

PART II - CODE  
Chapter 16 - LICENSES AND BUSINESS REGULATIONS  
ARTICLE VII. - USED AUTOMOTIVE PARTS RECYCLERS AND METAL RECYCLING ENTITIES  
DIVISION 2. METAL RECYCLING ENTITIES

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*DIVISION 2. METAL RECYCLING ENTITIES*

**Sec. 16-203. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

*Metal Shredder Residue (MSR)*, also known as *Shredder Residue (SR)*, is the material leftover after shredding metal for recycling and magnetic separation (this primarily contains recoverable metals like aluminum, copper, stainless steel and wire) has occurred.

*Best management practices* means a technique or series of structural and non-structural techniques which, when used in a storm water pollution prevention plan, as required by federal law, is proven to be effective in controlling industrial related runoff.

*Building construction materials* means copper pipe, tubing, or wiring, aluminum wire, aluminum siding, plumbing supplies, electrical supplies, metal window frames, metal doors, metal door frames, metal downspouts, metal gutters, air conditioning units and other similar materials except for obsolete, non-regulated materials.

*Chief of police* means the chief of police for the city and such persons as he may designate to perform his duties under this division.

*City* means the City of San Antonio, Bexar County, Texas.

*Clear thumbprint impression* means an intentional recording of the friction ridge detail on the volar pads of the thumb.

*Department* means the department of development services.

*Director* means the director of the development services department.

*Fluff* means the non-metallic materials remaining after metals have been shredded and the metal and other reusable components have been separated.

*Hazardous material* means any ~~hazardous or toxic~~ substance, material, chemical, or by-product that poses a substantial present or potential risk or hazard or is capable of causing harm to human health, life, property, or the environment, including chemicals or substances that pose physical and/or health hazards (such as flammability/ignitability, reactivity, toxicity and/or corrosiveness), regardless of whether such material is handled and/or stored for use as waste, such as, but not limited to: ~~or waste which is or becomes regulated by any governmental authority of the state or the United States government, including without limitation, any material or substance which:~~

- (1) ~~Is defined or listed as a "hazardous material," "toxic pollutant," "hazardous waste," "hazardous substance," or "hazardous pollutant" under applicable federal, state, or local~~

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- ~~law or administrative code promulgated thereunder; —~~ Flammable solids, liquids and/or gases (e.g. Propane, gasoline-contaminated scrap metal); or
- (2) ~~Contains hydrocarbons of any kind, nature or description, including, but not limited to, gasoline, oil, and similar petroleum products, other than reclaimed asphalt pavement; Explosives, unstable reactive solids, liquids, and/or gases (e.g. out-of-date or degraded chemical containers, damaged fuel cells); or~~
- (3) ~~Contains asbestos;~~ Toxic materials (e.g. lead-based paints or lead-acid batteries, coolant-containing ethylene glycol); or
- (4) ~~Contains polychlorinated biphenyls ("PCBs"); or~~ Corrosive materials (e.g. Acidic cleaning agents, sulfuric acid from vehicle batteries).
- ~~(5) — Contains radioactive materials.~~

*Metal recycling entity* means a business that is predominately engaged in the following and excludes used automotive parts recycling businesses.

- (1) Performing the manufacturing process by which scrap, used, or obsolete ferrous or nonferrous metal is converted into raw material products consisting of prepared grades and having an existing or potential economic value, by a method that in part requires the use of powered tools and equipment, including processes that involve processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form of that metal;
- (2) The use of raw material products described under subsection (1) in the manufacture of producer or consumer goods; or
- (3) Purchasing or otherwise acquiring scrap, used, or obsolete ferrous or nonferrous metals for the eventual use of the metal for the purposes described by subsection (1) or (2).

*Minor* means any person younger than eighteen (18) years of age.

*Motor vehicle* means: ~~any motor driven or propelled vehicle required to be registered under the laws of this state; a trailer or semitrailer, other than manufactured housing, that has a gross weight that exceeds four thousand (4,000) pounds; a house trailer; an all-terrain vehicle, as defined by V.T.C.A., Transportation Code § 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state, other than a motorcycle, motor-driven cycle, or moped designed for and used exclusively on a golf course. Any metals comprising a motor vehicle are not regulated materials as defined in this article.~~

- (1) any motor driven or propelled vehicle required to be registered under the laws of this state;
- (2) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;
- (3) a travel trailer;

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- (4) an all-terrain vehicle or a recreational off-highway vehicle, as defined by Transportation Code, §502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or
  - (5) a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state.

Refer to State of Texas Administrative Code Title 16, Part 4, Chapter 87-10 Definitions

*Non-repairable motor vehicle* means ~~a motor vehicle that:~~

- ~~(1) Is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal, or~~
- ~~(2) Comes into this state under a title or other ownership document that indicates that the vehicle is non-repairable, junked, or for parts or dismantling only.~~
- (1) that is damaged, wrecked, or burned to the extent that the only residual value of the vehicle is as a source of parts or scrap metal;
- (2) that comes into this state under a comparable ownership document that indicates that the vehicle is nonrepairable;
- (3) that a salvage vehicle dealer has reported to the Texas Department of Motor Vehicles under Transportation Code §501.1003;
- (4) for which an owner has surrendered evidence of ownership for the purpose of dismantling, scrapping, or destroying the motor vehicle; or
- (5) that is sold for export only under Transportation Code §501.099.

Refer to State of Texas Administrative Code Title 16, Part 4, Chapter 87-10 Definitions

*Person* means an individual, corporation, partnership or any other group acting as a unit.

*Real-time electronic web-based database* means an electronic filing system in which data is organized by fields and records and that is capable of transmitting a file or responding to input immediately via the Internet.

