

**CHAPTER 44**

**JUNK DEALERS AND PAWNBROKERS**

§ 44-1. License required..... 4401

§ 44-2. Definitions..... 4402

§ 44-3. Application for license; bond ..... 4402

§ 44-4. Issuance or denial of license..... 4404

§ 44-5. License fees and regulations ..... 4404

§ 44-6. Badges to be supplied; vehicle markings; required signs .. 4405

§ 44-7. Designation of places of business; change of address..... 4406

§ 44-8. Restrictions..... 4406

§ 44-9. Revocation of license..... 4407

§ 44-10. Records of purchases ..... 4407

§ 44-11. Reports to Police Department ..... 4407

§ 44-12. Lost or stolen articles ..... 4408

§ 44-13. Penalties for offenses ..... 4408

[HISTORY: Adopted by the Common Council of the City of Dunkirk 5-23-1922 as Chapter XV of the Ordinance of the City of Dunkirk. Amendments noted where applicable.]

**GENERAL REFERENCES**

Auctions and auctioneers - See Ch. 6  
 Hawkers and peddlers - See Ch. 39

**§ 44-1. License required.**

- A. No person or persons, association, partnership, firm or corporation shall, within the limits of the City of Dunkirk, engage in or carry on the business of collecting, buying, selling or otherwise dealing in rags, old rope, bottles, bones, tinware, rubber, bagging or any other article or thing, except old metal as defined in Article 6 of the General Business Law of the State of New York, which from its worn condition renders it useless for the purpose for which it was made, whether at a fixed place of business or as an itinerant peddler, without first having obtained and paid for a license as hereinafter provided.
- B. Any no person or persons, association, partnership, firm or corporation shall conduct a store for the purpose of buying or

selling secondhand furniture, clothing or other merchandise without first having obtained and paid for a license as hereinafter provided.

- C. Neither shall any person engage in the business of loaning money on jewelry or other merchandise without first having obtained and paid for a license as hereinafter provided.

**§ 44-2. Definitions.**

- A. Every person, as principal, agent or employee, who shall go, with or without a vehicle, from house to house or place to place, buying offering to buy, collecting or gathering any of the articles enumerated in § 44-1, shall be deemed to be a “junk peddler.”
- B. Every person, association, partnership, firm or corporation, as principal, agent or employee, who or which shall carry on the business of buying, selling or storing any of the articles enumerated in § 44-1 at an established place of business, shall be deemed to be a “junk merchant.”
- C. Every person, association, partnership, firm or corporation who or which shall carry on the business of buying or selling used furniture, clothing or other merchandise, shall be deemed to be a “secondhand dealer.”
- D. Every person who shall conduct the business of loaning money on jewelry, clothing or on other goods or merchandise, shall be deemed to be a “pawnbroker.”

**§ 44-3. Application for license; bond.**

- A. Any person, persons, associations, partnerships, firm or corporation desiring to procure a license as herein provided shall file with the Mayor a written application upon blank forms prepared and furnished by the City. Such application shall contain the names and residences of the applicants if an individual, partnership or firm, or the names of the principal officers and their residences if the applicant is an association or corporation. Such application shall also describe in detail the character of the business in which he, they or it desire to engage and the kind of materials, he, they or it desire to collect, buy, sell or otherwise deal in. It shall also state the following:
  - (1) Whether the applicant is licensed to sell old metal in accordance with Article 6 of the General Business Law of New York State.

- (2) The length of time such applicant or applicants, if an individual, firm or partnership, or the manager or person in charge, if the applicant is a firm, partnership, corporation or association, has or have resided in the City of Dunkirk; his or their places of previous employment; whether married or single; whether he or they or any of them have been convicted of a felony or a misdemeanor, and if so, what offense, when and in what court.
  - (3) The premises where such business is to be located or carried on, giving street and number.
  - (4) Whether the applicant or applicants or manager had either alone or with someone else, previously been a junk merchant, junk peddler, secondhand dealer or pawnbroker as defined in § 44-2.
  - (5) Such other information as may be required by the Mayor.
- B. Such application shall be signed and acknowledged before a notary public or other officer authorized to administer oaths.
- C. Such application shall be accompanied by a bond to the City of Dunkirk, approved as to form by the City Attorney, in the penal sum of Five Hundred Dollars (\$500.00) for a junk merchant, One Hundred Dollars (\$100.00) for a junk peddler, One Hundred Dollars (\$100.00) for a secondhand dealer and Five Hundred Dollars (\$500.00) for a pawnbroker, with a sufficient surety or sureties or sufficient collateral security, conditioned for the due observance during the term of the license of any and all ordinances which are now in force or may hereafter be adopted by the Common Council respecting the collection, buying, selling or otherwise dealing in articles enumerated in § 44-1.

