

BODY - 27979

1. Section 9.21 entitled "Licensing and Regulating Junk Dealers, Junk Collectors, Motor Vehicle Salvage Dealers and The Motor Vehicle Storage Business" of the Madison General Ordinances is amended to read as follows:

"9.21 LICENSING AND REGULATING JUNKSCRAP AND RECYCLING DEALERS, JUNKSCRAP AND RECYCLING COLLECTORS, SOLID WASTE HAULERS COLLECTORS, MOTOR VEHICLE SALVAGE DEALERS AND THE MOTOR VEHICLE STORAGE BUSINESS.

- (1) Strict Compliance Required. It shall be unlawful for any person to engage in the business of junkscrap and recycling dealer, junkscrap and recycling collector, solid waste hauler collector, or motor vehicle storage business except in strict compliance with the provisions of this section.
- (2) Definitions. Whenever the following terms are used in this section they shall be construed as follows:
 - (a) "JunkScrap" means old iron, chain, brass, copper, tin, lead, or other base metals, ~~paper, waste paper, paper clippings,~~ rags, rubber, ~~glass or bottles~~ plastic bulk merchandise containers, recyclable waste defined in Sec. 10.18(7)(e), and all articles and things discarded as manufactured articles including motor vehicles and parts thereof, composed of or consisting of any one (1) or more of the materials or articles mentioned, or other material commonly included in the terms "scrap or junk."
 - (b) "JunkScrap and recycling business" means the business or occupation of buying, selling, gathering, delivering, or storing of junkscrap and recycling.
 - (c) "JunkScrap and recycling yard" means any place where a junkscrap or recycling business is conducted.
 - (d) "JunkScrap and recycling dealer" means a person who buys, sells, gathers, delivers or stores junkscrap or recycling and maintains a yard or building therefor.
 - (e) "JunkScrap and recycling collector" means any person who collects, buys, or gathers junkscrap or recycling by means of a ~~wagon,~~ truck, ~~car~~ trailer, or other vehicle.
 - (f) "Person" includes all partnerships, associations and corporations except as the context would indicate otherwise.
 - (g) "Motor vehicle salvage business" means any business of buying, gathering or storing of motor vehicles which are unfit to be reconditioned for use on the public highways and the selling, delivering, or storing of used parts of motor vehicles, or old iron, metal, glass, paper cordage, or other waste or discarded secondhand material which has been a part of or is intended to be a part of a motor vehicle.
 - (h) "Motor vehicle salvage yard" means any place where a motor vehicle salvage business is conducted.
 - (i) "Motor vehicle salvage dealer" means any person engaging in the motor vehicle salvage business.
 - (j) "Motor vehicle storage business" means any business of hauling or storing of wrecked motor vehicles and holding said vehicles for insurance adjustment purposes, or for sale or rebuilding. The term shall not include:
 1. Any storage of a wrecked motor vehicle within any enclosed garage or filling station; or
 2. Any storage of a wrecked motor vehicle upon any open space on any garage or filling station site provided that only three (3) wrecked vehicles may be stored on said premises at any one time for a period not exceeding fourteen (14) calendar days.

- (k) "Towing and wrecker service business" means pulling, pushing or hauling motor vehicles to an automobile service station for immediate service, to a garage or body shop for repairs or to a motor vehicle storage or salvage yard.
 - (l) "Recycling" means those items defined in Sec. 10.18(7)(e), MGO.
 - (m) "Solid Waste Hauler" means persons engaged in collecting and/or transporting the material in Sec. 10.18(7)(a)6.
 - (n) "Yard Waste" means those items in Sec. 10.18(7)(a)7.
- (3) License Required.
- (a) No person shall engage in:
 1. The business of a ~~junkscrap and recycling~~ dealer except a licensed ~~junkscrap or recycling~~ dealer.
 2. The business of motor vehicle salvage dealer except a licensed motor vehicle salvage dealer.
 3. The business of a ~~junkscrap and recycling~~ collector except a licensed ~~junkscrap and recycling~~ collector or licensed ~~junkscrap and recycling~~ dealer.
 4. The business of a motor vehicle storage dealer except a licensed motor vehicle storage dealer.
 5. The business of a solid waste hauler except a licensed solid waste hauler.

