

**ORDINANCE NO. 17,129**

**AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF THE CITY OF PEORIA, ILLINOIS, CREATING ARTICLE XVI ON REGULATION OF RECYCLABLE METAL DEALERS**

**WHEREAS**, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs including the regulating and licensing recyclable metal dealers;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:**

**SECTION 1:** Chapter 18 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words:

**ARTICLE XVI. RECYCLABLE METAL DEALER**

**DIVISION 1. GENERALLY**

**Sec. 18-637. Definitions.**

When used in this Chapter:

"Recyclable metal" means any copper, brass, or aluminum, or any combination of those metals, purchased by a recyclable metal dealer, irrespective of form or quantity, except that "recyclable metal" does not include items designed to contain, or to be used in the preparation of, beverages or food for human consumption or gold, silver, platinum, and other precious metals used in jewelry.

"Recyclable metal dealer" means any individual, firm, corporation or partnership engaged in the business of purchasing and reselling recyclable metal either at a permanently established place of business or in connection with a business of an itinerant nature, including junk shops, junk yards, or junk stores.

**Sec. 18-638. Records of purchases.**

Every recyclable metal dealer shall enter into an electronic record-keeping system, as specified by the Chief of Police, for each purchase of recyclable metal or recyclable metal containing copper the following information:

- (1) The name and address of the recyclable metal dealer;
- (2) The date and place of each purchase;
- (3) The name and address of the person or persons from whom the recyclable metal was purchased, which shall be verified from a valid driver's license or other government-issued photo identification. The recyclable metal dealer shall make and record a photocopy or electronic scan of the driver's license or other government-issued photo identification. If the person delivering the recyclable metal does not have a valid driver's license or other government-issued photo identification, the recyclable metal dealer shall not complete the transaction;

(4) The motor vehicle license number and state of issuance of the motor vehicle license number of the vehicle or conveyance on which the recyclable metal was delivered to the recyclable metal dealer; a description of the recyclable metal purchased, including the weight and whether it consists of bars, cable, ingots, rods, tubing, wire, wire scraps, clamps, connectors, other appurtenances, or some combination thereof;

(6) Photographs or video, or both, of the seller and of the materials as presented on the scale; and

(7) A declaration signed and dated by the person or persons from whom the recyclable metal was purchased which states the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property".

**Sec. 18-639. Restricted purchases.**

(a) It is a violation of this Act for any person to sell or attempt to sell, or for any recyclable metal dealer to purchase or attempt to purchase, any of the following:

(1) Materials that are clearly marked as property belonging to a business or someone else other than the seller;

(2) Property associated with use by governments, utilities, or railroads including, but not limited to, guardrails, manhole covers, electric transmission and distribution equipment, including transformers, grounding straps, wires or poles, historical markers, street signs, traffic signs, sewer grates, or any rail, switch component, spike, angle bar, tie plate, or bolt of the type used in constructing railroad track;

(3) Cemetery plaques or ornaments; or

(4) Any catalytic converter not attached to a motor vehicle at the time of the transaction unless the seller is licensed as an automotive parts recycler or scrap processor.

(b) This Section shall not apply when the seller produces written documentation reasonably demonstrating that the seller is the owner of the recyclable metal material or is authorized to sell the material on behalf of the owner. The recyclable metal dealer shall copy any such documentation and upload it to the online database specified by the Chief of Police.

**Sec. 18-640. Purchases of HVAC recyclable metal.**

A recyclable metal dealer shall not pay cash in payment for any air conditioner evaporator coil or condenser having a value of \$100 or more. Payment for these materials must be made as follows:

(1) By check or money order;

(2) The payee on the check or money order shall be the same person as the seller who conducted the transaction;

(3) If the seller is a business, then the recyclable metal dealer shall make the check or money order payable to the company, and not to any individual employee or agent of the company.

**Sec. 18-641. Purchases of copper.**

A recyclable metal dealer shall not pay cash in payment for any copper, including copper tubing or wiring, having a value of \$100 or more. Payment for these materials must be made as follows:

(1) By check or money order;

(2) The payee on the check or money order shall be the same person as the seller who conducted the transaction;

(3) If the seller is a business, then the recyclable metal dealer shall make the check or money order payable to the company, and not to any individual employee or agent of the company.

**Sec. 18-642. Lost or stolen metals.**

If a recyclable metal dealer suspects property in his or her possession to be lost or stolen, then he or she shall immediately notify the Peoria Police Department and provide them with the seller's information.

**Sec. 18-643. All licensees are required to use the Leads Online system for keeping records under this section.**

The chief of police shall provide information on obtaining the software and hardware necessary for this purpose.

All licensees shall subscribe to and participate in "leadsonline.com", the current software based tracking system approved by the chief of police. Records shall be entered into leadsonline.com and downloaded into the database within 12 hours of receipt of article. Leads Online may be substituted in the future at the discretion of the chief, however substitution shall be made with ample notice to licensees to allow for compliance.

