

CHAPTER 11 – LICENSES, TAXATION AND MISCELLANEOUS
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Sec. 11-227. Scrap Metal Dealers; special requirements.

(a) Every scrap metal dealer shall keep on the business premises a book or other similar record legibly printed or written in ink in the English language of each transaction exceeding \$25.00 dollars involving the receipt of scrap metal shall include the following information.

- (1) An identifying description and weight of the specific metal received.
- (2) The date, time and place of the transaction.
- (3) The seller's name, address, physical description including gender, height, weight, race, eye and hair color, date of birth, signature and a driver's license number or a photo copy of a valid government issued photo identification card.
- (4) The dollar amount paid.
- (5) The number and state of issuance of the license on the vehicle used to deliver the material.
- (6) The peddler license number of the transaction privilege tax number.

(b) The record required by subsection (a) of this section and the entries therein shall be retained in a book or similar record at the business premises one year after making the final entry of any transaction and shall be retained either at the business premises or any other reasonable available location for an additional year.

(c) A scrap metal dealer shall not purchase materials for which a record is required to be kept by subsection (a) of this section in a series of purchases under \$25.00 dollars for purposes of avoiding the requirements of subsection (a) of this section.

(d) Within twenty-four hours of receipt of scrap metals, except from an industrial account or a scrap metal dealer, for which a record is required to be kept by subsection (a) of this section, a scrap metal dealer shall deliver to the Police department a record of the receipt of the scrap metals. The record shall indicate the following information.

- (1) The date, time and place of receipt of the scrap metal.
- (2) An identifying description of the specific scrap metal received including the weight and amount paid or other consideration given.

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- (3) A description of the party delivering the metal to the scrap metal dealer including the party's gender, height, weight, race, hair and eye color, address, date of birth and driver's license number and state of issuance of license.
- (4) The number or letters and state/country of issuance of the license on the vehicle used to deliver the scrap metal.
- (5) The peddler license number if the scrap metal is received from a peddler.

(e) A scrap metal dealer shall hold in its custody in the same size, shape and condition in which the nonferrous scrap metal was received on its business premises any nonferrous scrap metal received in a reportable transaction for ten days after filing the report prescribed by subsection (d) of this section. This subsection does not apply to transactions with industrial accounts, other scrap metal dealers, a holder of a peddler license furnishing evidence of the license including the license number and a scrap metal transport manifest, purchases by scrap metal dealers of used beverage containers or ferrous scrap metals and scrap metal authorized for release by a peace officer of that jurisdiction.

(f) No culpable mental state need be shown in order to take civil enforcement action a scrap metal dealer licensee as provided in this code, provided that any civil enforcement action taken as a result of the destruction of any record required to be kept pursuant to this section shall require a showing that the action was taken knowingly.

(g) A scrap metal dealer shall maintain a copy of this code section on the premises at all times and shall make it available upon request to any employee or customer of that scrap metal dealer and to local law enforcement.

(h) A scrap metal dealer's business premises, business records relating to scrap metal transactions, including a book or similar record prescribed by this section and the business inventory, shall be open during regular business hours for reasonable inspection by a peace officer. Before an inspection shall take place, a peace officer shall first identify himself and the purpose for the inspection to the scrap metal dealer, dealer's manager or other responsible person and comply with all reasonable and customary safety requirements of that scrap metal dealer for the business premises inspected. The scrap metal dealer may require the peace officer to sign an inspection log that will include his name, serial or badge number, time, date and purpose of the inspection.

(i) A scrap metal dealer who fails in any respect to keep a book or similar record prescribed by this section or to set out in a book or similar record any matter under this section or

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who refuses, upon demand of any peace officer of this state, to exhibit a book or similar record, business record, receipt or transaction record, or who knowingly destroys a book or similar record within two years after making the final entry of any transaction or who otherwise fails to comply with this chapter is guilty of a class one misdemeanor.

(j) Notwithstanding any other provisions of this section, the license of any scrap metal dealer may be suspended for a period of not to exceed one year upon a showing that the operator or any employee of such establishment has been convicted of violating any of the provisions of Chapter 11 of the Peoria City Code, or any of the provisions of Sections 13-1802, 13-2307, 28-323, 38,326, 445-1642, 44-1643 or 44-1644, Arizona Revised Statutes, in the conduct of business of such establishment. The conviction of an employee under A.R.S. Section 13-1802 for an act of theft committed against that employee's own scrap metal dealer shall not be the basis for suspension under this subsection.

(k) No person engaged in the business of scrap metal dealer shall knowingly permit a person whose license is under suspension under subsection (j) above to be employee in any capacity of such establishment.

(l) The reporting requirements of subsection (a) of this section for any article received by a scrap metal dealer in trade, exchange or by purchase, shall not apply to organization qualified under Section 501(c) of the United States Internal Revenue Code.
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