*Regulated material* means: ~~aluminum material, bronze material, copper or brass material, or regulated metal.~~

- (1) aluminum material;
- (2) bronze material;
- (3) copper or brass material;
- (4) lead material; or
- (5) regulated metal.

Refer to State of Texas Occupation Code Title 12 1956

*Regulated metal* means: ~~manhole covers; guardrails; metal cylinders designed to contain compressed air, oxygen, gases or liquids; beer kegs made from metal other than aluminum;~~

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~~historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum; unused rebar; street signs; drain gates; safes; communication, transmission, and service wire or cable; condensing or evaporator coils for central heating or air conditioning units; utility structures, including the fixtures and hardware; aluminum or stainless steel containers designed to hold propane for fueling forklifts; metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions; catalytic converters not attached to a vehicle; fire hydrants; metal bleachers or other seating facilities used in recreational areas or sporting arenas; any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad; insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation; backflow valves; and metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals.~~

- (1) manhole covers;
- (2) guardrails;
- (3) metal cylinders designed to contain compressed air, oxygen, gases or liquids;
- (4) malt beverage kegs made from metal other than aluminum;
- (5) historical markers or cemetery vases, receptacles, or memorials made from metal other than aluminum;
- (6) unused rebar;
- (7) street signs;
- (8) drain gates;
- (9) safes;
- (10) communication, transmission, and service wire or cable;
- (11) condensing or evaporator coils for central heating or air conditioning units;
- (12) utility structures, including the fixtures and hardware;
- (13) aluminum or stainless steel containers designed to hold propane for fueling forklifts;
- (14) metal railroad equipment, including tie plates, signal houses, control boxes, signs, signals, traffic devices, traffic control devices, traffic control signals, switch plates, e-clips, and rail tie functions; (O) catalytic converters not attached to a vehicle;
- (15) fire hydrants;
- (16) metal bleachers or other seating facilities used in recreational areas or sporting arenas;
- (17) any metal item clearly and conspicuously marked with any form of the name, initials, or logo of a governmental entity, utility, cemetery, or railroad;
- (18) insulated utility, communications, or electrical wire that has been burned in whole or in part to remove the insulation;

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(19) [backflow valves](#);

(20) [metal in the form of commonly recognized products of the industrial metals recycling process, including bales, briquettes, billets, sows, ingots, pucks, and chopped or shredded metals](#)

(21) [commercial grade lead batteries or lead-acid batteries](#)

[Refer to State of Texas Occupation Code Title 12 1956](#)

*Salvage materials* refers to any motor vehicle, salvage motor vehicle, non-repairable motor vehicle and all their respective parts, scrap, used or obsolete ferrous and nonferrous metals, and regulated materials and regulated metals as defined in this division.

*Salvage motor vehicle* means:

(1) A motor vehicle that:

- a. Has damage to or is missing a major component part to the extent that the cost of repairs, including parts and labor other than the cost of materials and labor for repainting the motor vehicle and excluding sales tax on the total cost of repairs, exceeds the actual cash value of the motor vehicle immediately before the damage, or
- b. Is damaged and that comes into this state under an out-of-state salvage motor vehicle certificate of title or similar out-of-state ownership document that states on its face "accident damage," "flood damage," "inoperable," "rebuildable," "salvageable," or similar notion; and

(2) Does not include:

- a. A non-repairable motor vehicle;
- b. An out-of-state motor vehicle with a "rebuilt," "prior salvage," "salvaged," or similar notation; or
- c. A motor vehicle for which an insurance company has paid a claim for:
  1. The cost of repairing hail damage, or
  2. Theft, unless the motor vehicle was damaged during the theft and before recovery to the extent described by subparagraph (1)a.

*Used automotive parts recycler* means a person licensed under this division to operate a used automotive parts recycling business.

*Used automotive parts recycling* means the dismantling and reuse or resale of used automotive parts and the safe disposal of salvage motor vehicles or non-repairable motor vehicles, including the resale of those vehicles.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

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## Sec. 16-204. Zoning requirement.

- (a) ~~Proper~~ Appropriate zoning, or legal, nonconforming use registration is required for the establishment or expansion of a use as required by Chapter 35, Unified Development Code of the City Code of San Antonio, Texas, including Article III: Zoning and Article IV: Procedures.
- (1) In accordance with Chapter 35, Metal Recycling Entities are allowed to expand within the boundaries of the parcel on which the use is lawfully located. This expansion allows for major repairs, additions, and new buildings, provided all appropriate permits are obtained. Expansion is not permitted onto adjacent parcels, even if they are under common ownership, without zoning approval from city council.
- (2) Any owner or operator found to have illegally expanded will be subject to enforcement action and may have their registration of nonconforming rights terminated in accordance with Sec. 35-706(a).
- (b) In granting any required specific use authorization, the city council may impose conditions that the applicant must comply with prior to issuance of a license and a certificate of occupancy by the director of development services for the use of land or buildings on the property pursuant to the approval. City council imposed conditions shall not be construed as conditions precedent to the granting of specific use authorization. ~~But~~ City Council imposed conditions shall be construed as conditions precedent to the granting of a license and certificate of occupancy.
- (1) No new Metal Recycling Entity shall be permitted within one thousand (1,000) feet of an existing metal recycling entity or used auto parts recycling business unless an "S" Specific Use Authorization is granted by City Council, in accordance with Section 35-423. The method of measurement shall be measured from property line to property line.

