

CHAPTER 116: SCRAP DEALERS

Section

- 116.01 Definition
- 116.02 Compliance required
- 116.03 License required
- 116.04 Dealers to require identification from sellers; records to be kept

§ 116.01 DEFINITION.

For the purpose of this chapter pertaining to junk, secondhand and scrap dealers, the following definition shall apply unless the context clearly indicates or requires a different meaning.

COMMODITY METALS. Any metal containing primarily brass, copper, copper alloy, aluminum, stainless steel, or magnesium, or any other metal trading on the commodity markets that trades in pounds, rather than ounces, except aluminum single serving beverage cans shall not be considered commodity metals.

ELIZABETHTOWN. The corporate limits of the City of Elizabethtown, Kentucky.

FERROUS METALS. Any metal consisting primarily of iron or steel.

INVESTMENT PURPOSES. The purchase of regulated property by persons and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.

MINOR. Any person under the age of 18 years.

MOTOR VEHICLE DEALERS. Any person who exclusively deals in new or used cars.

PERSON. Any individual, owner, agent, partnership, corporation or other business entity.

PRECIOUS METALS. Any metal that is valued for its character, rarity, beauty, quality, or worth, including, but not limited to gold, silver, platinum or any other such metals, whether as separate items or in combination as a piece of jewelry.

PURCHASE. To obtain regulated property by paying money or giving other valuable consideration in a voluntary transaction. However, purchases under this ordinance do not include transactions in which regulated property is obtained by the loan of money or on condition of selling regulated property back to the individual from whom it came at a stipulated price.

REGULATED PROPERTY. The following property, which is used or secondhand:

- (1) Commodity and precious metals.
- (2) Gems, including but not limited to, any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or any other such gems or stones, whether as a separate item or in combination as a piece of jewelry.

Elizabethtown - Business Regulations

- (3) Jewelry containing metals or gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, bracelets, or chains.
- (4) Watches, including but not limited to, pocket watches, wrist watches, or stop watches.
- (5) Sterling silver, including but not limited to, flatware, candleholders, coffee and tea sets, ornamental objects, champagne flutes, wineglasses, or serving pieces such as platters, bowls, trays, water pitchers, open bakers, ice buckets, shell dishes or salt and pepper shakers.
- (6) Audio equipment and accessories, including but not limited to, tape players, tape decks or players, compact/digital disc players and compact discs, sound metering devices, tuners, amplifiers, speakers, transceivers, equalizers, receivers, phonographs, turntables, stereos, radios, clock radios, satellite radios, car stereos, car speakers, radar detectors, broadcasting equipment or citizen band radios/transceivers.
- (7) Video and digital equipment and accessories, including but not limited to, televisions, videotape or digital videodisc recorders, videotape or digital videodisc players, video cameras, video monitors, video games, digital video discs or video game consoles.
- (8) Photographic and optical equipment and any accompanying bags, including but not limited to, cameras, camera lenses, camera filters, camera motor drives, light meters, flash equipment, movie projectors, slide projectors, photography processing equipment, photography enlarging equipment, binoculars, telescopes, opera glasses, microscopes, surveying equipment, rifle scopes, spotting scopes, or electronic sighting equipment.
- (9) Electrical office equipment, including but not limited to, telefax machines, laser printers, copiers, duplicators, typewriters, calculators, cash registers, transcribers, dictaphones, computers, modems, monitors, or any computer equipment or accessories having uniquely identifiable parts.
- (10) Power yard and garden tools, including but not limited to, garden tractors, lawn mowers, rototillers, lawn sweepers, weed or brush cutters, edgers, trimmers, blowers, chippers, shredders, or ladders.
- (11) Power equipment and tools, including but not limited to, air hammers, air tools, nail guns, power staplers, power saws, power sanders, chainsaws, power planers, power drills, routers, lathes, joiners, shop vacuums, paint sprayers and accessory equipment, generators, air compressors, pressure washers or logging equipment.
- (12) Automotive and hand tools, including but not limited to, wrench sets, sockets sets, screw driver sets, pliers, vise grips, tool boxes, auto body hammers, jacks or timing lights.
- (13) Telephones or telephone equipment, including but not limited to, office telephones, portable home telephones, mobile telephones, cellular telephones or answering machines.
- (14) Sporting equipment, including but not limited to, bicycles, golf clubs and bags, pool cues or cases, skis, ski boots, snowboards, fishing rods or reels, or skates.
- (15) Outboard motors and boating accessories, including but not limited to, outdrives, props, inboard engines, boat covers, tops or unlicensed boat trailers.
- (16) Microwave ovens.
- (17) Motor vehicles, other than as set forth in subsection (18)(a), below.