~~Exception: One holding a junk dealer's license may operate a motor vehicle salvage or storage business without further license.~~
 - (b) A separate license shall be required for each type and place of business except as provided in Subparagraph 3 of Subdivision (a) of this subsection.
 - (c) Nothing herein shall be construed as requiring a license of any business or manufacturer which may as an incidental part of its business or operation, buy, collect, gather, store or sell any of the items defined in ~~Subsection Sub. (2) Subdivision (a)~~ as "junkscrap and recycling."
- (4) Application For License.
- (a) No license shall be granted hereunder until and unless the person desiring the same shall first have paid to the City Treasurer the fee hereinafter required and filed with the City Clerk of the City of Madison written application ~~therefore~~, which shall be in duplicate, and shall be filed by the applicant and contain the following information on blanks provided by the City Clerk:
 1. The full name and residence of the applicant; and in case of a firm or association the full names and residences of the members of the firm or association; and in case of a corporation the full names and residences of the officers thereof; whether he or any of them has been convicted of a felony or a misdemeanor and if so, what offense, when and in what court; whether he or any of them has held a license or been a member of a partnership or association or an officer in a corporation which was licensed hereunder; and whether such license was ever revoked or renewal thereof was ever refused, and if so, when. ~~{The Chief of Police and the City Clerk shall investigate the record of each applicant and report his findings to the Common Council at the regular meeting next preceding the date on which such application is to be acted upon}.~~
 2. The address and legal description of the premises for which the license is desired, or, if the application is for a junkscrap and recycling collector's license or a solid waste haulers license, the location of his office and of the premises on which his ~~wagon~~,

- ~~car~~ truck, trailer or other vehicle will be located when it is not being operated in connection with the business.
3. The type of license for which he is applying.
 4. A complete statement of the business to be carried on.
 5. An enumeration of the articles and merchandise to be handled on the premises.
 6. Such application shall also contain such other information as the Common Council may from time to time require.
- (b) The statement made in the application shall be sworn to before an officer competent to administer oaths. Any false statement contained in such application shall be cause for revocation of any license issued pursuant thereto.
- (c) Each applicant for a license shall execute a permit granting the Police Department, the Fire Department and the Building Inspection Division of the Department of Planning and Community and Economic Development of the City and any member thereof permission to inspect and search the premises.
- (d) Upon the filing of an application for a junkscrap and recycling dealer's license or a motor vehicle salvage dealer's license, ~~the application shall first be submitted to the Plan Commission for a hearing to determine the suitability of the site for the business proposed thereon~~ applicant shall provide with the application a valid zoning certificate from the Zoning Administrator that the proposal site complies with all zoning requirements pursuant to Sec. 28.202(3), MGO.
- ~~(e) Every owner of property within the radius of three hundred (300) feet of the proposed site for such a business shall be sent a written notice of said public hearing at his address as shown on the assessment roll, which notice shall be mailed at least ten (10) days prior to the time of such public hearing. The notice shall state the proposed use to be made of the site, the time that the public hearing is scheduled thereon, that an opportunity will be afforded to any person interested to be heard, and the date the application will be acted upon by the Common Council. Such notice shall also be given by publication in the official City newspaper at least three (3) times during the thirty (30) days preceding the date of the hearing before said Commission and at least ten (10) days prior to said hearing. A nonrefundable charge of fifteen dollars (\$15) shall be paid at the time of making application to defray the cost of such notice and publication. If more than one (1) type of license is applied for at the same time under the provisions of this ordinance, the notices herein required shall state the several types of business applied for and only one (1) charge of fifteen dollars (\$15) shall be made.~~
- (f) ~~In considering the suitability of the site for such a business, the Plan Commission shall, among other things consider the zoning of the site and of the adjacent property, the plans for the future development of the neighborhood, the master plan, the official map, the nature and development of surrounding property, the proximity of churches, schools, hospitals, public buildings and other places of public gathering, the safety, health and general welfare of the public, traffic volume, congestion and hazards at the site and in streets adjacent and contiguous thereto, the availability of other more suitable sites and the effect such proposed use is likely to have on industrial development in the area. The Plan Commission may recommend that the site be approved, that it be approved subject to specified conditions or that it be rejected. The recommendation of the Plan Commission when such is required by this subsection shall be referred to the Common Council for~~

its consideration at the time the public hearing is scheduled before that body.