~~(c) It is unlawful to own or operate a metal recycling entity without the appropriate zoning classification.~~

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

## Sec. 16-205. License required.

- (a) A person shall not own or operate a metal recycling entity without a valid city issued metal recycling entity license. ~~A used automotive parts recycler license is required in addition to a metal recycling entity license under subsection (b) below.~~
- (b) ~~A person shall not dismantle and reuse or resell used automotive parts without a city issued used automotive parts recycler license.~~ If a metal recycling entity is operating as a used automotive parts recycler both licenses are required.
- (c) A person commits an offense under this division if they do not hold valid a city-~~issued~~ valid license. Under V.T.C.A., Occupations Code § 1956.003, such an offense is a Class B misdemeanor unless it is shown on the trial of the offense that the person has been previously convicted, in which event the offense is a Class A misdemeanor.

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(d) The Director may revoke the certificate of occupancy pursuant to Chapter 10 of the city code for operating without a license.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-206. Application for license.**

- (a) An application for a license to operate a metal recycling entity must be made in writing to the director on a form prescribed by the director and shall, among other things, contain:
  - (1) The name, residence, and business address of the applicant (this information shall be listed for each member of the partnership ~~and~~ or an authorized representative ~~for each officer~~ of a corporation);
  - (2) The name and nature of the proposed operation; and
  - (3) The present zoning, address, and legal description of the premises for which application is being applied.
- (b) All applications must contain the following statement:

"The license applied for shall be subject to all provisions of the codes and ordinances of the city relating to metal recycling entities as well as all state and federal regulations relating to such operations."
- (c) Reserved.
- (d) All applications must be signed and sworn to by the party applying for the license (by a general partner of a partnership or an authorized representative ~~and by an officer~~ of a corporation) before a notary public or other official authorized to administer oaths.
- (e) The application must include:
  - (1) A copy of the ~~national~~ State of Texas pollutant discharge elimination system discharge permit or notice of coverage for that location if required;
  - (2) A copy of the approved Texas Commission on Environmental Quality (TCEQ) storm water multi-sector permit for that location; and
  - (3) A SAWS letter of compliance with the Texas Pollutant Discharge Elimination System for that location dated within the last ~~fifteen (15)~~ eighteen (18) months; and
  - (4) A copy of the State of Texas registration as a metal recycling entity.
- (f) The director may require code enforcement officers to physically ascertain that supportive documents of all permits are kept on file at the metal recycling entity. In such cases, the application shall not be approved until the officers have ascertained the documents' existence and validity. Enforcement of federal or state requirements shall remain the responsibility of the appropriate agencies.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)



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### **Sec. 16-206.1 Fire prevention plan.**

(a) All metal recycling entities shall prepare a fire prevention plan to obtain a business license. This shall be submitted to the Development Services Department to be approved by the San Antonio Fire Department. As each facility may address fire prevention differently, only the following minimum standards must be addressed:

- (1) fire department access;
- (2) egress;
- (3) water systems;
- (4) fire notification system.

(b) In the event of a fire at a licensed MRE site where emergency services respond to a working fire, the current fire prevention plan shall be reviewed, updated and submitted to the director by an approved third party, when required by the fire official.

### **Sec. 16-207. License fees.**

The annual metal recycling entity license fee shall be two hundred fifty dollars (\$250.00) paid to the city with the license application. The fee will be refunded in the event the license is refused. The license shall cover the period from the first day of January through the last day of December of each year. Only the first year's license may be prorated for each month or fraction thereof. The fee for issuing a duplicate license for one that is lost, destroyed or mutilated shall be ten dollars (\$10.00).

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

### **Sec. 16-208. Issuance, renewal or denial of licenses.**

(a) Annual licenses shall be issued by the director upon receipt of the prescribed fee and the completed application, or a thirty (30) day temporary license (at the discretion of the Director) to be finalized, provided that:

- (1) The applicant, including partners or officers in the case of a partnership or a corporation, has not been convicted or found liable within the previous five (5) years of ~~two (2)~~ three (3) or more ~~violations~~ convictions or findings of liability of this division. ~~and~~
- (2) Upon receipt of (3) three or more convictions or findings of liability, the director shall require a meeting with the owner about whether the use of the MRE has become a nuisance. Refusal by an owner to attend this meeting shall result in license denial.
- (3) After inspection, the premises are in compliance with this division and other applicable city ordinances and codes.

(b) In the event a license is denied, the applicant may appeal this decision to the city council.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)



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## **Sec. 16-209. Revocation of licenses.**

- (a) The director may temporarily suspend business operations or revoke a license if the license holder has accrued ~~two (2) convictions~~ three (3) or more citations accepted by the municipal court over three (3) separate occasions at a permitted property over a rolling twelve (12) month period, whether the citations are issued to the owner or owner's representative. ~~for violating this division within a 12-month period, or three (3) convictions within an 18-month period.~~
- (b) Failure to correct multiple issues identified in a monthly inspection report under the following provisions is grounds for the director to revoke the metal recycling entity's license: Sections 16-210.2, Fencing; 16-210.3, Manner of storage; waste containment; weed and brush maintenance; fire safety path; 16-210.4, Motor vehicle crushing equipment or industrial devices; 16-210.6, Rodent and vector control; Sec. 10-12 Certificate of Occupancy; Sec. 35-709 Expansion of Nonconforming Use.  
~~Exception: Subsection 16-210.3(f).~~
- (c) Section 16-210.13, Stock to be open for examination, requires that the stock or inventory of any metal recycling entity shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the director's office. Failure to comply with section 16-210.13 is grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this division.
- (d) Section 16-210.15, Acceptance of property suspected stolen; peace officer requested holds; violation, provides that a failure to comply is grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity. Section 16-210.15 applies solely to division 2.
- (e) Revocation by the director, if such should occur, may take place only after opportunity is afforded the dealer to confer with the director.
  - (1) The business shall temporarily cease operations until such time as a meeting with the director is held and final determination is reached. The director shall meet within three (3) business days of the owner's request for a meeting.
- (f) In the event a license is revoked, the license holder may appeal this decision to the city council.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

## **Sec. 16-210. Appeal process for license denial or revocation.**

- (a) *License denial.*
  - (1) The director shall issue a written notice of a metal recycling entity license denial to the applicant by certified mail, return receipt requested. The denial notice shall inform the applicant of the right of appeal and of the time limit for the written notice of appeal.

