

## **CHAPTER 18**

### **PLUMBING AND STEAM FITTING. 1**

Chapter 18 of the Code of the City of Buffalo, Wyoming, 1984, is hereby repealed. See Chapter 5 Buildings. (Ord. 758, 3/72) (R.O. 1289, 07/07)

## CHAPTER 18A

(Original Chapter 18A repealed by Ordinance 964, 8/81)

### SALES TAX

(Ord. 1127, 7/94)

(R.O. 1266, 9.06)

- § 18A-1. Tax imposed; rate.
- § 18A-2. Tax administration.
- § 18A-3. Adoption of State Selective Sales Tax Act.
- § 18A-4. Contract with State Board.
- § 18A-5. Amount taxable not to include any state tax.

#### **SEC. 18A-1. TAX IMPOSED; RATE.**

There shall be imposed an excise tax upon every retail sale of tangible personal property, admissions and services made within the Town of the City of Buffalo, and upon sales made within the Town of the City of Buffalo, and storage, use and consumption of tangible personal property in the Town of the City of Buffalo at the rate of one percent (1%), pursuant to Wyoming Statute #39-15-203 for the purpose of general revenue.

#### **SEC. 18A-2. TAX ADMINISTRATION.**

The tax shall be administered pursuant to provisions identical to those contained in Title 39, Chapter 15 of the Wyoming Statutes, insofar as they relate to use taxes, except the name of Johnson County as the taxing agency shall be substituted for that of the State and an additional license to engage in business shall not be required if the vendor has been issued a state license pursuant to law.

#### **SEC. 18A-3. ADOPTION OF STATE SELECTIVE SALES TAX ACT.**

Any amendments made to the State Sales Tax Act (Wyoming Statutes #39-15-101, et. Seq.) and the Local Sales Tax Act (Wyoming Statute #39-15-201, et. Seq.) not in conflict with Wyoming Statutes shall automatically become part of this ordinance.

#### **SEC. 18A-4. CONTRACT WITH STATE BOARD.**

The Town of the City of Buffalo shall, through Johnson County, contract with the Wyoming Department of Revenue prior to the effective date of this sales and use tax ordinance whereby the department shall perform all functions incident to the administration of the sales and use tax imposed by this ordinance.

#### **SEC. 18A-5. AMOUNT TAXABLE NOT TO INCLUDE ANY STATE TAX.**

The amount subject to this tax shall not include the amount of any sales or use tax imposed by the State of Wyoming.

## CHAPTER 18B

### SALVAGE YARDS & SALVAGE DEALERS

- § 18B-1. Definitions.
- § 18B-2. License Required.
- § 18B-3. Enforcement.
- § 18B-4. Application.
- § 18B-5. Investigation; Approval and issuance of license; Salvage dealers.
- § 18B-6. Period of license and renewal procedure.
- § 18B-7. License fees.
- § 18B-8. License not transferable.
- § 18B-9. General operating requirements.
- § 18B-10. Inspections.
- § 18B-11. Revocation of license.
- § 18B-12. Hearing on granting, denial, renewal or revocation of license.
- § 18B-13. Compliance.
- § 18B-14. Penalties.

#### SEC. 18B-1. DEFINITIONS.

Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this ordinance.

- 1) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.
- 2) Salvage shall mean old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass; bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but salvage shall not include materials or objects accumulated by a person as by-products, waste, or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing process.
- 3) Salvage Yard shall mean a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing salvage as defined above, upon which occurs one or more acts of putting, keeping, storing, dismantling, processing, selling or offering for sale any such salvage, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.
- 4) Automobile Salvage Yard shall mean any establishment or place which is maintained, operated, or used for storing, keeping, buying, or selling wrecked, scrapped, junked or dismantled motor vehicles or motor vehicle parts.
- 5) Salvage Dealer shall mean a person who operates a salvage yard or automobile salvage yard, as defined above, within the City.
- 6) Business Premises or Premises shall mean the area of a salvage yard as described in a salvage dealer's license or application for license, as provided for in this ordinance.
- 7) Clerk shall mean the Clerk of the City of Buffalo, Wyoming.
- 8) City shall mean the Town of the City of Buffalo, Wyoming.

#### SEC. 18B-2. LICENSE REQUIRED.

It shall be unlawful for any person to act as a salvage dealer in the City of Buffalo, Wyoming, whether personally, by agents or employees, singly or along with some other business or enterprise without first having obtained a license therefore from the City Council in accordance with the provisions of this ordinance. A salvage dealer who operates more than one salvage yard or automobile salvage yard within the City shall be required to have in effect a separate license for each yard.