**Sec. 18-644. Penalty.**

Any person who shall violate any of the provisions of this article shall upon conviction be subject to a fine of not less than \$100.00 nor more than as provided in section 1-5 of this Code for each offense.

In addition to the penalty set forth above, the city retains the right to suspend or revoke the license for a violation of any of the provisions of this Code or state or federal laws.

**DIVISION 2. LICENSE**

**Sec. 18-645. Required.**

No person, either as owner, manager, lessee, officer or agent, or in any other capacity, shall operate or permit to be operated a recyclable metal dealer without first having obtained a license from the city to do so.

**Sec. 18-646. Application.**

An application for a license required by this division shall be made in writing to the comptroller and shall set forth the following:

- (1) The name of the individual, partnership, corporation or association applying for license;
- (2) The residence, phone number, date of birth and driver's license number of the applicant or partners; or, if a corporation or association, the residence, phone number and driver's license number of the officers and all shareholders owning more than five percent of the outstanding shares of stock;
- (3) The location for which the license is requested;
- (4) Whether the applicant, its partners, officers or listed shareholders have been convicted of any criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction;
- (5) Whether the applicant, its partners, officers or listed shareholders have held a license or had an interest in a license issued by the city or any other jurisdiction regulating recyclable metal dealer, and, if so, list the date of revocation and jurisdiction.

**Sec. 18-647. Fees.**

The applicant for a license required by this division shall pay the city treasurer prior to filing an application a nonrefundable licensee fee. The fee for dealers lawfully established and licensed to operate within the City of Peoria for a period of at least one full year prior to application, shall be \$150.00. The fee for all other dealers shall be \$500.00. All fees are per calendar year or part thereof and licensee fees shall not be prorated.

**Sec. 18-648. Investigation of Applicant.**

Upon receipt of an application for a license under this division, the comptroller shall cause a copy thereof to be sent to the police department and planning and growth management department, which shall report back to the comptroller in 21 days whether the applicant is in accordance with applicable city codes.

**Sec. 18-649. Bond Prerequisite.**

Every applicant for a license under this division shall file with the city a license and permit bond in the penal sum of \$1,000.00, approved by the corporation counsel, with the city as obligee, conditioned for the faithful and due performance of the provisions of this article and the laws of the state concerning the operation of the licensed business, and the payment of all fines and penalties by reason of the violation thereof.

**Sec. 18-650. Issuance.**

Upon receipt of the report from the police department and planning and growth management department, the comptroller shall issue the license requested under this division unless he shall find that:

- (1) The applicant is under the age of 18;
- (2) The applicant, its partners, officers or listed shareholders have been convicted of or had plead guilty to any offense related to theft, burglary, or purchasing or receiving stolen items under the laws of this state, city or any other jurisdiction within the past ten years, or have forfeited a bond to appear in court to answer for charges for such offenses during such time;
- (3) The location requested and structure to be used would not comply with all applicable laws including the zoning code of the city;
- (4) The applicant, its partners, officers or listed shareholders have held a license or had an interest in a license issued by the city or any other jurisdiction regulating recyclable metal dealers, which was revoked for cause;
- (5) The applicant, its partners, officers or listed shareholders has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this division or any investigation into any application.

**Sec. 18-651. Posting.**

Every license issued under the provisions of this division shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

- (a) No license issued under this division may be transferred to any other person.
- (b) No corporate licensee shall permit any transfer of its stock which would vest in aggregate more than five percent of the stock outstanding in such corporation in any shareholder unless such shareholder has been certified by the city manager.

**Sec. 18-652. Revocation.**

(a) Any license issued for a recyclable metal dealer under this division may be revoked or suspended for a period not to exceed 30 days by the city manager if he shall find after hearing:

- (1) That the licensee, its officers, agents or employees have violated any of the provisions of this article, the laws of the state, or ordinances of the city in the operation of the business;
- (2) That the licensee, its partners, officers or shareholders have been convicted of any offense set forth in this division; or

(4) That the licensee, partners, officers or shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for license required by this division or any investigation into any application.

(b) The licensee shall be responsible for the acts of its agents, servants and employees in the operation of the business. Prior to holding a hearing concerning the question of whether a license shall be revoked or suspended, the comptroller shall give at least ten days' written notice to the licensee setting forth the alleged violation specifically. The licensee may present evidence and cross-examine witnesses at such hearing.

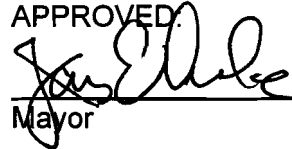
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SECTION 2. This Ordinance shall be in effect 10 (ten) days after its passage and publication in pamphlet form.


**PASSED BY THE CITY COUNCIL, OF THE CITY OF PEORIA, ILLINOIS this**

12th day of August 2014.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

EXAMINED AND APPROVED:

  
\_\_\_\_\_  
Corporation Counsel