- (g) ~~No license shall be granted under this section, however, until and unless the Common Council shall, in its discretion, by a vote of a majority of all members at a regular meeting or special meeting called for that purpose have authorized the same, provided, however, that in no case shall a license be granted in advance of the time set for hearing said matter in the notices previously mentioned; provided further that in the case of licenses for junk dealers and motor vehicle salvage dealers, if~~
- ~~1. The Plan Commission has not recommended the site as suitable for the type of business for which application was made, and~~
 - ~~2. Twenty-five percent (25%) of the property owners within three hundred (300) feet of the site proposed as a junk or salvage yard have filed a verified petition opposed thereto, then no license shall be granted therefore unless the Common Council shall in its discretion by a vote of two-thirds (2/3) of its members at such meeting authorize the same. In granting a junk, motor vehicle salvage, or motor vehicle storage business license under this subsection, the Common Council shall apply the same standards as provided in Subdivision (f) of this subsection.~~
- (h) ~~Nothing in this subsection shall be deemed to require prior site approval or review thereof by the Plan Commission or greater than a majority vote by the Common Council in order to authorize the granting of a junk collector's license or any renewal of a junk or motor vehicle salvage dealer's license hereunder; in the case of application for renewal of an existing license the duly mailed and published notices required in Subdivision (f) shall give notice only that a hearing will be held before the Common Council and the date thereof, and the time for publication and mailing shall be calculated from such date. The Council may grant a license to any junk or motor vehicle salvage dealer or combination thereof in an annexed area and who was licensed one (1) year prior to the initiation of the annexation petition, on the same conditions as any licensee under this ordinance may obtain a renewal of his license, and such license may be granted at any time during the year.~~
- (e) ~~No applicant to whom a license has been refused shall directly or indirectly make further application for the same location or part thereof until a period of at least one (1) year shall have elapsed since the last previous rejection.~~
- (f) ~~Applicants for a Solid Waste Hauler license shall at the time of application provide proof that the Applicant has all required state and federal licenses and permits to collect solid waste and recyclables also list the source of waste hauled, including but not limited to: residential, commercial, or other and the anticipated location of disposal facilities, transfer facilities or end-users;~~
- (g) ~~A Solid Waste Hauler shall provide, either independently or through duly licensed subcontractors, collection of mandatory recyclables at least once monthly to all customers for whom such hauler provides collection of solid waste destined for disposal. A Solid Waste Hauler may not offer and his or her customers may not subscribe to "trash only" collection service unless recycling services is provided by the City or a subcontractor or unless the Solid Waste Hauler obtains an exemption from the City. Exemptions may be provided for Solid Waste Haulers whose customers who market their mandatory recyclables directly to recycling brokers, or whose manufacturers self haul their mandatory recyclables to recycling facilities that are fully licensed or permitted, or to~~

City drop off sites. Exemptions will be granted at the discretion of the Streets Superintendent or his or her designee.

- (h) A Solid Waste Hauler shall provide recycling instructions to all new customers and to all customers on at least an annual basis.
 - (i) No Solid Waste Hauler shall dispose of recyclables or yard waste that are properly prepared and put out for recycling.
 - (j) Solid Waste Haulers and Scrap and Recycling Dealers shall report to the Streets Superintendent or his or her designee, the approximate quantities of recycling, solid waste, and yard waste collected within the borders of the City of Madison on an annual basis. These reports will be due by the first day of February of the following year collection of the material was done and shall be in a form approved by the Streets Superintendent, or his or her designee.
- (5) Fees.
- (a) The license fee shall be ~~five hundred~~ one thousand dollars (\$~~500~~1,000) per annum, or for a fractional part thereof, for each ~~junkscrap and recycling~~ business.
 - (b) The license fee shall be ~~five hundred~~ one thousand dollars (\$~~500~~1,000) per annum, or for a fractional part thereof, for each motor vehicle salvage business.
 - (c) The license fee shall be ~~one hundred seventy-five~~ two hundred fifty dollars (\$~~175~~250) per annum, or for a fractional part thereof, for each ~~junkscrap and recycling collector with a single truck, trailer, or other vehicle. The fee shall be one thousand dollars (\$1,000) for a scrap and recycling collector with between two (2) and five (5) trucks, trailers, or other vehicles and five thousand dollars (\$5,000) for scrap or recycling collector.~~
 - (d) The license fee shall be ~~one hundred seventy-five~~ two hundred fifty dollars (\$~~175~~250) per annum, or for a fractional part thereof, for each motor vehicle storage business.
 - (e) The license fee for a solid waste hauler shall be one thousand dollars (\$1,000) for a solid waste hauler with between one (1) and five (5) trucks, trailers or other vehicles and five thousand dollars (\$5,000) for a solid waste hauler with six (6) or more trucks, trailers, or other vehicles.
 - (ef) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (6) License Numbers. All licenses shall be numbered consecutively for each type of business licensed hereunder and the City Clerk shall furnish to each licensee a card setting forth his or its name, the number of such license, the type of business and a legal description of the premises for which it was issued. The license card or cards shall be posted in a conspicuous place on the premises. The licensee shall cause his or its name and such license number or numbers to be printed in plain letters and figures at least three (3) inches high and of such color as to be plainly read at a distance of at least sixty (60) feet from both sides of each vehicle used in connection with the business licensed hereunder.
- (7) Term and Expiration of Licenses.
- (a) Expiration. All licenses issued hereunder shall expire on the thirtieth (30th) day of June following the date of their issuance unless sooner revoked for cause or by passage of an ordinance by the City of Madison further restricting the business for which such license shall have been issued as hereinafter provided.

