff. Jan. 1, 1974.

**Sec. 843-11. - Regulation of Home Sales.**

No person, firm or corporation shall conduct a home sale within the city of Cincinnati in violation of the following requirements:

- (a) No home sale will be permitted for more than two consecutive days and shall be permitted only during daylight hours.
- (b) It shall be unlawful to conduct more than two home sales at any residential premises during any calendar year.

(Ordained by Ord. No. 239-1986, eff. July 25, 1986)

**Sec. 843-13. - Records of Transactions.**

(a) Every scrap metal purchaser who buys, trades, accepts or receives scrap metal shall keep at each place of business a legibly written or typed record which contains a description of the aggregate scrap metal in each load delivered to that place of business. These records, titles and premises shall be made available to any law enforcement officer for inspection at any reasonable time during business hours, and such records and titles shall be kept for at least three years. In each such record the scrap metal purchaser shall list the following information:

- (1) The name and current address of the seller;
- (2) A photocopy of a valid driver's license, military identification or other government-issued identification which belongs to and is presented by the seller. If the seller is unable to supply either form of identification described in this paragraph, the scrap metal purchaser shall not accept delivery of the regulated article(s) or material;
- (3) An inked impression of the right or left thumb of the seller, or a photograph of the seller and the merchandise being sold;
- (4) The seller's signature under a statement verifying that the seller is the rightful owner of the goods or is entitled to sell the article(s) or material;
- (5) The license plate number of the vehicle being used by the seller to transport the article(s) or material to the facility;
- (6) The name, initials, or other information identifying the individual entering the information required herein in the record or writing the receipt on behalf of the scrap metal purchaser;
- (7) A complete and accurate description, including, where available, the serial number or other identification number, of any scrap metal article(s) or material that has been purchased or

received by the scrap metal purchaser;

(8) The date and time of the transaction;

(9) The consideration given in the purchase or trade transaction for the article(s) or material.

(b) An officer, agent or employee may record the necessary information listed in section (a) on behalf of the purchaser as required by section (a)(6) herein.

(c) If a law enforcement officer has probable cause to believe that any scrap metal article(s) or material received by the scrap metal purchaser is stolen property, such officer shall notify the scrap metal purchaser in writing. Upon receipt of such a notice, the scrap metal purchaser shall retain the article(s) or material, until the expiration of 30 days after receipt of the notice, unless the scrap metal purchaser is notified in writing by a law enforcement officer that retention of the article(s) or materials is no longer required.

(d) If a law enforcement agency receives a report that property has been stolen and determines the identity of the true owner of the allegedly stolen property that has been purchased and is held by the scrap metal purchaser, and informs the scrap metal purchaser of the true owner's identity:

(1) the scrap metal purchaser may restore the allegedly stolen property to the true owner directly;

(2) the true owner may reimburse the scrap metal purchaser for the amount the scrap metal purchaser paid for the allegedly stolen article; or

(3) the true owner may recover the property from the scrap metal purchaser through an appropriate action at law.

(Ordained by Ord. No. 0250-2007, § 3, passed June 6, 2007; Emer. Ord. No. 022-2010, § 1, eff. Jan. 27, 2010)

**Sec. 843-15. - Appeals.**

A person served with notice of a violation of § 843-13 has all of the rights and opportunities for appeals of civil offenses as set forth in sections 1501-23 through 1501-999.

(Ordained by Ord. No. 0250-2007, § 4, passed June 6, 2007)

**Sec. 843-99. - Penalties.**

Whoever violates the provisions of Section 843-3 or 843-7 of this chapter shall be fined \$100 per day for each day said violation continues and shall pay all costs of prosecution hereunder; and it shall be the duty of the city treasurer, upon conviction of any person, firm or corporation, to revoke the license granted hereunder immediately.

Operation of a junkyard without a license or in violation of this chapter shall subject such persons, firms or corporations engaged in such operation to petition for injunctive relief for the cessation of such operation.

(Sec. 741-5; ordained by Ord. No. 51-1969, eff. Feb. 5, 1969; a. Ord. No. 435-1969, eff. Jan. 15, 1970; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 843-99, eff. Jan. 1, 1972; a. Ord. No.



TITLE VIII - BUSINESS REGULATIONS  
Chapter 843 - JUNK DEALERS AND SECOND-HAND DEALERS

229-1987, eff. July 19, 1987)

Analogous to C.O. 741-9; r. Ord. No. 51-1969, eff. Feb. 5, 1969.

**Sec. 843-99-A. - Penalties [for Violation of Section 843-11].**

Whoever violates the provisions of Section 843-11 shall be fined not more than \$100 for the first violation of said section and not more than \$500 for any subsequent violation of said section and the costs of prosecution.

(Ordained by Ord. No. 239-1986, eff. July 25, 1986)

**Sec. 843-99-B. - Penalties [for Violation of Section 843-13].**

Whoever violates the provisions the provisions of Section 843-13 shall be fined not more than \$100.00 for the first violation and not more than \$500.00 for any subsequent violation of said section.

(Ordained by Ord. No. 0250-2007, § 5, passed June 6, 2007)