

**LICENSE APPLICATION FOR  
SCRAP METAL DEALERS/JUNK DEALERS/RECYCLING OPERATIONS  
CITY OF SOUTH BEND, INDIANA  
South Bend Municipal Code Section 4-51**

I. Check One:  NEW  RENEWAL

II. BUSINESS DATA

A. Type of license applied for:

SCRAP METAL DEALER  JUNK DEALER  
 RECYCLING OPERATION

B. Business Name \_\_\_\_\_

C. Business Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

D. Mailing Address (If different from above) \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E. Business Telephone Number \_\_\_\_\_

F. Business Fax Number \_\_\_\_\_

G. E-mail Address \_\_\_\_\_

H. Zoning of proposed location \_\_\_\_\_

I. Lot size of premises \_\_\_\_\_

J. Type of fencing used \_\_\_\_\_

**Please Continue to Page 2 (back of sheet)**

**For Office Use Only**

Application Filed \_\_\_\_\_

Application Fee Paid \_\_\_\_\_

Sent to Departments \_\_\_\_\_

Fire Department \_\_\_\_\_

Code Enforcement \_\_\_\_\_

Building Dept. \_\_\_\_\_

Not Approved \_\_\_\_\_

Reason: \_\_\_\_\_

Water Works \_\_\_\_\_

Police Dept. – Records \_\_\_\_\_

Police Dept. – Crime Prev. \_\_\_\_\_

Common Council Approval \_\_\_\_\_

License Fee Paid \_\_\_\_\_

License Number \_\_\_\_\_

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K. Are premises: \_\_\_\_\_ Leased by applicant \_\_\_\_\_ owned by applicant?

If leased: Name of owner \_\_\_\_\_

Business address \_\_\_\_\_

III. PERSONAL DATA

A. Applicant's Legal Name \_\_\_\_\_

B. Residential Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

C. Residential Telephone Number \_\_\_\_\_

D. SSN \_\_\_\_\_ E. Date of Birth \_\_\_\_\_

IV. INCLUDE, WITH APPLICATION, A SITE PLAN OF THE FACILITY SHOWING PROPERTY LINES, BUILDINGS, PARKING SPACES, LOADING DOCKS, FUEL STORAGE, AND LANDSCAPING.

V. INCLUDE, WITH APPLICATION, A \$5.00 PROCESSING FEE

VI. AFFIRMATION

I, hereby, certify and affirm that all of the information I have given in this application is true and accurate to the best of my knowledge. I further certify and affirm that I have in no way attempted to mislead the City in this application by omitting facts known to me. I have read and understand the regulations of the Scrap Metal Dealer/Junk Dealer/Recycling Operation/Transfer Station license found in the City of South Bend Municipal Code, Section 4-51.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Sec. 4-51. Scrap metal dealers, junk dealers, valuable metal dealers and recycling operations.**

(a) *Definitions.* As used in this section:

(1) *Business records* mean the records of any purchase, trade, barter or other transaction that involves the receipt of scrap metal and/or valuable metals which are required as part of the licensing procedures addressed herein, but do not include correspondence, tax returns or financial statements.

(2) *Ferrous metals* mean those metals which will attract a magnet.

(3) *Junk dealers* mean any person who keeps or maintains a yard, covered or uncovered, space or place, within the City for the purpose of, and engaging in the business of, buying or selling, exchanging or storing of old or used materials, bottles, glassware, paper, bagging, rags or rope, or any other type of material commonly referred to as "junk."

(4) *Nonferrous metals* mean those metals which will not normally attract a magnet, including copper, brass and aluminum.

(5) *Purchase* means acquiring an item of value where consideration is to be paid.

(6) *Purchase of valuable metal* means acquiring a valuable metal product or products by a valuable metal dealer in a single transaction of less than one hundred dollars (\$100.00), but does not include purchases between scrap metal processing facilities which are defined in IC 8-12-1-3(d).

(7) *Recycling operators* means any person who keeps or maintains a yard, covered or uncovered, space or place, within the City for the purpose of, and engaging in the business of, buying or selling, exchanging or storing of old or used materials, junk, scrap metals, or scrap materials.

(8) *Scrap metal dealer* means any person who keeps and maintains a yard, covered or uncovered, space or place, within the City for the purpose of, and engaging in the business of, buying or selling, exchanging or storing of old or used metals, tinware, brass, copper, iron, lumber, old automobiles, or any other such type of material commonly called and referred to as "scrap metals."

(9) *Scrap metals* include insulated and uninsulated metallic cables.

(10) *Scrap or junk materials* means any used metal, both ferrous and nonferrous, lumber, old automobiles, bottles, old glassware, old tinware, paper, rags, iron, lumber or any other such materials commonly called and referred to as "scrap or junk materials"; with aluminum beverage cans or tin cans being excluded.