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- (2) The applicant shall have the right of an appeal to the city council if requested in writing and delivered to the ~~city clerk~~ [director](#) within thirty (30) days after the applicant's receipt of the director's written notice of license denial. If currently licensed, an appeal from the order of the director shall stay all proceedings unless the director certifies, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by a court of proper jurisdiction. Upon disposition by city council, any stay of proceedings is lifted.
  - (3) The city council may uphold, reverse, or modify the director's decision or action. Failure to appeal to the city council within the prescribed period shall render the director's decision or action final.

(b) *License revocation.*

- (1) The director shall issue the metal recycling entity a written notice of license revocation by certified mail, return receipt requested. The revocation notice shall inform the metal recycling entity of the right of appeal and of the time limit for the written notice of appeal. The revocation shall become final on the 31st day after the metal recycling entity's receipt of said notice unless an appeal is properly filed.
- (2) The metal recycling entity has the right of an appeal to the city council if requested in writing and delivered to the ~~city clerk~~ [director](#) within thirty (30) days after the receipt of the director's written notice of metal recycling entity license revocation. An appeal from the order of the director shall stay all proceedings unless the director certifies, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by a court of proper jurisdiction. Upon disposition by city council, any stay of proceedings is lifted.
- (3) The city council may uphold, reverse, or modify the director's decision or action. Failure to file an appeal to the city council within the prescribed period shall render the director's decision or action final.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.1. Variances.**

The board of adjustment is authorized to grant, pursuant to the procedures set forth in Chapter 35, Unified Development Code of the City Code of San Antonio, Texas, a variance from the provisions of sections 16-210.2 and 16-210.3, but only due to unique circumstances on the premises or adjacent thereto (such as topography), not created by the dealer and not merely financial, and which are not a part of general conditions in the area. The board of adjustment, however, may not grant variances to subsection 16-210.3(g) nor to imposed conditions set forth by city council, nor to requirements set by state or federal regulations.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

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## Sec. 16-210.2. Fencing.

- (a) All metal recycling entities must be enclosed on all sides (including front and rear) with a substantial and anchored wall or screen fence ~~constructed as an adequate barrier to inhibit the migration of rodents and other vectors from the metal recycling entity to an adjacent property. The wall or screen fence must be constructed with appropriate screen drains so as not to inhibit necessary water drainage.~~ to include the following:
- (1) Constructed as an adequate barrier to limit the migration of rodents and other vectors from the metal recycling entity to an adjacent property.
  - (2) The wall or screen fence must be constructed with appropriate screen drains so as not to inhibit necessary water drainage.
  - (3) Existing, licensed businesses under the December 13, 2012, ordinance may install and/or maintain corrugated or similar metal fencing material.
  - (4) Entry and exit gates are not required to be screened.
- (b) All walls or screen fences shall be maintained in a neat, solid, and safe condition. No wall or screen fence shall be kept in a listing, damaged, or decaying condition.
- (1) Any fence, or any portion thereof, out of vertical alignment by more than fifteen (15) degrees must be repaired.
  - (2) Any fence, or any portion thereof, having loose bricks, stones, rocks, mortar, masonry, or metal panel, including caps, or similar materials shall be repaired or replaced.
- (~~b~~c) The wall or screen fence must be constructed such that the interior of the metal recycling entity is not visible from the exterior. Buildings, salvage or non-repairable oversized vehicles as defined in Chapter 35, Unified Development Code of the City Code of San Antonio, Texas, and any piles of crushed vehicles or salvage materials in compliance with the International Fire Code, as amended by the city, are excluded from this requirement. The wall or screen fence for metal recycling entities located within one hundred (100) feet of a property with a residence thereon must be constructed or modified so that it is eight (8) feet in height. The wall or screen fence for all other existing metal recycling entities must be six (6) feet in height. All metal recycling entities established after the effective date of this ordinance change are required to maintain fences at least eight (8) feet in height. All solid screen fences allowed to be constructed in excess of eight (8) feet in height shall require certification by a licensed engineer that the foundation and support structure are designed to sustain wind loads in accordance with the International Building Code.
- (1) All new fences shall be constructed of wood; stone; rock; concrete block; pre-cast concrete panels; masonry brick; brick; or commercially available metal panel (capped and painted to reduce reflectivity and/or heat from the exterior only), or other material(s) which are similar in durability.
  - (A) Barbed wire, razor wire, and all other similar materials are regulated pursuant to Sec. 35-514(a)(6)(C).