- (b) Liquidation. When a renewal of a license is denied for the continuation of any business previously licensed under the provisions of this ordinance, such licensee shall have a period of three (3) months in which to wind up his business during which time he shall be required to comply with all the terms and conditions of this section.
- (8) Revenues and Expenses. The City Clerk is authorized to secure the necessary blanks or cards and the expense thereof shall be properly allowed and paid by the City out of the General Fund, and all monies derived from such licenses shall be turned into the General Fund.
- (9) Restrictions Applicable to All Licenses.
- (a) Unlawful to Collect Junk Scrap and Recycling Left by for City. No person and no licensee hereunder shall pick up, gather, or collect junkscrap and recycling or refuse left on terraces for collection by the City of Madison.
- (b) Purchase From Certain Persons. No purchase shall be made from any child or children under eighteen (18) years of age, or from any intoxicated persons or ~~habitual drunkards~~ habitually intoxicated persons, or unknown persons by any licensee hereunder.
- (c) Hours of Business. No licensee hereunder shall conduct his business or any operation pertaining to such occupation ~~on Sundays, legal holidays,~~ or between the hours of 8:00 p.m. and 6:00 a.m. on other days; except that a motor vehicle salvage dealer may in the case of an emergency pick up and return a vehicle to the yard and may in the case of a breakdown on the highway remove and sell parts for repair of such vehicle.
- (d) Other Business. No licensee shall do business as a pawnbroker or dealer in secondhand articles in this City unless licensed as such.
- (e) Not to Create Nuisance. No licensee shall conduct or carry on any business described in Section 9.21 in such manner as to disturb unduly the peace and quiet of the neighborhood. All premises used for any of the business aforesaid shall at all times be kept in a clean and wholesome condition and in full compliance with all the ordinances of the City and in accordance with the reasonable rules, regulations, and directions of the Common Council. None of the materials mentioned in the preceding sections shall be sorted in a public street, alley, or sidewalk.
- (f) Rodents and Vermin Control. Effective means for the elimination of the rodents and vermin commonly infesting junk and motor vehicle salvage yards shall be administered by all licensees hereunder.
- (g) Garbage. It shall be unlawful for any licensee hereunder to store any garbage materials on the premises licensed thereunder, except in compliance with the ordinances pertinent to garbage.
- (h) Storage of Combustible Junk Scrap and Recycling. No licensee shall store combustible junkscrap and recycling in any building unless said building is approved by the Director of the Building Inspection Division as complying with Chapter 29 (Building Code) of the Madison General Ordinances and the Chief of the Fire Department as complying with Chapter 34 (Fire Prevention Code) of the Madison General Ordinances.
- (i) Chief of Police to Hold Goods for Identification. The Chief of Police may, in his discretion, cause any article in the possession of a licensee hereunder which he shall have reason to believe was sold or exchanged by some person other than the lawful owner thereof, to be held for the purpose of identification by its lawful owner for such reasonable length of time as the Chief of Police shall deem necessary.
- (10) Restrictions on Junk Scrap and Recycling, Motor Vehicle Salvage and Storage Yards.