#### **§ 44-4. Issuance or denial of license.**

Upon the filing of the application and the bond as provided in the preceding section, the Mayor may, upon his approval of such application after investigation and such bond as to sufficiency of surety or sureties or collateral security, and the payment to the city of the license fee hereinafter provided, issue to the applicant a license to engage in business as provided in § 44-1. No license shall be refused except for a specific reason and for the protection of the

public safety, good order or morals. All licenses shall be numbered in the order in which they are issued, and shall state clearly the nature and location of the business, the date of issuance and expiration of the license and the name and address of the licensee. No applicant to whom a license has been refused shall make further application until a period of at least six (6) months shall have elapsed since the last previous rejection, unless he can show that the reason for such rejection no longer exists.

**§ 44-5. License fees and regulations.**

**A. Fees enumerated.**

- (1) Every junk merchant as defined in § 44-2 shall pay an annual license fee of Twenty-five Dollars (\$25.00) for each established place of business.
- (2) Every junk peddler as defined in § 44-2 shall pay an annual license fee of Ten Dollars (\$10.00).
- (3) Every secondhand dealer as defined in § 44-2 shall pay an annual license fee of One Dollar (\$1.00)
- (4) Every pawnbroker as defined in § 44-2 shall pay an annual license fee of Twenty-five Dollars (\$25.00).

**B. License regulations.**

- (1) All licenses shall be issued as of January 1 and shall continue in force until December 31 next succeeding the date of issuance thereof, unless sooner revoked by the Mayor.
- (2) No junk merchant shall engage in business as a junk peddler without paying a separate license therefore.
- (3) No junk peddler's license shall give authority for more than one (1) person to buy, offer to buy, or collect under it.
- (4) Each junk merchant or peddler, while exercising his license, shall carry his license and exhibit the same whenever requested so to do by any citizen or police officer of the city.
- (5) Every secondhand dealer or pawnbroker licensed under this chapter shall keep his license posted in a conspicuous place in his place of business.

- (6) No license shall be used by any person other than the original licensee, and any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall each be guilty of a violation of this chapter.
- (7) Whenever a license shall be lost or destroyed without fault on the part of the holder or his agent or employees, a duplicate license in lieu thereof under the original application and bond may be issued by the Mayor in his discretion.

**§ 44-6. Badges to be supplied; vehicle markings; required signs.**

The Mayor shall supply to each junk peddler licensed under this chapter a badge which shall be surrendered upon the expiration of the license granted to such junk peddler, which badge shall bear a number corresponding to the number of the license held by the peddler to whom such badge is furnished. Said badge shall also show the year for which said peddler has been licensed. It shall be unlawful for any person to destroy, deface or injure such badge in any manner, or change the number or date thereon. It shall also be unlawful for any person to wear or have in his possession such badge unless he is the licensed junk peddler in whose name the license is issued. Such badge shall be worn by the licensee on his outermost garment at all times while exercising his license. In the event that any junk peddler shall lose his badge, he shall immediately procure a new badge and shall reimburse the city for the cost of the badge which he has lost. The vehicle kept or used by a junk peddler in the exercise of his license shall be marked on both sides with his name, the street and number of his place of business and his license number, in plain letters and figures at least two (2) inches in length and of such color as to be plainly read at a distance of at least ten (10) feet. Every licensed junk merchant, secondhand dealer or pawnbroker shall have and keep a sign on the outside and in front of each of his or its places of business, on which shall be plainly set forth in conspicuous letters his or its name, licensed business and the number corresponding to the number on his or its license.

