

**ORDINANCE
PURCHASES OF SCRAP METALS
#08 - 01**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF DUBLIN, GEORGIA BY: PROVIDING FOR THE KEEPING OF A REGISTRY OF PURCHASES FOR SCRAP METAL DEALERS; REQUIRING PHOTOGRAPIC RECORDING OF PURCHASES; AND PROVIDING PENALTIES FOR VIOLATIONS.

Whereas there have been many reports of the theft of metals that can be sold for scrap, including thefts of air-conditioners and piping from private residences and large quantities of metals from commercial sites; and

Whereas these thefts are increasing and are causing economic harm to the City of Dublin and its citizens;

BE IT ORDAINED AND ESTABLISHED by the Mayor and City Council of the City of Dublin, Georgia as follows:

Chapter 17 ½ of The Code of Ordinances of the City of Dublin is hereby amended by renaming said Chapter "Precious and Scrap Metals"; by denominating the existing sections dealing with the purchase and sale of Precious Metals as "Article I. Precious Metals"; and by adding "Article II. Scrap Metals" as follows:

ARTICLE II. SCRAP METALS

Sec. 17 ½ - 20. Definitions.

For the purposes of this Article, unless the context otherwise requires:

(a) "Book or register" means a written record of transactions kept by any scrap metal processor, owner, keeper, proprietor, collector, or dealer, including sequentially numbered receipts containing the information required by Section 17 ½ - 21.

(b) "Scrap metal" means a metal containing brass, copper, copper alloy, aluminum, stainless steel, or magnesium or another metal traded on the scrap markets.

(c) "Dealer" means any person, business, or entity that buys, sells, or distributes, for the purpose of recycling, any scrap metal on a wholesale basis.

(d) "Working day" means Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, except for such days which are designated a legal holiday by the state.

Sec. 17 ½ - 21. Register Required

(a) Except as otherwise provided in 17 ½ - 23, every scrap metal processor as defined by Georgia Law, and any owner, keeper, or proprietor of a junk shop, junk store, salvage yard, or vehicle used to collect scrap metals (including vehicles), shall keep a book or register detailing all transactions involving scrap metals or vehicles.

(b) The scrap metal processor owner, keeper, proprietor, collector, or dealer shall record the identification of a seller of scrap metals or vehicles in the book or register and the method by which the seller verified his or her identity. The seller shall verify his or her identity by one of the following:

- (1) A valid Georgia driver's license;
- (2) An identification card issued in accordance with O.C.G.A §40-5-100;
- (3) A valid driver's license from another state that contains picture identification;
- (4) A military identification card;
- (5) A valid United States passport;
- (6) An alien registration card;

(c) The scrap metal processor, owner, keeper, proprietor, collector, or dealer shall require the seller of a scrap metal to provide a signed affidavit, in a form approved by the

City of Dublin Police Department, sworn and affirmed under penalty of law, that the seller is the owner of the scrap metal or is otherwise entitled to sell the scrap metal. The scrap metal processor, owner, keeper, proprietor, collector, or dealer shall provide the affidavit form to the seller.

(d) The scrap metal processor, owner, keeper, proprietor, collector, or dealer shall include the following in the book or register:

- (1) The date of purchase;
- (2) The name, birth date, sex, and address of the seller;
- (3) The license plate number of the vehicle used to deliver the material;
- (4) A description of the purchase including weight and type; and (5) the amount paid for the purchase.

(e) The book or register shall be made available to any peace officer for inspection at any reasonable time.

17 ½ - 22. Photographic Identity of Seller

(a) Except as otherwise provided in Section 17 ½ - 23, the scrap metal processor, owner, keeper, proprietor, collector, or dealer of any scrap metal shall hold the scrap metal purchased separate and apart from all other materials purchased for a period of not less than seven working days after the date of purchase, during which period the scrap metal processor, owner, keeper, proprietor, collector, or dealer shall not change the form of the scrap metal and shall permit any law enforcement officer to make inspection of the scrap metal.

(b) However, any transaction for the purchase of a scrap metal wherein a digital photographic record, video record, or other record format is used to clearly identify the seller and the scrap metal that the seller is selling shall be exempt from this holding requirement. The digital photographic record, video record, or other record format shall be retained for ninety days, and the owner shall permit a law enforcement officer to make inspections and or copies of the record. The Seller and the scrap metal that he is selling shall appear together and both must be clearly identifiable.

17 ½ - 23. Exemptions

The following transactions and materials are exempt from the requirements specified in Sections 17 ½ - 21 and 17 ½ - 22:

- (a) Any materials purchased from a regulated public utility;
- (b) Any materials purchased from an original manufacturer of the material or industrially generated scrap;
- (c) The purchase of recyclable food and beverage containers from any source; except that, for purposes of this exemption, a metal beer keg shall not be considered a recyclable beverage container;
- (d) Any scrap that is involved in a transaction between dealers or governmental entities.
- (e) This Article shall not apply to a person or entity that does not provide remuneration for scrap metals collected in drop-off curbside containers or at materials recovery sites

17 ½ - 24. Records Kept 2 Years

The information entered in the book or register, as provided in Section 17 ½ - 21 shall be kept for two years after the date of purchase of the scrap metal, unless otherwise required by law.

17 ½ - 25. Violations and Penalties

Any person who violates any of the provisions of Article 2 of Chapter 17 ½ shall be guilty of a misdemeanor and shall be punished as provided for in Section 1-10 of the Code of the City of Dublin.

17 ½ - 26. Presumption

There is a rebuttable presumption that metal purchased for the purpose of recycling is a scrap metal.

17 ½ - 27. Cumulative of Other Law

This ordinance is to be interpreted in conjunction with O.C.G.A Title 43, Chapter 43, as cumulative thereof. Nothing in this ordinance shall supersede existing State or Federal laws or relieve a scrap metal processor from the necessity of complying with them. The requirements of State or Federal laws shall be construed as cumulative of this chapter.

SO ORDAINED this 3rd day of **January 2008**, by a vote of (7) FOR and (0) AGAINST.



PHIL BEST, MAYOR

ATTEST:



JOE KINARD, CITY CLERK

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