- (a) Every junkscrap and recycling yard, motor vehicle salvage yard and motor vehicle storage yard shall be enclosed by a solid substantial enclosure, not less than six (6) feet nor more than eight (8) feet in height. Such solid fence shall be approved by the Director of the Building Inspection Division. ~~The words, "Post no Bills" shall be painted on such enclosure at intervals of not less than fifteen (15) nor more than twenty (20) feet apart in letters six (6) inches high.~~
- As an alternate to the solid fence, the Director of the Building Inspection Division may approve a chain link fence not less than six (6) feet nor more than eight (8) feet in height in combination with a landscaping/screening plan meeting the general intent and purpose of Section 28.04(12)(a) and (b).
- (b) The fence required by this subsection shall be painted and maintained in a proper condition of repair and no picture, sign, bill, placard, pamphlet, notice or other thing shall be posted or affixed thereon.
- (c) No materials, vehicles or equipment shall be parked, displayed or in any manner permitted to rest or remain on the premises outside the enclosure; except that wreckers may be parked on the apron of a garage or repair shop.
- (d) The contents of the premises of every junkscrap and recycling yard and motor vehicle salvage yard shall be so arranged as to not rest against or project through, underneath or over the top of the enclosure.
- (e) All openings for vehicle ingress and egress in such enclosure shall be of such construction as is deemed suitable by the Director of the Building Inspection Division to shield the contents of the yard from street view. When a gate is employed to shield street view, it shall be of solid construction with no openings therein except as provided in this subdivision, and such gate shall at all times be kept closed except at times of vehicle ingress or egress. A separate entrance such as the Director of the Building Inspection Division deems suitable for pedestrian ingress and egress shall be provided. The Building Inspection Division of the Department of Planning and Community and Economic Development may, upon application of the licensee, permit certain designated openings in the gate or enclosure to permit police inspection of the yards. Such opening shall be not larger than eighteen inches by twelve inches (18" x 12") and shall in all cases be screened with quarter (1/4) inch hardware cloth.
- (f) No licensee hereunder shall extend the boundaries of his operation beyond those stated in the license except upon submitting a new license application and tendering the return of his present license conditional upon the granting of the new license. No part of the old license fee shall be refunded or applied to the new license.
- (11) Report Required. A written record of all motor vehicles purchased or sold for salvage or junk and of all motor vehicles delivered or held for storage purposes shall be maintained for a period of three (3) years by each person or firm licensed hereunder to engage in the motor vehicle salvage business, junk business, or the motor vehicle storage business and shall be open to police inspection. Such record shall contain a description of all vehicles as to color, manufacturer, and model year, license numbers if on the vehicle, engine numbers or vehicle identification numbers (V.I.N.), and the names and addresses of the sellers and the purchasers. Said records shall be kept in a separate ledger or file and shall pertain only to motor vehicles.
- (12) Requirements Regarding Sales by Salvage Dealers. It shall be unlawful for any person engaged in the motor vehicle salvage business to sell for use on the public highways any used or secondhand motor vehicle which does not meet all

- the requirements of ~~Sections 12.93 through 12.116 of the Madison General Ordinances and~~ Sections 347.01 through 347.49 of the Wisconsin Statutes.
- (13) Combined Motor Vehicle Salvage and Automobile Dealers.
Any person who is licensed to operate both as a motor vehicle salvage dealer under the provisions of this ordinance and as a dealer under ~~Section 218.04(2)~~ Chapter 218 of the Wisconsin Statutes shall as a condition of accepting and of retaining such motor vehicle salvage license, display upon such lot only such vehicles as are operable, roadworthy and licensable; all other vehicles, including those in the process of being repaired or reconditioned, shall be:
- 1-(a) Retained within a garage or repair shop approved by the Director of the Building Inspection Division, or
 - 2-(b) Otherwise concealed from view within such used motor vehicle lot as the Director of the Building Inspection Division may direct.
- (14) Restrictions Applicable to JunkScrap and Recycling Dealers and JunkScrap and Recycling Collectors.
- (a) Time Before Disposal. No nonferrous metals shall be disposed of within forty-eight (48) hours after purchase thereof by any licensee hereunder.
 - (b) Records Required. Each junkscrap and recycling dealer and junkscrap and recycling collector shall in a bound book keep a daily record in the English language of articles purchased and the name and address of the seller when such person is known to the licensee. When the seller is unknown to the licensee, the licensee shall record the name, age and address, and indicate what identification card was inspected by the licensee, and the identifying number thereof, or if the card bears no number, the certifying officer. Any certified identification card issued by a public agency and giving a description of the person to whom it is issued shall be deemed sufficient to comply with the provisions of this paragraph. When articles are purchased in bulk, they may be designated by a general description of the lot.
- (15) Sales by JunkScrap and Recycling Collectors. Junkscrap and recycling collectors shall sell junkscrap and recycling only to a licensed junkscrap and recycling dealer.
- (16) Revocation.
- (a) Upon complaint being made in writing by any three (3) residents or any official of the City of Madison to the Common Council that any licensee hereunder has violated any of the provisions of this section, the Common Council shall summon such licensee to appear before it at the time specified in the summons, which shall be not less than three (3) days after the date of the service thereof, to show cause why his license shall not be revoked. The Common Council shall thereupon proceed to hear the matter and if it finds that the allegations of said complaint are true may revoke the license of such person. The provisions hereunder shall not be effective unless the licensee hereunder has received notice from the Building Inspection Division of the Department of Planning and Community and Economic Development of the City of Madison that a complaint has been filed with the Common Council as to the operation of his premises and such licensee has been given a reasonable time to correct the condition complained of or to otherwise satisfy such complaint.
 - (b) Whenever a license is revoked, the licensee shall have a period of forty-five (45) days from the date of such revocation to liquidate his business during which time he shall be required to comply with all the terms and conditions of this section.
 - (c) Any person, any member of a partnership or association and any officer or director of a corporation whose license has been revoked shall be ineligible to apply for any license required under this ordinance during a