**SEC. 18B-3. ENFORCEMENT.**

It is hereby made the duty of the City Council to enforce or aid in the enforcement of all provisions of this ordinance, and for this purpose any of the members of the City Council, or their duly authorized representatives, shall have the right and are hereby empowered to enter upon any premises on which any business subject to the provisions of this ordinance is located, or about to be located, and inspect the same at any reasonable time. The City Council is further empowered to issue orders granting, renewing and revoking any license provided for in accordance with the provisions of this ordinance.

**SEC. 18B-4. APPLICATION.**

An applicant for license under this ordinance shall file with the Clerk a written application signed by himself, if an individual, by all partners, if a partnership, and by the president or chief officer of a corporation or other organization, upon forms provided by the City, together with three (3) copies of such application and a fee as hereinafter prescribed. The application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths and shall include the following information or material:

Junk Dealer Applications

1. Name residence address and telephone number of each individual owner, partner or, if a corporation or other organization, each officer and director.
2. Trade names used during the previous five (5) years by the applicant and each person signing the application, along with the locations of prior establishments.
3. Names and addresses of employers of each person signing the application during the previous five (5) years.
4. The trade name and address of the business on behalf of which application is made and its telephone number, if assigned.
5. The name, residence address and telephone number, of each person employed or intended to be employed in the business as of the time the application is filed.
6. Exact address or location of the place where the business is or is proposed to be carried on, plus a sketch of the actual premises to be used in connection with the business, giving distances in feet and showing adjoining roads, property lines, buildings and uses.
7. A description of the materials with which any buildings to be used in connection with the licensed business are made of, or are to be made; a sketch giving distances, showing the location of such buildings on the business premises; and a diagram or plan giving distances and heights, showing floors, exits, entrances, windows, ventilators and walls, and distance to and location of nearest fire hydrant(s).
8. Such other information as the City Council shall find reasonably necessary to effectuate the purposes of this ordinance and to arrive at a fair determination of whether the terms of this ordinance have been complied with.

**SEC. 18B-5. INVESTIGATION; APPROVAL AND ISSUANCE OF LICENSE; SALVAGE DEALERS.**

A) Upon receipt of an application for a salvage dealer's license as provided herein, the Clerk shall furnish copies of the same to the other members of the City Council and Mayor. The proposed or existing premises and equipment with which the salvage yard or automobile salvage yard is being or is to be operated shall be examined by the other members of the Council or by their duly appointed representatives. No salvage dealers' license shall be issued unless the application is approved by a majority of the Council.

B) The Building Inspector shall approve the application only if he finds that any proposed or existing buildings or equipment with which the salvage yard or automobile salvage yard is being or is to be operated conform to the requirements of the Building Code and the requirements of this ordinance.

C) The Fire Chief shall approve the application only if he finds that the proposed or existing premises and equipment conform to the requirements of this ordinance and all applicable fire-prevention laws.

D) If any of the findings provided for in subparagraph B and C above are unfavorable to the applicant, the Mayor shall, within thirty (30) days after the filing of the application, notify the applicant that his application is disapproved and that no license will be issued. Upon request, he shall furnish the applicant with a brief written statement of the grounds upon which the application was disapproved. If the findings in subparagraph B and C above are favorable to the applicant, the City Council shall, within thirty (30) days after the filing of the application, issue a salvage dealer's license to the applicant if it finds:

1) That the applicant has obtained from the official charged with administration under the zoning regulations a certificate to the effect that the salvage yard or automobile salvage yard will not be a violation of the existing City zoning regulations; and,

2) That the applicant has paid the fee prescribed by this ordinance.

E) 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 or automobile salvage yard in a lawful place and manner only; it is not a substitute for any certificate of occupancy, building permit or other certificate or permit that might be required by law of the licensee, 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 affecting the above-described business."

#### **SEC. 18B-6. PERIOD OF LICENSE AND RENEWAL PROCEDURE.**

Unless otherwise provided by the City Council, a written application upon forms provided by the Council, signed and sworn to in the same manner required in the case of an original application, together with three (3) copies of the application and a fee as hereinafter prescribed.

#### **SEC. 18B-7. LICENSE FEES.**

The annual fee to be paid for any license or renewal license issued hereunder shall be Ten Dollars (\$10.00).

#### **SEC. 18B-8. LICENSE NOT TRANSFERABLE.**

No license issued under this ordinance shall be transferred or assigned or used by any person other than the one to whom it was issued, and no salvage dealer's license shall be used at any location other than the one described in the application upon which it was issued.