(18) Regulated property does not include any of the following property:

- (a) Motor vehicles dealt in by motor vehicle dealers;
- (b) Boats;
- (c) Books, magazines, beta and VHS video tapes, and comic books;
- (d) Glassware, objects d'art, or sports cards and sports memorabilia;
- (e) Furniture;
- (f) Refrigerators, stoves, washers, dryers and other similar major household appliances;
- (g) Property purchased at an auction;
- (h) Property purchased from another person, who is in a business, as described in Section 2;
- (i) Postage stamps, stamp collections and philatelic items;
- (j) Clothing;
- (k) Ferrous metals, including items listed in subsections (6) through (16) above, when purchased by a scrap processor and which items are in such condition that their highest and primary value is either in sale or transfer as scrap metal.
- (l) Commodity or ferrous metals purchased by a scrap processor from a manufacturing, industrial or other commercial vendor that generates such metals in the ordinary course of business.
- (m) A total of 4 or less compact discs, digital video discs, and/or video games purchased in any combination from a single seller in a 24-hour period.

SCRAP DEALER. Any person, firm or corporation, who purchases or trades resalable scrap materials, including metal, plastic, chemical, vegetable or animal cooking oil for salvage, excluding auto and truck salvage. ('73 Code, § 14-70) (Ord., passed 6-16-80)

SCRAP PROCESSORS. Any person who utilizes torches, sheers, balers, presses, or shredders to manufacture scrap metal for remelting purposes only. (Ord. 03-2011, passed 02-22-11)

§116.02 COMPLIANCE REQUIRED.

Every person engaged in, conducting or carrying on any business in Elizabethtown, Kentucky wherein he or she regularly purchases, in the course of his or her business, regulated property from another person shall comply with all the provisions of this ordinance. (Ord. 03-2011, passed 02-22-11)

§ 116.03 LICENSE REQUIRED.

All scrap dealers shall be required to purchase business licenses and may only do business where the real estate is properly zoned according to the zoning code or any other applicable ordinance of the city. ('73 Code, § 14-71) (Ord., passed 6-16-80) Penalty, see § 110.99

§ 116.04 DEALERS TO REQUIRE IDENTIFICATION FROM SELLERS; RECORDS TO BE KEPT.

(A) All scrap dealers shall require identification from all sellers of the goods mentioned in § 117.01 and shall keep accurate and legible records of the names, addresses and date of birth of the sellers and accurate and legible descriptions of the property purchased.

(B) The records mentioned in division (A) above shall be kept on file for one year and records shall be made available to members of all police departments upon request for inspection, along with the items described, unless the same have been sold.

('73 Code, § 14-72) (Ord., passed 6-16-80) Penalty, see § 10.99

§ 116.05 TRANSACTION RECORD OF PURCHASES.

(A) Every person carrying on any business as set forth in Section 2 above, shall keep a transaction record for each purchase, which shall contain the name of the person on behalf of the business, as set forth in Section 2 above, who actually made the purchase, the name of the person or persons and his or her signature from whom any regulated property is purchased, an electronically retained copy of a government-issued photo identification, including the information obtained from scanning the bar code on the back of a government-issued photo identification of the person or persons from whom any regulated property is purchased, the date when the property was received and bought, the residence or place of business of such person or persons from whom the regulated property is purchased, the license plate number of the motor vehicle in which the regulated property was transported to the business, and a description which accurately depicts the regulated property purchased. The transaction record shall be in plain, legible English text. Except for scrap metal processors purchasing commodity and precious metals, if any item of regulated property purchased has engraved thereon any numbers, words, or initials, other than the name of the manufacturer or maker of the item, or contains any setting of any kind, the description recorded on the transaction record shall show the numbers, initials or other unique identifying marks. In the case of a motor vehicle, the vehicle identification number shall be recorded on the transaction record including license plate number and make, model and description of the motor vehicle

(B) All transactions which qualify under this ordinance shall be registered with Leads on Line within 24 hours of the receipt of the property. If so registered a hard copy retention shall not be required.