(11) *Scrap or junkyard* means any yard, area, space or place, either covered or uncovered, enclosed or unenclosed, maintained and actually used for the purpose of the accumulation or the buying or selling, storing or exchanging of any such scrap metals, junk or scrap materials.

(12) *Transfer station* means a place or location where scrap metals, junk, trash or garbage or scrap materials are deposited and then transferred in larger quantities by a different carrier, which are governed by extensive state and federal regulations and further regulated by the Indiana Department of Environmental Management (IDEM), the Solid Waste Management Board and the Environmental Protection Agency (EPA) and exempt from the provisions of this Section.

(13) *Valuable metal* means any product made of copper, copper alloy, brass, aluminum, aluminum ally, ferrous metals or nonferrous metals.

(14) *Valuable metal dealer* means any individual, firm, corporation, limited liability company, or partnership engaged in the business of purchasing and reselling valuable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, junk stores, auto wreckers, scrap metal dealers or processors, salvage yards, collectors of or dealers in junk, and junk carts or trucks.

(b) *Rule-making authority of Board of Public Works.* The Board of Public Works may have the authority to adopt rules and regulations related to the monitoring and enforcement of this Section, pursuant to the following procedure:

(1) Upon receipt of an application for the issuance of a license for the maintenance and operation of a scrap or junkyard, or recycling operation at a location not previously licensed, the Office of the City Clerk shall upon receipt, date-stamp the application and immediately submit the application to the Fire Prevention Bureau and the Department of Code Enforcement for their inspections; and also provide notice of the filing of said application via email to the Department of Administration and Finance and the Common Council. The Bureau and Department of Code Enforcement shall cause the premises where such proposed scrap or junkyard, or recycling operation is to be located to be visited and inspected for the purpose of determining whether such premises are fit and proper for the maintenance and operation of such a business. All inspections must be completed by the Code Enforcement and the Fire Department's Fire Prevention Bureau within ten (10) business days of the receipt of an application by the City.

(2) The application shall also be referred to the South Bend Police Department for review and recommendation. The Police Department shall conduct an investigation of each applicant and make a recommendation as to whether the application should be granted. In making its recommendation, the Police Department shall consider the criminal history of the applicant, if any, and the likelihood that granting the application will endanger the health, safety or welfare of the public. A report of the investigation and a copy of the traffic and police record of the applicant, if any, and the recommendation of the Police Department shall be attached to the application and forwarded to the Office of the City Clerk.

(3) The Office of the City Clerk shall forward to the Common Council President with a copy to the City Controller, the recommendation of the Police Department, and all information provided with or in support of the application in determining whether the application should be granted. Upon receipt of the application and comments or recommendations of the South Bend Departments of Police, Fire and Code Enforcement, the Common Council by resolution shall approve or disapprove such application at its next regular meeting.

In the event that an applicant does not meet current Code requirements as evidenced in writing through the City Administration's inspection process, the Office of the City Clerk may recommend an interim license for such an applicant, with notice being given to the City Controller and the Common Council. The Controller may issue the interim license upon the Clerk's recommendation. Interim licenses shall expire within sixty (60) days, unless the applicant can prove to the Office of the City Clerk that there are extenuating circumstances requiring an extension, which shall require notice to the City Clerk and Council of the date of expiration.

(f) *License procedure; posting of license required.*

(1) In determining whether to approve and adopt a resolution to issue a permit under this section, the Common Council shall consider the effect or appropriateness of a scrap or junkyard upon the surrounding area, as well as any comments or recommendations provided by the Fire Prevention Bureau, the Department of Code Enforcement or the Board of Public Works. No license application shall be approved without the written approval endorsed upon the application by the Fire Prevention Bureau and Department of Code Enforcement.

(2) Upon final approval of the application by the Common Council, the Office of the City Controller shall issue or renew the license for maintenance and operation of a scrap or junkyard, or recycling operation. All licenses issued by the Office of the City Controller shall be conspicuously displayed by the applicant by the check-out area of their business. If such application is disapproved by the Fire Prevention Bureau, the Department of Code Enforcement, the Board of Public Works, or the Common Council, the license shall not be issued. The issuance of all licenses under this section shall be subject to compliance with all applicable rules and regulations.

(3) Any applicant may appeal a denial of a license pursuant to the procedures set forth in Section 4-16 of this chapter.

(g) *License fee.*

(4) *Exceptions for scraping of motor vehicles.* Any municipality who brings in a motor vehicle(s) for scraping shall be exempt from the completion of the form addressed in this section with such municipality complying with all applicable provisions of IC 9-22-1 and other applicable State and/or Federal law requirements.