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- (~~ed~~) Those sections of a metal recycling entity which are contiguous with another metal recycling entity or ~~any I-2 zoning district~~ other Used Auto Parts Recycler (UAPR) are exempt from subsection (~~b~~) (a), if those sections otherwise have an adequate barrier as required by subsection (a), to inhibit the migration of rodents and other vectors between the metal recycling entities or ~~other contiguous I-2 zoning districts~~ used auto parts recyclers.
- (~~d~~) ~~Any section of wall or screen fence located within one hundred (100) feet of a property with a residence thereon measured from property line to property line shall be constructed or modified so that it extends at least three (3) inches into the ground or base surface (impervious cover). Building up the surrounding ground to cover at least the lower three (3) inches of the section of wall or screen fence shall be considered compliance with this requirement. Should water drainage be substantially affected, the procedure in section 16-210.1 shall be followed.~~
- (~~e~~) ~~All walls or screen fences shall be maintained in a neat, solid, substantial, and safe condition. No wall or screen fence shall be kept in a listing, damaged, or decaying condition.~~
- (~~fe~~) Gates for access to the metal recycling entity's premises at each street or alley line must not have combined openings exceeding thirty (30) percent of the alley or street frontage. All gates for access must not swing outward and must be kept closed when the metal recycling entity is not open for business. This will not apply to access points on a railroad right-of-way.
- (~~gf~~) The fencing requirements in this subsection do not apply to metal recycling entities whose business is conducted solely within a completely enclosed structure or structures.
- (~~hg~~) In the event of a conflict between the fencing requirements of this division and the requirements of Chapter 35, Unified Development Code of the City Code of San Antonio, Texas, the most stringent requirements of this article shall supersede ~~applies~~.
- (Ord. No. 201-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.3. Manner of storage; waste containment; weed and brush maintenance; fire safety path.**

- (a) Salvage materials on the premises of a metal recycling entity shall be arranged so that a reasonable inspection of, or access to, all parts of the premises can be had at any time by the proper fire, health, police, code enforcement, and building authorities which inspections dealers shall permit during business hours or any reasonable period afterwards.
- (b) No salvage materials shall be placed in any manner outside of the metal recycling entity's surrounding screen fence or wall.
- (c) Areas where recycling operations exist shall be kept clean of any weeds and/or brush over four (4) inches tall. All other area of the p~~Premises shall be kept clean of any weeds and/or brush over twelve (12) inches tall where salvage materials are kept and/or~~ within one hundred fifty (150) feet from the curb line of adjacent to residential uses, businesses, streets or the edge of the streets or road surface where no curb exists.
- (d) Upon the metal recycling entity's possession of all salvage materials, contaminated liquid wastes along with other contaminated materials, hazardous waste, and special waste—

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including Freon—shall be removed from the salvage materials and contained, stored, and disposed in compliance with all applicable state and federal regulations. Disposal of accumulated contaminated liquids and materials shall be accomplished by a duly licensed contractor. The metal recycling entity shall maintain on premises all completed manifests evidencing legal disposal for a period of three (3) years from the date of disposal. A Code Enforcement Officer shall review the manifests, bills of sale, or other proof of legal disposal at least once every three (3) months.

- (e) All hazardous solid waste, hazardous liquid, regardless of character to or category, shall be contained as to prevent negative impacts on human health or the environment. All storage of hazardous liquid or hazardous solid waste shall be subject to applicable local, state and federal regulations. In no event shall any metal recycling entity maintain a volume and weight of stored liquid or hazardous solid waste inventory in excess of the lesser of the maximum exempt amounts allowed by the fire code as adopted within the City Code or state and federal regulations for a small quantity generator. All hazardous liquid or hazardous solid waste shall be stored only in above ground containers in accordance with applicable federal, state and local laws and administrative regulations. It is unlawful for any hazardous liquid or hazardous solid waste to be held in a container that leaks, is in any other manner not in compliance with state and federal regulations, or in any manner fails to completely contain the material in question.
- ~~(f) All solid waste, regardless of character or category, shall be so contained as to cause or allow no release or spill of the material in question.~~
- ~~(g)~~ All metal recycling entities, as defined by this division, shall have a fire safety path. No salvage materials, vehicles, brush, low hanging limbs (less than 14'), or items obstructing the pathway, shall be placed within ten (10) feet of the surrounding wall or screen fence. The fire chief shall oversee fire safety path specifications and compliance for each metal recycling entity and may alter the required number of feet in accordance with the location, use, size, and other characteristics of an individual metal recycling entity. All penalties and appellate procedures of chapter 11 of this Code shall apply to this subsection.
- (g) In accordance with Chapter 11 of the City Code, outdoor storage shall comply with the following:
  - (1) Materials shall be stored in unit piles as low in height and small in area as is consistent with good practice for the materials stored. The maximum height shall be determined by the stability of pile, effective reach of hose streams, combustibility of the commodity, and ease of pile breakdown under fire or mop-up conditions. Under no circumstances shall the pile size dimensions exceed 50 feet by 150 feet by 20 feet high unless the specific commodities maximum dimensions are listed elsewhere in the code.
  - (2) Aisles shall be maintained between individual piles, between piles and buildings, and between piles and the boundary line of the storage site. Sufficient driveways having the width of at least 20 ft shall be provided to allow the travel of fire equipment to all portions of the storage area. Aisles shall be at least twice the pile height to reduce the spread of fire from pile to pile and to allow ready access for firefighting, emergency removal of material, or salvage purposes.

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(3) As the commodity class increases in combustibility or where storage could be ignited easily from radiation, wider aisles shall be provided. Smaller unit piles could be an alternative to wider aisles if yard space is limited.

(4) Boundary posts with signs designating piling limits shall be provided to indicate yard area, roadway, and aisle limits.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.4. Motor vehicle crushing equipment or industrial devices.**

- (a) Motor vehicle crushing shall be performed in compliance with TCEQ and SAWS regulations.
- (b) Motor vehicle crushing is only allowed at licensed used automotive parts recyclers or metal recycling entities.
- (c) It is unlawful for motor vehicle crushing equipment or industrial devices to operate in contradiction to this section and chapter 21, Offenses and miscellaneous provisions, article III, Noise, of this Code.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.5. Emergency contact numbers.**

- (a) All metal recycling entities shall place and maintain a sign on the premises that may be read from the street right-of-way listing the names and telephone numbers of at least one (1) person in the county who may be called to give admittance to the premises in case of emergency.
- (b) It is unlawful to fail to place and maintain a sign as required under this section.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.6. Rodent and vector control.**