(C) It shall be the duty of any such person to allow any police officer designated by the Elizabethtown Chief of Police during regular business hours to examine and inspect transaction records, and if sufficient information cannot be gained from an inspection of transaction records, it shall be the duty of any person to permit and allow the officer to examine any and all regulated property mentioned herein belonging to or purchased by such person. A transaction record and digital photograph, in accordance with Section 6, if applicable, for a purchase shall be maintained together on the premises for at least one year after the date of such purchase.

(D) Every person carrying on business as set forth in Section 2, above, shall give a plain written or printed receipt of the regulated property purchased.

(E) All described records shall be retained for a minimum of three (3) years.
(Ord. 03-2011, passed 02-22-11) (Am. Ord. 13-2011, passed 06-20-11)

§ 116.06 TRANSACTING BUSINESS WITH MINORS.

No person carrying on any business as set forth in this ordinance shall at any time or under any circumstances purchase from a minor any regulated property as defined in section 1, above, unless having been presented a certificate of trade as signed by a parent or legal guardian, provided such parent or legal guardian has been physically present at a prior transaction.

(Ord 03-2011, Passed 02-22-11)

§ 116.07 EXAMINATION OF BOOKS.

Any sworn law enforcement officer may examine during regular business hours the books of any person doing business as set forth in this ordinance, or his or her clerk, if they deem it necessary when in search of stolen property. Any person who has in his or her possession a receipt from selling regulated property to a person carrying on a business as described in this ordinance, shall, when accompanied by a sworn law enforcement officer, be permitted to examine regulated property purporting to be sold by that receipt. No property shall be removed from the possession of any person doing business as set forth in Section 2, above, without due process of law as required by the existing laws of the Commonwealth of Kentucky, or the laws and ordinances of the City of Elizabethtown.

(Ord 03-2011, passed 02-22-11)

§ 116.08 REGULATED PROPERTY SALE LIMITATIONS.

No regulated property purchased by a person carrying on a business as described in section 2, above, shall be sold, altered or destroyed for a period of five (5) full days after the date of purchase or five (5) days after registration of the property with Leads On Line, which ever occurs later. The regulated property must be kept uncommingled, along with a copy of the transaction record, as set forth in section 5, on the premises of the business location during the holding period for purposes of inspection, if necessary, as provided by this section.

This section **shall not** apply if a digital recording or photograph, which accurately depicts the regulated property items of the transaction, is taken and retained together with the transaction record, as provided by section 5, for at least one year from the date of purchase.

(Ord. 03-2011, passed 02-22-11) (Am. Ord. 13-2011, passed 06-20-11)

§ 116.09 PENALTIES.

(1) Any person who shall neglect or refuse to comply with or violates the provisions of Section 3 shall be fined not less than \$100 nor more than \$500 for each offense or incarcerated up to 90 days or both. Each day such person, firm or corporation shall neglect or refuse to comply with or violate any of the provisions of that section shall constitute a separate offense.

Any person convicted of a second or subsequent offense under Section 3 shall be fined not less than \$500 or more than \$1,000 or incarcerated up to 180 days or both.

(2) Any person who shall violate Section 4 shall be fined \$100, imprisoned not more than 50 days or both. For a Second offense any person shall be fined \$500 up to \$1,000 or incarcerated up to 180 days or subsequent.

(3) Any person who shall violate Section 5 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(4) Any person who shall violate Section 6 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(5) Any person so convicted shall be subject to any and all other administrative penalties, including and not limited to revocation of the business license.

(Ord. 03-2011, passed 02-22-11)