

## CHAPTER 29.

### RECYCLABLE METAL PURCHASES REGISTRATION

(Established by Ord. 13-55)

- §29-1. Definitions.
- §29-2. Records of Purchases.
- §29-3. Restricted Purchases.
- §29-4. Purchases of HVAC Recyclable Metal.
- §29-5. Purchases of Copper.
- §29-6. Purchase of Beer Kegs by Recyclable Metal Dealers.
- §29-7. Lost or Stolen Metals.
- §29-8. Exemptions.
- §29-9. Forms.
- §29-10. Penalties.
- §29-11. Injunctions.

#### **Sec. 29-1. Definitions.**

When used in this Chapter:

- (A) “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: (i) items designed to contain, or to be used in the preparation of, beverages or food for human consumption; (ii) discarded items of non-commercial or household waste; (iii) gold, silver, platinum, and other precious metals used in jewelry; or (iv) vehicles, junk vehicles, vehicle cowls, or essential vehicle parts.
- (B) “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, except that “recyclable metal dealer” does not include automotive parts recyclers, scrap processors, repairers and rebuilders licensed pursuant to Section 5-301 of the Illinois Vehicle Code. (625 ILCS 5/5-301) Recyclable metal dealers shall not be engaged in the business of purchasing or reselling vehicles, junk vehicles, vehicle cowls, or essential vehicle parts.

#### **Sec. 29-2. Records of Purchases.**

Except as provided in Section 29-8 of this Chapter, every recyclable metal dealer in the Village of Addison shall enter into an electronic record-keeping system for each purchase of recyclable metal 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.
5. A description of the recyclable metal purchased, including the weight and whether it consists of bicycles, lawnmowers, tools, wheel covers, fencing, stoves, refrigerators, washers, dryers, 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.
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”.

A copy of the recorded information shall be kept in an electronic record-keeping system by the recyclable metal dealer. Purchase records shall be retained for a period of three (3) years. Photographs shall be retained for a period of three (3) months and video recordings shall be retained for a period of one (1) month. The electronic record-keeping system shall be made available for inspection by any law enforcement official or the representatives of common carriers and persons, firms, corporations or municipal corporations engaged in either the generation, transmission or distribution of electric energy or engaged in telephone, telegraph or other communications, at any time. Further, a copy of the record book shall be mailed each day to the Addison Police Department; e-mail shall be acceptable.

**Sec. 29-3. Restricted Purchases.**

- (A) It is a violation of this Chapter 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 maintain it along with the purchase record required by Section 2 of this Chapter.

**Sec. 29-4. 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 one hundred dollars (\$100.00) 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; and
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. 29-5. 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 one hundred dollars (\$100.00) 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; and

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. 29-6. Purchase of Beer Kegs by Recyclable Metal Dealers.**

- (A) A recyclable metal dealer may not purchase metal beer kegs from any person other than the beer manufacturer whose identity is printed, stamped, attached, or otherwise displayed on the beer keg, or from the manufacturer's authorized representative.
- (B) The purchaser shall obtain a proof of ownership record from a person selling the beer keg, including any person selling a beer keg with an indicia of ownership that is obliterated, unreadable, or missing, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:
  1. The name, address, telephone number, and signature of the seller or the seller's authorized representative.
  2. The name and address of the buyer, or consignee if not sold.
  3. A description of the beer keg, including its capacity and any indicia of ownership or other distinguishing marks appearing on the exterior surface.
  4. The date of transaction.
- (C) The information required to be collected by this Section shall be kept for one (1) year from the date of purchase or delivery, whichever is later.

**Sec. 29-7. 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 Village of Addison Police Department and provide the Police Department with the seller's information.

**Sec. 29-8. Exemptions.**

The provisions of Sections 29-2, 29-4 and 29-5 of this Chapter do not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to units of local government, their agents or representatives, that have contracted with the recyclable metal dealer in the disposal of its metal street signs, to common carriers or to purchases from persons, firms or corporations regularly engaged in the business of manufacturing recyclable metal, the business of selling recyclable metal at retail or wholesale, in the business of razing, demolishing, destroying or removing buildings, to the purchase of one recyclable metal dealer from another or the purchase from persons, firms or corporations engaged in either the generation, transmission or distribution of electric energy or in telephone,

telegraph and other communications if such common carriers, persons, firms or corporations at the time of the purchase provide the recyclable metal dealer with a bill of sale or other written evidence of title to the recyclable metal.

**Sec. 29-9. Forms.**

The Department of State Police, or such department as may succeed to its functions, shall prepare the forms provided for in Section 29-2 of this Chapter and shall make an electronic copy of the form available to the public on its website. These forms shall be utilized by recyclable metal dealers doing business in the Village.

**Sec. 29-10. Penalties.**

Any recyclable metal dealer or other person who knowingly fails to comply with this Chapter shall be punished by a fine not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00). Each day on which any violation of any provision of this Chapter shall continue shall be deemed a separate offense.

**Sec. 29-11. Injunctions.**

In addition to the penalties provided in Section 29-11, the Village Attorney may initiate an appropriate action in the Circuit Court of DuPage County to prevent the unlawful operation of a recyclable metal dealer, or to restrain, correct, or abate a violation of this Chapter or to prevent any illegal act or conduct by the recyclable metal dealer.