

## Chapter 246

### USED CAR DEALERS

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 7, Ch. 10 of the 1992 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Junk dealers -- See Ch. 161.

#### § 246-1. License required.

A. No person, firm, association, corporation or other business entity shall conduct or maintain any business engaged in the buying, selling or auction of used motor vehicles without first obtaining a used motor vehicle dealer's license.

B. Any person, firm, association, corporation or other business entity currently conducting or maintaining any business engaged in the buying, selling or auction of used motor vehicles shall file an application for a license with the Village Clerk-Treasurer.

#### § 246-2. Definitions.

The following definitions shall be applicable in this chapter:

**BUSINESS** -- An activity or enterprise for gain, benefit, advantage or livelihood, and is not dependent on whether the activity or enterprise is profitable. Occasional, single or isolated activities do not constitute a business.

**MOTOR VEHICLE** -- Any car, automobile, truck or motorcycle.

#### § 246-3. Application for license.

A. Every applicant for a license to engage in the business of used motor vehicle dealer shall file with the Village Clerk-Treasurer a written application upon a form prepared and provided by the village, signed by the applicant or applicants. Said application shall state:

(1) The name and residence of the applicant, if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation.

(2) The detailed nature of the business to be conducted and the kind of vehicles to be bought and sold or otherwise handled.

(3) The complete legal description of the premises where such business is to be located or carried on.

B. All applications for licenses shall be filed with the Village Clerk-Treasurer at least 15 days prior to the granting of any such license; and the same shall, prior to the granting of such license, be published in the official newspaper not less than 15 days prior to the granting thereof. Such publication shall include the name and address of the applicant and the location of the premises to be licensed.

#### **§ 246-4. Issuance of license.**

Upon filing of the application, as provided in § 246-3 hereof, the Village Board shall:

A. Upon its approval of such application after investigation and the payment to the village of the license fee hereinafter provided, issue a license as provided in § 246-1 hereof.

B. No license shall be refused except for a specified reason.

C. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the business, the date of issuance and expiration of the license and the name and address of the licensee.

D. No applicant to whom a license has been refused shall make further application until a period of at least six months shall have elapsed since the last previous rejection, unless it can be shown that the reason for such rejection no longer exists.

E. No license shall be issued to any person, firm, association, corporation or other business entity who is delinquent in payment of any taxes, assessments, claims or forfeitures to the village.

F. Any person, firm, association, corporation or other business entity denied the issuance of any initial or renewal license under this chapter shall be notified of the right to request a hearing before the Village Board, at which the person, firm, association, corporation or other business entity may show cause, if there be any, why the issuance of the license should not be denied.

#### **§ 246-5. License fee.<sup>1</sup>**

Every used motor vehicle dealer shall pay an annual license fee of \$50. All licenses shall be issued as of July 1 and shall continue in force until June 30 next succeeding the date of issuance thereof, unless sooner revoked.

#### **§ 246-6. Conditions of license.**

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<sup>1</sup>Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

All licenses granted hereunder shall be granted subject to the following conditions, and all other conditions of this chapter, and subject to all other ordinances and regulations of the Village of Albany applicable thereto:

A. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation.

B. All exterior property areas shall be kept free from weeds.

C. Fences, other minor construction, walks, driveways, parking areas and similar paved areas shall be properly maintained in a safe, sanitary and substantial condition.

D. Exterior surfaces of buildings and structures that are not inherently resistant to deterioration shall be periodically treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance.

E. No disassembled or inoperable motor vehicles awaiting repair shall be stored or allowed to remain in the open for longer than 14 days.

F. The provisions of this chapter shall not apply to auto salvage yards and/or junkyards that are duly licensed under the ordinance provisions of the village pertaining to such operations.