(k) *Submission of records for inspection and holding requirements for ferrous and/or nonferrous metal.*

(1) Every dealer or operator shall, during the hours of ordinary business, allow any member of the South Bend Police Department to inspect the licensed premises and the contents thereof and shall, upon request, exhibit for inspection the books or information required to be kept under this subsection. In addition, every dealer or operator shall present such books or information to the Police Department for inspection and copying upon request.

(2) Within twenty-four (24) hours from the date of purchase of scrap metal and/or valuable metal the dealer or operator shall notify the local law enforcement agency of the description of the purchase and the name of the individual or individuals who sold the product to the dealer or operator.

(3) Any dealer or operator who is required to be licensed under this section and who has a record with the City of having violated any of the provisions of this section within the past calendar year, shall be required to place a hold on all ferrous and/or nonferrous metal purchased for a period of two (2) business days after notification to the local law enforcement agency required in subsection (2) above. However, if such dealer or operator maintains the information required herein in a computer program compatible with a program maintained by the South Bend Police Department or pre-approved by the South Bend Police Department, and sends reports of each day's transactions as required after the close of each business day, that dealer or operator shall only be required to hold the items for one (1) business day prior to resale or disposal. The license issued under this section shall specify the amount of time the items are to be held.

(l) *Operation and maintenance rules and regulations.*

(1) All scrap and junkyards, and recycling operations, shall be maintained and operated in compliance with all applicable fire, health and public safety laws of the State and the provisions of this Code and other ordinances of the City.

(2) The operators of such yards shall conform with the following rules and regulations:

a. Minimum lot area for new yards: All new scrap and junkyards, and recycling operations shall have a minimum lot area of five (5) acres and shall be zoned GI General Industrial District pursuant to the zoning provisions of this Code.

b. Fencing: There shall be two (2) types of fencing required to enclose all scrap and junkyards, and recycling operations:

1. Type A fencing shall consist of fireproof material and shall be a minimum of six (6) feet in height, and constructed so that it can retain all scrap and junk materials within such yards. This fencing shall be of uniform material and color and shall be kept in good repair at all times. Type A fencing shall be used except when Type B fencing is specifically required.

2. Type B fencing shall consist of opaque or solid fireproof material, and shall be a minimum of eight (8) feet in height. It shall be erected along or near the outside edges of the scrap or junkyard, or recycling operation, and shall completely surround the scrap or junk materials to be stored on the premises. Such fencing shall be of uniform material and color, and shall be kept in good repair at all times. Provided, that any Type B fencing which shall be erected, as required by this section, shall be a minimum of eight (8) feet in height. All new businesses or existing businesses which expand or replace Type B fencing in its entirety after October 1, 1990, shall have opaque fencing which, for purposes of this section, shall mean a barrier of solid material such as wood, metal, or similar material whereby one cannot see through such opaque fence, thereby screening the operation from public view. A chain link fence of said height with metal, wood, or other opaque material through it which entirely blocks the view of the operation is an example of the minimum required opaque fence, as used in this section.

Department of Administration and Finance or the City of any other right or remedy available in law or equity to address such violation(s).

(p) *License denial and/or revocation.* Suspension or revocation of any license issued under this section shall be governed by the provisions set forth in Section 4-16 of the South Bend Municipal Code.

(q) *Video surveillance.* Effective September 1, 2006, all businesses required to be licensed under this section shall be required to have a video surveillance system monitoring all business transactions which records on video tape when a person tenders his or her signed and verified completed form required by subsection (j)(2) herein, receives remuneration for items regulated under this section, and videos the vehicle in which the scrap metal/valuable metal was delivered to the dealer. Video cameras shall date and time-stamp the video tape. Such tapes shall be retained for thirty (30) days from the date of transaction. Such video surveillance systems shall be operable during all regular business hours when the dealer is accepting valuable metals and/or scrap metals for purchase and shall be available for any member of the South Bend Police Department to review during the hours of ordinary business. Violation of this subsection shall be considered a separate offense.

(r) *Providing of false information.* If a person or persons who apply for a license under this section provides false information, such action shall be considered a violation of this section. Such action shall be grounds for suspension, revocation or a denial of a license, in addition to being considered a separate offense for which a citation may be issued.

(Ord. No. 8998-81, § 1; Ord. No. 7027-82, § 1; Ord. No. 7182-83, § 1; Ord. No. 7723-86, § 2; Ord. No. 8117-90, §§ 1, 2; Ord. No. 8813-97, § 1, 7-28-97; Ord. No. 9093-00, § XVIII; Ord. No. 9673-06, § 1, 4-27-06; Ord. No. 9888-08, §§ I-IV, 12-8-08)