- (a) All persons owning or operating metal recycling entities shall have a rodent and vector extermination treatment covering the entire premises conducted a minimum of once every ~~six~~ ~~(6)~~ three (3) months, conducted in such a manner and utilizing such chemicals as are acceptable to the director.
- (b) A rodent and vector control program is the responsibility of all persons owning or operating a metal recycling entity and shall be on-going for the duration of the metal recycling entity's operation.
- (c) A code enforcement officer shall inspect all metal recycling entities, as defined by this division, within the city a minimum of once every ~~six~~ ~~(6)~~ three (3) months. At the time of the inspection, the inspector shall be provided with evidence to prove that such extermination procedure has occurred within the preceding six-month period and that the person who owns or operates a metal recycling entity has an on-going program for observation, determination,



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and control of rodents and vectors. The presentation of evidence of a service contract with a recognized and licensed pest control contractor may satisfy this requirement.

- (d) If a professional exterminator has been employed, a receipt for payment for services rendered shall be provided. If the person conducts the extermination without using a professional exterminator, the person shall request health department certification at the time the extermination occurs and furnish the code enforcement officer with such evidence sufficient to show that the control has been accomplished in an efficient manner.
- (e) It is unlawful for any person to fail to have the necessary rodent and vector extermination conducted in accordance herewith, and it is also unlawful to fail to present to the code enforcement officer upon request the necessary verification of such effective extermination or allow the required entry to the premises.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.7. Monthly inspections; nuisance declared.**

- (a) The development services department is authorized to conduct monthly inspections of all metal recycling entities for the purpose of assuring compliance with the terms of this division. However, a code enforcement officer or peace officer may inspect a metal recycling entity upon reasonable suspicion of any wrongdoing at any time activity regulated under this ordinance is conducted. A [comprehensive inspection](#) form shall be devised by said department to be completed at the time of such inspections during [monthly, quarterly and annual inspections](#) indicating the date the inspections occurred. This form indicating the date of the last inspection shall be posted by the metal recycler in a conspicuous place on the premises at all times.
- (b) Conditions maintained in violation of this division which impact public health, safety, or welfare, or which deprive neighbors of their safe or peaceful use of nearby properties shall be unlawful and shall be deemed a public nuisance. Further, a failure to allow either monthly or other inspections or post inspections as required is unlawful.
- (c) [If a violation of this chapter is observed, a notice of violation shall be issued providing two \(2\) business days to cure the defect unless otherwise provided by the code official or designee.](#)
- (d) [As noted in Section 16-206\(f\), enforcement of federal or state requirements shall remain the responsibility of the appropriate agencies. If a reportable spill quantity \(per TCEQ definition\) is observed, the Texas Commission on Environmental Quality \(TCEQ\), San Antonio Water System \(SAWS\) the health department, San Antonio Fire Department \(SAFD\) and/or the hazardous material unit for the city will be notified, as applicable.](#)

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.8. Time limit for compliance by newly annexed metal recycling entities.**

- (a) Metal recycling entity businesses which are annexed into the city shall have a period of one (1) year from the effective date of the annexation to install fencing as required by this division.



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Persons whose metal recycling entities are annexed shall also demonstrate compliance with existing federal, state, and county laws and regulations applicable to fencing requirements for such facilities at the date of annexation.

- (b) Subsequent to annexation, the director shall promptly notify affected license holders in newly annexed areas of the obligations under this division.
- (c) It is unlawful for a person to fail to install fencing or demonstrate federal, state and county legal compliance as required under this section.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.9. Records required to be kept by metal recycling entities as to regulated material.**

- (a) The provisions of this section apply to all business carried on at a single location. With the exception of the sale or transfer of aluminum cans, a person who owns or operates a metal recycling entity shall keep at the place of business a record in a real-time electronic web-based database, in a form and method approved by the chief of police, in which it shall be entered daily, in English, a full description of each transaction in which personal property is purchased or otherwise received at the place of business. Such description shall include:
  - (1) The date and time of receipt of any item;
  - (2) The full name and current address of the person or place of business from which each item was received;
  - (3) A clear thumbprint impression from the person seeking to transfer, sell or otherwise give the items that are the subject of each transaction;
  - (4) Verified evidence that the person transferring, selling or otherwise giving the items is at least eighteen (18) years of age by presentation of valid identification, including a photograph of the face of person transferring, selling or otherwise giving the item, in the form of:
    - a. A current driver's license from Texas or another state within the United States;
    - b. An identification card issued by the state department of public safety; or
    - c. United States military identification.
  - (5) A description of the salvage vehicle and/or trailer or other mode of transportation in or on which each item received was carried to, delivered or transported to the metal recycling entity including state and license plate number, if applicable;
  - (6) The individual transaction number assigned by the metal recycling entity to each item received;
  - (7) A description of the items received as part of the transaction including, where customary in the business, the size, weight, material, and any other designations or descriptions customarily employed in the sale and purchase of such items;

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- (8) A digital photo of the seller, and digital photograph of items received;
  - (9) The name or employee number of the employee who facilitates or conducts the transaction.
  - (b) The real-time electronic web-based database described in subsection (a) shall be created and maintained by the police department. The person who owns or operates the metal recycling entity or its agents or employees shall forward the required record and descriptions set forth in subsection (a) in an electronic format to the designated police department web site before the close of business on each day on which the metal recycling entity is open for business. Failure to comply with any provision of this section is unlawful and punishable as provided for in this division and is grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this Code.
  - (c) The person who owns or operates a metal recycling entity or agents or employees of such entity shall maintain copies of consecutively numbered receipts provided to the seller or transferor of the property. Such receipt shall be dated on the actual date of the transaction and shall list the items sold or otherwise transferred. A printed version of the record input and transmitted to the real-time electronic web-based database as described in this section shall satisfy this requirement. An accurate copy or record of receipts obtained shall be retained for a period of not less than one (1) year.
  - (d) A person who owns or operates the metal recycling entity or the agents or employees shall, upon request, submit and exhibit the various business records that are required to be maintained under this section for inspection or copying by any peace officer or authorized inspector of the director. Failure to maintain or to so permit the examination or copying of such records when requested is unlawful and punishable as provided under this division.
  - (e) The metal recycling entity shall be on-line with the real-time database within ninety (90) days of the approval and signing of the ordinance from which this division derives by the city council. All other sections of this division will be immediately enforced upon the approval and signing of the ordinance from which this division derives by city council.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

