



City of West Allis

Legislation Text

File #: O-2015-0015, **Version:** 1

Ordinance to Amend Subsections 9.13(2), (2)(b), (4)(a), (4)(b), (11), (12), and (13) and to Create Subsections 9.13(14)-(19) of the City of West Allis Revised Municipal Code Relating to Salvage and Recycling Centers.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsections 9.13(2), (2)(b), (4)(a), (4)(b), (11), (12), and (13) of the Revised Municipal Code are hereby amended to read as follows:

9.13 Salvage and Recycling Centers.

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(2) Every applicant for a license to engage in the business of salvage dealing shall file with the City Clerk a written application upon a form prepared and provided by the City Clerk, signed by the applicant or applicants. The application shall contain:

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(b) Whether the applicant or applicants or officers or managers of a corporation have committed a crime, statutory violation punishable by forfeiture, or county or municipal ordinance violation; and, if so, what offense, when, and in what court.

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(4) Requirements for License.

(a) The City Clerk shall report each application to the Police Chief, Health Commissioner, Fire Chief, Director of Development, and Director of Building Inspection and Neighborhood Services, who shall inspect or cause to be inspected such premises and applicants to determine whether they comply with all laws, ordinances, rules and regulations.

(b) The premises of the salvage dealer and all structures thereon shall be so situated and constructed that the business may be carried on in a sanitary and safe manner and shall be arranged so that thorough inspections may be made at any reasonable time by the proper health, fire, building, zoning, and police authorities.

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(11) Concealing Identity of Used Cars. No person or corporation shall knowingly buy, sell, receive, dispose of, conceal, or have in his/her possession any motor vehicle, part or accessory from which the manufacturer's serial number or any other number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of such vehicle, part, or accessory.

Every person to whom is offered for sale, storage, or wreckage any motor vehicle, part or accessory from which has been removed, defaced, covered, altered, or destroyed the manufacturer's serial number or any other number or identification mark shall immediately notify the West Allis Police Department of such offer.

(12) Lost or Stolen Materials. Any salvage dealer or peddler having or receiving any goods, articles, or other materials, which he or she knows or has reason to believe are lost or stolen, shall notify the Police Department of said materials and the reasons why it is believed they are lost or stolen.

(13) Suspension and Revocation of License. The procedure for the suspension, revocation, and non-renewal of license shall be as set forth in Section 9.35(3) of this Code, except that any summons and complaint shall be served upon the licensee no less than 10 days prior to the hearing.

PART II. Subsections 9.13(14)-(19) of the Revised Municipal Code are hereby created to read as follows:

9.13 Salvage and Recycling Centers.

* * *

(14) Regulations.

(a) Definitions.

1. "Regulated property" shall mean aluminum siding, gutters, downspouts, screens, windows, window frames and doors, metal bathtubs and sinks, non-plastic pipe, copper, nonferrous metal items other than aluminum cans, batteries used in motor vehicles, telecommunication wire, sheet metal, stained glass, traffic signs, aluminum light poles, water meters, cemetery monument plaques, fixtures from houses of worship, catalytic converters, and manhole covers, including lids, grates, and frames.

2. "Truckload and bulk purchases" shall mean the purchase of property by weight, or in quantity, without unloading or closely inspecting individual items of property when purchased. Truckload and bulk purchases shall be at least 6 discrete items if purchased in quantity and not less than 200 pounds if purchased by weight.

(b) Identification. No salvage dealer shall purchase any regulated property without first obtaining adequate identification, as defined in Section 9.15(3)(a) of this Code, from the seller.

(c) Recordkeeping.

1. For each purchase, receipt, or exchange of any regulated property from a customer, every salvage dealer licensed under this section shall require the customer to complete and sign, in ink, a property transaction form. Such form shall contain a transaction number; the date of the transaction; the printed name and address of the seller; the type and weight of the property purchased, by the truckload or in bulk if a truckload or bulk purchase, along with any other additional description of the property; the amount paid for the property; and the seller's signature. No entry on such a form may be erased, mutilated, or changed. The salvage dealer shall retain an original and duplicate of each form for not less than one year after the date of the transaction.

2. For each purchase, receipt, or exchange of any regulated property from a customer, every salvage dealer licensed under this section shall keep a permanent record and written inventory in such form as the Chief of Police shall prescribe, in which the dealers shall record legibly in English the name, address, and date of birth

of each customer and driver's license number or number of other adequate identification presented. The dealer shall also record the date, time, and place of the transaction; the amount paid for the property; and an accurate and detailed account and description of each item being purchased, including, but not limited to, any trademark, identification number, serial number, model number, brand name, description by weight and design of such article, and other identifying marks and identifying descriptions of personal nature. The written inventory shall be kept in ink, and no entry in such inventory shall be erased, mutilated, or changed. The dealer shall retain an original and a duplicate of each record and inventory for not less than one year after the date of transaction.