**§ 44-7. Designation of places of business; change of address.**

Every license which shall be granted in pursuance of § 44-1 shall designate the house or place of business in or from which the licensee shall be authorized to carry on such business. In case any licensee shall remove his or her place of business from the place designated in the license, he or she shall immediately thereon give notice to the Mayor and have the same endorsed upon such license, and the number of his place of business shall thereafter be changed upon the side of the vehicle used by such licensee and made to correspond with such change in the place of business.

**§ 44-8. Restrictions.**

- A. No junk merchant or peddler shall carry on the business at or from any other place than the one designated in the license therefore. Nor shall he or it continue to carry on business after such license has been revoked or has expired.
- B. No junk merchant, junk peddler or secondhand dealer shall purchase any article enumerated in § 44-1 from any minor, apprentice or servant, knowing or having reason to believe or suspect the seller to be such, nor from any person between the setting of the sun and 7:00 a.m.
- C. No person, persons, partnership, firm, association or corporation licensed under the provisions of this chapter to do business as a pawnbroker shall make any load upon any article or thing to any minor, apprentice or servant, knowing or having reason to believe or suspect the person offering any such article to be such.
- D. No license as a junk merchant or peddler, secondhand dealer or pawnbroker shall be granted to any person, persons, association, partnership or corporation who or which shall have been convicted, within two (2) years of the date of application, of a violation of this chapter, or association or corporation of which a member or members shall have been so convicted; or to any person who has, within two (2) years of the date of application, been convicted of a felony or knowingly receiving stolen goods, and any association or copartnership of which any member or members has or have been so convicted of a felony or knowingly receiving stolen goods.

**§ 44-9. Revocation of license.**

The Mayor may, at any time, for such cause as he, upon investigation, deems sufficient, revoke any license granted under the provisions of this chapter. Whenever any license shall be so revoked, no refund of any unearned portion thereof shall be made, and no license shall be granted to any person, firm, partnership, association or corporation whose license has been so revoked within a period of two (2) years from the date of such revocation. Notice of such revocation and the reason or reasons therefor in writing shall be served by the Mayor upon the person, firm, partnership, association or corporation named in the application, by mailing the same to the address given in the application and upon filing a copy of such with the City Clerk.

**§ 44-10. Records of purchases.**

Every junk merchant or secondhand goods dealer shall keep in such form as the Chief of Police may prescribe, and written in ink or indelible pencil, a daily

record of all articles purchased, the name, residence, age and occupation of the person from whom each article was purchased, and the name of the employer of such person, also the day and hour of such purchase and the price paid. The records shall at all reasonable times be open to the inspection of any police officer or the Mayor, Chief of Police, any magistrate or any person duly authorized in writing for such purpose by the Chief of Police or any magistrate, who shall exhibit such authorization to the junk merchant or secondhand goods dealer, his agent or employee. No entry in such records shall be changed, erased, obliterated or defaced. The provisions of this section shall also apply to pawnbrokers, who shall keep such records as the Chief of Police may direct.

**§ 44-11. Reports to Police Department.**

Every junk merchant, secondhand dealer or pawnbroker, upon being served with a written notice so to do by a member of the police Department, shall report to the Chief of Police, on blank forms to be furnished by the Police Department, an accurate description of all goods, articles or things purchased or received by him in the course of business, at such time and during such period of time specified in the notice, stating the amount paid for or loaned upon each article, and the name, residence and general description of the person from whom such goods, articles or things were received.

**§ 44-12. Lost or stolen articles.**

If any goods, articles or things whatsoever shall be advertised in any newspaper printed in the city as having been lost or stolen, and the same or any answering the description advertised, or any part or portion thereof, shall be or come into the possession of any junk merchant, junk peddler, secondhand dealer or pawnbroker, he or it shall give information thereof in writing to the Chief of Police and state from whom the same was received. Any junk merchant, junk peddler, secondhand dealer or pawnbroker who shall have or receive any goods, articles or things lost or stolen, or alleged or supposed to have been lost or stolen, shall exhibit the same on demand to any police officer or to the Mayor, Chief of Police or any magistrate, or any person duly authorized in writing by the Chief of Police or any magistrate, who shall exhibit such authorization to such dealer or peddler.

**§ 44-13. Penalties for offenses.**

The violation of any of the provisions of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article I, of the Code of the City of Dunkirk; and any person convicted of any such violation shall be guilty of a misdemeanor.