#### **Sec. 16-210.10. Government or utility property.**

- (a) It is unlawful for any person who owns or operates a metal recycling entity, or agents or employees of said entity to purchase or receive an item of property, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, on which are written or affixed the words "Property of the City of San Antonio" or other words or markings demonstrating ownership by the city except in the following circumstances:
  - (1) Where the person offering such property for sale is an employee of the city authorized by the director to make such a sale and provides the person who owns or operates a metal recycling entity or agents or employees of said entity with a written authorization from the city manager for the sale of such property; or

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- (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the director evidencing the purchase of such property by the person offering such property; or
  - (3) Where the person offering such property for sale presents at the time of such offer a valid authorization for the disposal of "surplus," "salvage," "scrap," and "e-waste" in accordance with the city procurement policy and procedures manual as part of a contract signed by the director responsible for the associated project.
- (b) It is unlawful for any person who owns or operates a metal recycling entity or agents or employees of said entity to purchase or receive an item of property that is marked with any form of the name or initials of a governmental agency, including but not limited to the state and the United States of America and their agencies and political subdivisions or that the person who owns or operates a metal recycling entity or agents or employees of said entity know or should reasonably be expected to know belongs to a governmental agency, including but not limited to street signs, traffic signals, manhole covers, road and bridge guard rails, street light poles and fixtures, except:
- (1) Where the person offering such property for sale is an employee of the governmental agency authorized by that agency to make such a sale and provides the person who owns or operates a metal recycling entity or agents or employees of said entity with a written authorization from the agency for the sale of such property; or
  - (2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the governmental agency evidencing the purchase of such property by the person offering such property; or
  - (3) Where the person offering such property for sale presents at the time of such offer a valid authorization for the disposal of "surplus," "salvage," "scrap," and "e-waste" or analogous concepts in accordance with established policies and procedures as part of a contract signed by the agency director responsible for the associated project.
- (c) It is unlawful for any person who owns or operates a metal recycling entity or agents or employees of said entity to purchase or receive an item of property that is marked with any form of the name or initials of an electrical, telephone, cable, or other public utility company or that the person who owns or operates the metal recycling entity or agents or employees of said entity know or should reasonably be expected to know belongs to a public utility unless the person offering such property for sale presents at the time of such offer a valid receipt from the public utility company evidencing the purchase of such property by the person offering such property or a contractual agreement signed by the director of the public utility company authorizing the sale and disposal of "surplus," "salvage," "scrap," and "e-waste" or analogous concepts in accordance with established policies and procedures.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

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**Sec. 16-210.11. Acceptance of building construction materials.**

- (a) It is unlawful for any person who owns or operates a metal recycling entity or agents or employees of said entity to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material unless compliance is made with sections 16-210.9 and 16-210.14.
- (b) It is unlawful for any person who owns or operates a metal recycling entity or agents or employees of said entity to receive, sell, dismantle, deface or in any manner alter or dispose of any building construction material unless the person who owns or operates the metal recycling entity or agents or employees of said entity:
  - (1) Records, along with the description of the property, the serial number, or other identifying characteristics of each part or piece of building construction material; or
  - (2) Obtains a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer, that property.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.12. Acceptance of air conditioning unit parts.**

If regulated material being offered for sale includes condensing or evaporator coils for central heating or air conditioning units, the person offering it for sale must display:

- (1) Their air conditioning and refrigeration contractor license issued under V.T.C.A., Occupations Code ch. 1302, subch. F or G; or
- (2) Their air conditioning and refrigeration technician registration issued under V.T.C.A., Occupations Code ch. 1302, subch. K; or
- (3) A receipt, bill of sale, or other documentation showing that they purchased the coils they're attempting to sell; or
- (4) A receipt, bill of sale, or other documentation showing that they purchased a replacement heating or air conditioning unit.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.13. Stock to be open for examination.**

The stock or inventory of any metal recycling entity shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the director's office. Failure to comply with any provision of this section, in addition to being unlawful and punishable as provided in this division, shall be grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this division.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

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**Sec. 16-210.14. Articles to be retained at least seventy-two (72) hours; tag; exceptions.**

- (a) Notwithstanding the provisions of subsections (b) and (c), it is unlawful for any person who owns or operates a metal recycling entity to process, dismantle or in any manner alter, dispose of, sell or remove from the premise any regulated metal purchased or otherwise received at the licensed place of business for seventy-two (72) hours after receipt, excluding weekends and holidays, provided that there is no requirement to keep aluminum cans for more than twenty-four (24) hours. During such 72-hour period, all items of property shall be stored or displayed at the business location, in the exact form received, and in a manner so as to be identifiable from the description entered in the database. Such property shall not be kept in such a manner so as to prevent or impede its examination.
- (b) A peace officer with reasonable suspicion to believe that an item of regulated material in the possession of a metal recycling entity is stolen may place the item on hold in the manner provided by V.T.C.A., Occupations Code § 1956.037.
- (c) Exceptions. A person who owns or operates a metal recycling entity or an agent or employee of said entity is not required to comply with the provisions of this section if the person who owns or operates a metal recycling entity or agent or employee of said entity verifies that the person or entity seeking to sell or otherwise transfer the metal items has one of the following licenses or permits to establish that he is a manufacturing, industrial, commercial, retail, or other seller that sells regulated material in the ordinary course of business:
  - (1) A valid city-issued metal recycling entity license, which the metal recycling entity shall record by photocopying the license or recording the license number in connection with the sale and maintain for a period of not less than three (3) years, or
  - (2) A valid city-issued construction, demolition, or electrical permit, which the metal recycling entity shall record by photocopying the permit or recording the project number located on the permit in connection with the sale and maintain for a period of not less than one (1) year.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.15. Acceptance of property suspected stolen; peace officer requested holds; violation.**

