

## Chapter 846 - MOTOR VEHICLE SALVAGE DEALERS

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### **Sec. 846-1. - Definition.**

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. 755-1; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-1, eff. Jan. 1, 1972)

### **Sec. 846-1-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 building and inspections of the city of Cincinnati, and created and maintained so as to substantially obscure the motor vehicles and motor vehicle parts located within or upon the premises of the motor vehicle salvage lot from the ordinary view of persons passing upon any public street or highway located within the city of Cincinnati, as further set forth in Section 846-7 of this chapter.

(Sec. 755-1; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-1-F, eff. Jan. 1, 1972)

### **Sec. 846-1-M. - Motor Vehicle Salvage Dealer.**

"Motor vehicle salvage dealer" shall mean any person engaged in the business of buying, selling or storing used motor vehicle parts, exclusive of tires, or in the salvaging of any motor vehicles, or who brings upon such person's premises two or more motor vehicles for the purpose of removing parts, accessories, equipment or sections or portions thereof from vehicles for sale to others, or who maintains or operates a motor vehicle salvage lot, or any other establishment or place which is used or operated for storing, keeping, buying or selling two or more wrecked, scrapped, ruined, junked, dismantled or inoperable motor vehicles, with the exception of dealers in used automobiles as defined in Section 831-1 and persons excepted from the licensing provisions of Section 846-3 of this chapter.

(Sec. 755-1; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-1-M, eff. Jan. 1, 1972)

**Sec. 846-1-M1. - Motor Vehicle Salvage Lot.**

"Motor vehicle salvage lot" shall mean any place where the buying, selling or storing of used motor vehicle parts, exclusive of tires, or the salvaging of motor vehicles, or the bringing of any motor vehicles thereon for the purpose of removing parts, accessories, equipment or sections or portions therefrom for sale to others, or the storing, keeping, buying or selling of junked, wrecked, scrapped, ruined, dismantled or inoperable motor vehicle occurs, with the exception of 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. The term motor vehicle salvage lot shall also include any piece of property on which there is habitually kept two or more inoperable motor vehicles. A collection of motor vehicle parts and similar metal parts occupying the space of one automobile shall be considered as one motor vehicle under the terms of this definition.

(Sec. 755-1; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-1-M1, eff. Jan. 1, 1972)

**Sec. 846-1-P. - Person.**

"Person" or "persons" shall mean any individual, firm, corporation, partnership, association, joint venture or joint enterprise.

(Sec. 755-1; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-1-P, eff. Jan. 1, 1972)

**Sec. 846-1-S. - 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 ten feet in height obscure the motor vehicles and motor vehicle parts located within or upon the premises.

(Sec. 755-4; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-1-S, eff. Jan. 1, 1972)

**Sec. 846-3. - License Required.**

No person shall act as a motor vehicle salvage dealer or shall operate or maintain a motor vehicle salvage lot within the city limits of Cincinnati without first obtaining a license as a motor vehicle salvage dealer from the city treasurer for each motor vehicle salvage lot operated by such person. Any motor vehicle salvage lot located only partially within the city limits of Cincinnati shall also be licensed pursuant to this section.

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

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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 being granted 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 motor vehicle salvage lot be issued or renewed until the fencing requirements set forth in Section 846-7 of this chapter have been met and the fence has, after completion, received final approval by the director of buildings and inspections.

Anyone who operates a junk yard on the same premises and who has obtained a license therefor shall not be required to also obtain a license under this chapter. No license to operate a motor vehicle salvage lot shall be renewed if, in the opinion of the director of buildings and inspection, the premises is not adequately fenced pursuant to Section 846-7 of this chapter. No person who has been convicted of illegally possessing or purchasing any motor vehicle or motor vehicle parts or accessories within the past 10 years preceding the date of the application for a license shall be granted a license as a motor vehicle salvage dealer. No partnership in which any of the partners, or no corporation in which any of the principal officers, have been so convicted within the past 10 years preceding the date of application for a license shall be issued such a license.

(Sec. 755-2; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-3, eff. Jan. 1, 1972)

Analogous to C.O. 755-1; a. Ord. No. 265-1962, eff. Aug. 4, 1962; r. Ord. No. 434-1969, eff. Jan. 15, 1970.

**Cross reference—** Penalty, § 846-99.

#### **Sec. 846-5. - License Fees.**

Except as otherwise provided, the city treasurer shall, on request, after having been satisfied that no violations of this chapter exist, issue to any responsible person a license to act as a motor vehicle salvage dealer or operate and maintain a motor vehicle salvage lot upon the payment of a license fee for the calendar year in the amount of \$400.

(Sec. 755-3; ordained by Ord. No. 434-1969; eff. Jan. 15, 1970; renumbered to C.M.C. 846-5, eff. Jan. 1, 1972; a. Ord. No. 327-1975, eff. Sept. 1, 1975; a. Ord. No. 282-1979, eff. Sept. 1, 1979; Emer. Ord. 463-2010, § 41, eff. Dec. 30, 2010)

Analogous to C.O. 755-1; a. Ord. No. 265-1962, eff. Aug. 4, 1962; r. Ord. No. 434-1969, eff. Jan. 15, 1970.

#### **Sec. 846-7. - Fence Required.**

No person shall operate or maintain a motor vehicle salvage lot 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 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 the motor vehicle salvage lot 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 motor vehicles and motor vehicle parts sought to be obscured.

No person shall operate or maintain a motor vehicle salvage lot located either partially or completely within the limits of the city of Cincinnati without a motor vehicle salvage license issued by the city treasurer, nor shall any person operate or maintain a motor vehicle salvage lot 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 motor vehicle salvage lot 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. 755-4; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-7, eff. Jan. 1, 1972)

**Cross reference—** Penalty, § 846-99.

**Sec. 846-9. - Permanent Record as to Used Motor Vehicles and Parts Thereof Bought by Dealer.**

Every person engaged in the business of buying or selling used motor vehicles, motor vehicle parts or motor vehicle accessories shall maintain a permanent record of all motor vehicles, parts of motor vehicles or motor vehicle accessories, unless such equipment was purchased from a person, firm or corporation licensed under the provisions of this chapter or under Chapter 831 of this code. The record shall contain a full and complete description of such used motor vehicle or motor vehicles, parts of motor vehicles or accessories thereof, together with the motor number, the serial number, the body number, color, type, model and other marks of identification, the date of purchase and the name of the person from whom such motor vehicle or motor vehicles, parts of motor vehicles or motor vehicle accessories were purchased.

(Sec. 755-5; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; renumbered to C.M.C. 846-9, eff. Jan. 1, 1972)

Analogous to C.O. 755-3; a. Ord. No. 382-1965, eff. Oct. 9, 1965; r. Ord. No. 434-1969, eff. Jan. 15, 1970.

**Cross reference—** Penalty, § 846-99.

**Sec. 846-99. - Penalties.**

Whoever violates the provisions of Section 846-3, 846-7 or 846-9 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 scrap lots 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.

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(Sec. 755-6; ordained by Ord. No. 434-1969, eff. Jan. 15, 1970; a. Ord. No. 414-1970, eff. Dec. 23, 1970; renumbered to C.M.C. 846-99, eff. Jan. 1, 1972; a. Ord. No. 229-1987, eff. July 19, 1987)

Analogous to C.O. 755-4; r. Ord. No. 434-1969, eff. Jan. 15, 1970.