

11.20.040 Used Car Dealers

A. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. All vehicles propelled by any power other than muscular power, which do not run upon rails, except traction engines, road rollers, and farm tractors.

USED CAR DEALER. Any person whose principal business is the buying and selling or storage of secondhand motor vehicles, parts, and accessories.

B. *License Required.* No person shall, within the limits of the city, engage in or carry on the business of dealing in, buying, selling, storing, exchanging, or assembling secondhand motor vehicles without first having obtained and paid for a license herein provided.

C. *License Application.*

1. Every person desiring to procure a license, as provided in this section, shall file with the Administrator, Clerk/Treasurer a written application upon a form prepared and furnished by the city.
2. The application shall contain the names and residences 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. The application shall also describe in detail the character of the business in which he or she desires to engage. It shall also state the following:
 - a. The length of time the applicant, 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, his or her places of previous employment, whether married or single, whether he or she has been convicted of a felony or misdemeanor, and, if so, what offense, when, and what court;
 - b. The premises where or from which the business is to be located or carried on, giving street and number;
 - c. Whether the applicant has, either alone or with someone else, previously been a used car dealer or motor vehicle junk dealer; and
 - d. Other information as may be required by the City Council.

D. *License Fee; Term; Transfer; Duplicates.* Every used car dealer shall pay an annual license fee for each established place of business, as set from time to time by Council resolution. All licenses shall be issued as of January 1 and shall continue in force until January 1 next succeeding the date of issuance thereof, unless sooner revoked by the City Council. No license shall be used by any person other than the original licensee, and any holder of a license who permits it to be used by any other person, and any person who uses a license granted to any other person, shall be guilty of a violation of this section. Whenever a license shall be lost or destroyed without fault on the part of the holder or his or her employee, a duplicate license in lieu thereof under the original application may be issued by the Administrator, Clerk/Treasurer in his or her discretion, setting forth the circumstances of the loss and what, if any, search has been made for its recovery.

E. *License Issuance And Content; Re-Application After Denial.*

1. Upon the filing of the application as provided in this section, the City Council may, upon

its approval of the application after such investigation as it shall require, and the payment to the city of the license fee provided in this section, issue to the applicant a license to engage in the business as provided in this section. All licenses shall be numbered in the order in which they are issued and shall state clearly the location of the house or place of business in or from which the person receiving the license shall be authorized to carry on the business as used car dealer, the kind of business, the date of issuance and expiration of the license, and the name and address of the licensee.

2. 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 he or she can show that the reason for the rejection no longer exists.

F. Restrictions.

1. No person shall carry on the business at or from any other place in the city than the one designated in the license therefor; nor shall he or she continue to carry on business after the license has been revoked or has expired.
2. No license herein provided shall be granted to any person who or any member of which shall have been convicted, within one year of the date of application, of a violation of this section; also any person who or any member of which shall have, within five years of the date of application, been convicted of a felony or knowingly receiving stolen goods.
3. No license shall be granted to any person doing business in a location contrary to the provisions of SLPC 16, regarding zoning, or amendments thereof, unless special permit is granted therefor in accordance with the provisions of SLPC 16. Nor shall any person be permitted to move a business licensed hereunder to a location within the city prohibited by SLPC 16.
4. No license shall be granted if the premises are located within 500 feet of any other new or used car sales dealership or auto or marine leasing or rental facility.

G. Revocation. The City Council may, at any time, for such cause as it, upon investigation, deems sufficient, revoke any license granted under the provisions of this section. Whenever any license shall be revoked, no refund of an unearned portion shall be made and no license shall be granted to any person whose license has been revoked within a period of one year from the date of that revocation. Notice of the revocation and the reasons therefor in writing shall be served by the Administrator, Clerk/Treasurer upon the person named in the application by mailing the same to the address given in the application.

H. Changing Place Of Business. In case any licensee shall move his or her place of business from the place designated in the license, he or she shall immediately thereon give notice to the Administrator, Clerk/Treasurer and have the same endorsed on the license.

I. Records Required. Every person licensed under this section shall keep and preserve a book in which there shall be made at the time of the transaction, a record in English of every purchase, sale, storage, exchange, or wreckage of all secondhand motor vehicles, purchased, sold, stored, exchanged, wrecked, or left in his or her possession for sale, storage, or wreckage. These records shall include the following information: the name, place of residence, including street and number, and a personal description of each person from whom a secondhand motor vehicle is obtained, or to whom such a vehicle is delivered; the date and hour received or delivered; and a description of the secondhand motor vehicle, and manufacturers' numbers and any other serial number and any peculiar mark or marks of identification whatsoever, style of body, seating or other capacity, color, and car and license number.

J. Inspection Of Records And Materials. The books provided for in Paragraph I and all secondhand motor vehicles, parts, and accessories in the possession of the licensee shall be, at all

reasonable times, open to the inspection of the Police Chief, any member of the police force, or any person duly authorized in writing by the Police Chief for that purpose. No licensee or clerk, agent, or other person in charge of the premises or business of a licensee, shall refuse to admit thereto any person authorized in this paragraph to examine records, or fail to exhibit to him or her on demand all motor vehicles, parts, or accessories and books, papers, and inventories relating thereto.

K. *Violations.* The violation of any paragraph of this section shall constitute a misdemeanor.