- (a) It is the duty of every person who owns or operates a metal recycling entity or the agents or employees of said entity to report immediately to the police department, by filing a formal complaint, any offer to sell to the person who owns or operates the metal recycling entity or the agents or employees of said entity, property that such person who owns or operates the metal recycling entity, or agents or employees of said entity have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. Such person who owns or operates the metal recycling entity or the agents or employees of said entity shall also report any property acquired by the person who owns or operates the metal recycling entity, that the person who owns or operates the metal recycling entity or agents or employees subsequently

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determine or reasonably suspect to be stolen property, and the person who owns or operates metal recycling entity, or agents or employees shall furnish such other information as might be helpful to the police in investigating the matter.

- (b) It is the duty of every person who owns or operates a metal recycling entity or agents or employees to hold all suspected stolen property in a secure place for sixty (60) days upon request by a peace officer. The person who owns or operates a metal recycling entity or agents or employees, may not process or remove the property from the premises before the 60th day after receipt of the request from a peace officer to hold the property unless the hold is released at an earlier time in writing by a peace officer of this state or a court order.
- (c) Failure to comply with any provision of this section is unlawful and punishable as provided in this division and grounds for the revocation of or the refusal to issue or renew any license required of a metal recycling entity under this division.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.16. Facsimile, telecopy, or similar equipment required.**

A person who owns or operates a metal recycling entity shall maintain at the place of business, or otherwise have immediate access to, a facsimile, telecopy, or other equipment of similar function on which notifications of stolen property or other notifications relating to regulated metal property may be expeditiously received from the police department. The equipment must be operable at all times during the usual and customary business hours of the metal recycling entity. The person who owns or operates a metal recycling entity shall maintain the facsimile number or other access number of the equipment on file with the chief of police and shall notify the chief of police within twenty-four (24) hours after any change in the number. Failure to comply with this section is unlawful and punishable as provided in this division.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.17. Purchasing or receiving goods from minors.**

- (a) It is unlawful for any person who owns or operates a metal recycling entity or agent or employee to purchase or otherwise receive in the course of business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless:
  - (1) The minor is accompanied by his parent or guardian, who shall state in writing, that such transaction is taking place with such parent's or guardian's full knowledge and consent;
  - (2) The minor has a valid official identification document such as a driver's license; or
  - (3) The only items offered for sale by the minor are aluminum cans, or non-regulated materials.
- (b) It is the duty of such person who owns or operates a metal recycling entity or an agent or employee, to preserve and keep on file, and available for inspection, such written statements

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of consent for a period of not less than one (1) year. A violation of this subsection is unlawful and punishable as provided in this division.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.18. Acceptance of property inscribed with company name.**

It is unlawful for any person who owns or operates a metal recycling entity, or the agents or employees, to purchase or receive an item of property that is marked with any form of the name or initials of a private company or that the person who owns or operates a metal recycling entity or agent or employee knows or should reasonably be expected to know belongs to a private company unless the person offering such property for sale presents at the time of such offer a written, signed statement from the seller attesting to lawful ownership of the property, a receipt from the lawful owner, or a written, signed statement from the lawful owner of the property providing that the seller has authorization to sell or otherwise transfer that property.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.19. Acceptance of property delivered by shopping cart.**

It is unlawful for any person who owns or operates a metal recycling entity, the agents or employees to purchase or receive an item of property that is transported to the metal recycling entity by a shopping cart that is marked with any form of the name or initials of a private company or that the person who owns or operates the metal recycling entity, or agent or employee knows or should reasonably be expected to know belongs to a private company unless the person operating the shopping cart presents at the time of transportation of property to the person who owns or operates the metal recycling entity or the agent or employee a valid receipt from the owner of the shopping cart evidencing the purchase of the shopping cart by the person operating the shopping cart.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

**Sec. 16-210.20. Violation and penalties.**

It is unlawful for a person to do or perform any act prohibited by this division, or fail to do or perform any act required by this division. A violation under this division is a Class C misdemeanor offense, unless specifically stated otherwise, and upon conviction, a person shall be fined an amount not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00). The provisions of this subsection are in addition to and not in lieu of any administrative, criminal, or civil prosecution or penalties as provided by local and state laws. Each day that a violation of this article continues shall be considered a separate offense.

(a) Anyone who violates any provision of this article shall be subject to prosecution in administrative, criminal, and/or civil courts, under all applicable local and state laws, and will be strictly accountable for any penalties and punishment accrued therefrom.



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(b) Alternative adjudication; Administrative enforcement: All violations of the provisions of this article and of the rules and regulations established by the director may be enforced by administrative adjudication pursuant to Chapter 20, Article II, City Code of Ordinances.

**Sec. 16-210.21. Updates for Amendments.**

(a) The city, through appropriate staff and stakeholder commentary, shall review and recommend amendments to these regulations every five years.

(Ord. No. 2012-12-13-1006, §§ 2—51, 12-13-12)

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