#### **SEC. 18B-9. GENERAL OPERATING REQUIREMENTS.**

The following general operating requirements shall apply to all salvage dealers licensed in accordance with the provisions of this ordinance:

1. The license issued pursuant to this ordinance shall be plainly displayed on the business premises.

2. The salvage yard or automobile salvage yard, together with things kept therein, shall at all times be maintained in a sanitary condition.

3. No space not covered by the license shall be used in the licensed business.

4. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.

5. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four (4") inches.

6. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, unless such refuse is salvage as defined herein and is in use in the licensed business.

7. No salvage shall be allowed to rest upon or protrude over any public street, right-of-way, walkway or curb or become scattered or blown off the business premises.

8. Salvage shall be stored in piles not exceeding the height of the fence surrounding the yard and shall be arranged so as to permit easy access to all such junk for firefighting purposes.

9. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.

10. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.

11. No noisy processing of salvage or other noisy activity shall be carried on in connection with the licensed business on Sunday, Christmas, Thanksgiving or at any time between the hours of 6:00 p.m. and 7:00 a.m.

12. The area on the premises where salvage is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid, vertical wall or fence of uniform and consistent material of a minimum height of six feet (6') measured from ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of the licensed business. Entrances and exits shall have gates, which shall be closed except during business hours. All gates shall consist of solid material.

13. The licensee shall permit inspection of the business premises by any employee of the City Council at any reasonable time.

14. Each acquisition of salvage shall be recorded in English in a permanent type register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the salvage acquired, and the date of the transaction. Such data shall be held available for inspection by any member or representative of a member of the City Council for a period of at least three (3) years.

15. No salvage yard or automobile salvage yard shall be allowed to become a nuisance; nor shall any salvage yard or automobile salvage yard be operated in such manner as to become injurious to the health, safety or welfare of the community or of any residents close by.

#### **SEC. 18B-10. INSPECTIONS.**

The City Council and Mayor, or their duly authorized representatives, shall inspect the salvage yards of all salvage dealers licensed under this ordinance at least once a year to determine whether such yards are being operated in accordance with the provisions of this ordinance and other applicable provisions of law.

#### **SEC. 18B-11. REVOCATION OF LICENSE.**

The City Council and Mayor can revoke a salvage dealer's license if any one of the following conditions are present:

1. The salvage dealer or any agent or officer of such dealer who takes part in the operation of the licensed business is not capable of operating the licensed business or carrying on the licensed activity in a manner consistent with public health, welfare and safety; or,

2. The salvage dealer has failed to comply with the provisions of this ordinance or any provision of law applicable to the premises, equipment of operation of the licensed business or the itinerant salvage dealer has failed to comply with this ordinance or any provisions of law applicable to his equipment or licensed operations; or,

3. The licensee has obtained his license through any fraud or misstatement; or,

4. The licensed business or activity is being conducted in a manner detrimental to the health, safety or general welfare of the public, or is a nuisance or is being operated or carried on in any unlawful manner; or,

5. The licensed business or activity is no longer being operated or carried on.

**SEC. 18B-12. HEARING ON GRANTING, DENIAL, RENEWAL OR REVOCATION OF LICENSE.**

A) Any person aggrieved by an order of the City Council granting, denying, renewing or revoking a license for a proposed or existing business or activity subject to the provisions of this ordinance, may file a written request for a hearing before the City Council within ten (10) days after issuance of such order. The City shall give notice of a public hearing upon this request to be held in not less than five (5) days after service of the notice on the person requesting the hearing. The City shall also give notice of the hearing to other persons directly interested in the order in question. At such hearing, the City shall determine whether the granting, denial, renewal or revocation of the license was in accordance with the provisions of this ordinance and shall issue a written findings of fact, conclusions of law and an order to carry out its findings and conclusions. These findings of fact, conclusions of law and order shall be filed with the Clerk and served by the City upon all parties appearing or represented at said hearing.

B) The City Attorney shall furnish such assistance and advice to the City Council as the City shall request.

**SEC. 18B-13. COMPLIANCE.**

Any person acting as a salvage dealer within the City on the effective date of this ordinance shall have a period of ninety (90) days after such effective date to comply with provisions of this ordinance.

**SEC. 18B-14. PENALTIES.**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred and no/100 Dollars (\$500.00). Each day such violation is committed or permitted to continue, shall constitute a separate fine and shall be punishable as such hereunder. (Ord. 1033, 3/91)