3. Every dealer shall on a weekly basis prepare a list that contains the name and address of each customer during the week for which the list was prepared, the date, time, and place of each transaction with each of those customers, and a detailed description of the regulated property, including the serial number and model number, if any. The dealer shall retain the list for not less than one year after the date on which the list was prepared.
4. The dealer shall also obtain a written declaration of the seller's ownership which shall state whether the regulated property is totally owned by the seller, how long the seller has owned the regulated property, whether the seller or someone else found the regulated property, and, if the regulated property was found, the details of its finding. The dealer shall retain an original and duplicate of the declaration for not less than one year after the date of the transaction. The declaration shall be written on a form that the Chief of Police shall prescribe.
5. The seller shall sign, in ink, his or her name in such inventory register and on the declaration of ownership.
6. Such inventory registers, declarations of ownership, and weekly lists shall be made available to any police officer for inspection at any time that the dealer's principal place of business is open or within one business day of an officer's request.

(d) Exceptions to Recordkeeping.

1. The description of the property purchased by salvage dealers by the truckload or in bulk shall be limited to a listing of the quantity or the weight purchased by category of regulated property purchased and shall be exempt from the property description provisions of (c)2.
2. Salvage dealers making truckload and bulk purchases shall include a color photograph of the truckload or bulk purchase as a whole and not of individual items purchased.

(e) Electronic Reporting.

1. Any dealer shall electronically report each item of regulated property purchased or received using a computer program approved by the West Allis Police Department. Such report shall occur no more than 24 hours after the article is purchased or received and shall obtain a complete description as required in Subsection (14)(c)2 and a clear, unaltered digital photograph of any regulated property without a serial or identification number.

(f) Holding Periods.

1. Any regulated property purchased or received by the salvage dealer shall be kept on the dealer's premises or other place for safekeeping not less than 48 hours after the date of purchase or receipt. Any regulated property shall be held separate and apart from any other transaction and shall not be changed or altered in any manner. The dealer shall permit the Chief of Police or any other police officer designated by the Chief to inspect the

regulated property during the holding period. If the Chief of Police or any other police officer designated by the Chief has reason to believe any regulated property was not sold by the lawful owner, he or she may cause any regulated property purchased or received to be held for an additional length of time as he or she deems necessary after the elapse of the initial 48-hour holding period for identification by the lawful owner.

(g) Report to Police. All salvage dealer licensees and their employees shall report to the police any item presented to them during the course of business that the licensee or employee has reason to believe was stolen, either by the person presenting the item or another party.

(h) Wholesale Lots. This subsection shall not apply to the buying, handling, and selling of scrap metal in wholesale lots from regularly established foundries, mills, manufacturers, or licensed salvage dealers.

(15) Transactions with Minors.

(a) No salvage dealer may engage in a transaction of purchase, receipt, or exchange of any item from an unemancipated minor unless the minor is accompanied by his or her parent or guardian at the time of the transaction or the minor provides written consent from his or her parent or guardian to engage in the transaction.

(16) Transaction Involving Article Not Owned.

(a) No person shall sell, leave, or deposit any item with or to a salvage dealer if the item of property is not owned by the person; the item of property is the property of another, regardless of whether the transaction is occurring with the permission of the owner; or another person has a security interest in the item of property.

(b) This subsection shall not apply to any person selling, leaving, or depositing any item with or to a salvage dealer if the person is any of the following: a duly executed power of attorney for the owner of the item of property; a personal representative of the estate to which the item of property belongs; or a recipient of a lawful written authorization to sell, leave, or deposit the item of property issued by the owner of the property prior to the time of the transaction.

(17) Truth of Statements. All matters submitted in writing to the City by any applicant or licensee pertaining to a salvage dealer license shall be true.

(18) Conditions of License. All licenses granted hereunder shall be granted subject to the following conditions and all other conditions of this section, and subject to all other ordinances and regulations of the City applicable thereto:

(a) Every applicant procuring a license thereby consents to the entry of police or other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of city ordinances or state laws.

(b) The license holder and/or the employees and agents of the license holder shall cooperate with police investigations of theft, fraud, burglary, and other violations of city and state laws. "Cooperate," as used in this subsection, shall mean calling the police when a violation of the law, including, but not limited to, loitering, disturbance of the peace, or suspected stolen items occurs on the licensed premises and providing complete and truthful responses to police inquiries. A license holder shall also appear before the License and Health Committee when requested to do so and shall otherwise follow the lawful directives of the License and Health

Committee.

(c) The licensee shall comply with all other provisions of this section and all other ordinances of the City of West Allis and the laws of the State of Wisconsin.

(19) Penalties.

(a) Any person, firm or corporation violating this section shall, upon conviction for a first offense, forfeit not less than fifty dollars (\$50) nor more than one-thousand dollars (\$1,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(1)(b)1, Wis. Stat.

(b) Any person, firm or corporation violating this section shall, upon conviction for the second or subsequent offenses, forfeit not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), together with the costs of prosecution and, in default of payment, shall be imprisoned in the House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(1)(b)1, Wis. Stat.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Amend SubSec 9.13(2)(b)(4)(a)(b)(11)(12)(13) Create SubSec (14)-(19) Salvage&RecyclingCenters