period of two (2) years from the date of such revocation and no partnership, association or corporation retaining, associating or organizing with such revokee in the capacity of member, officer or director or principal stockholder shall be eligible for a license or any renewal of a license during the continuance of such association in said capacity while such infirmity in the eligibility of such revokee continues. It shall be cause for revocation if any partnership, association, or corporation during the term of their license becomes associated in said capacity with any revokee during the term of said infirmity.

- (d) Every partnership, association or corporation holding a license hereunder shall notify the City Clerk of any change in the members of such partnership or association or in the officers, directors or principal stockholder of such corporation within ten (10) days of such change and shall furnish such further information as the City Clerk may require in order to show their continuing eligibility to hold a license hereunder.
- (17) Severability. The several terms and provisions of this section shall be deemed severable, and if any provision hereof or the application hereof to any person or circumstances is held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.
- (18) Penalty.
 - (a) Any person who shall violate any of the provisions of this section shall be punished by a penalty of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200). Each day that a condition exists which violates the provisions of this section shall be deemed a separate offense.
 - (b) In the event that any licensee hereunder shall be convicted of a second offense, such offender in addition to the penalties hereinbefore provided, shall forthwith forfeit any license issued hereunder without further notice and no license shall thereafter be granted to such person for a period of one (1) year from the date of such revocation."

2. Section 9.22 entitled "Purchase and Sale of Scrap Material" of the Madison General Ordinances is created to read as follows:

9.22 PURCHASE AND SALE OF SCRAP MATERIAL.

- (1) Definitions. In this section:
 - (a) "Commercial account" means a commercial enterprise with which a scrap material dealer maintains an ongoing and documented business relationship.
 - (b) "Commercial enterprise" means a corporation, partnership, limited liability company, business operated by an individual, association, state agency, political subdivision, or other government or business entity, including a scrap material dealer.
 - (c) "Ferrous scrap" means scrap metal, other than scrap metal described in subs. (d) to (f), consisting primarily of iron or steel, including large manufactured articles that may contain other substances to be removed and sorted during normal operations of scrap metal dealers.
 - (d) "Metal article" means a manufactured item that consists of metal, is usable for its original intended purpose without processing, repair, or alteration, and is offered for sale for the value of the metal it contains, except that "metal article" does not include antique or collectible articles, including jewelry, coins, silverware, and watches.
 - (e) "Nonferrous scrap" means scrap metal consisting primarily of metal other than iron or steel, but does not include any of the following:
 - 1. Aluminum beverage cans.

2. Used household items.
 3. Items removed from a structure during renovation or demolition.
 4. Small quantities of nonferrous metals contained in large manufactured items.
- (em) "Plastic bulk merchandise container" means a plastic crate, pallet, or shell used by a product producer, distributor, or retailer for the bulk transport or storage of retail containers of bottled beverages.
- (f) "Proprietary article" means any of the following:
1. A metal article stamped, engraved, stenciled, or otherwise marked to identify the article as the property of a governmental entity, telecommunications provider, public utility, cable operator, as defined in Wis. Stat. § 66.0420(2)(d), or an entity that produces, transmits, delivers, or furnishes electricity, or transportation, shipbuilding, ship repair, mining, or manufacturing company.
 2. A copper conductor, bus bar, cable, or wire, whether stranded or solid.
 3. An aluminum conductor, cable, or wire, whether stranded or solid.
 4. A metal beer keg.
 5. A manhole cover.
 6. A metal grave marker, sculpture, plaque, or vase, if the item's appearance suggests the item has been obtained from a cemetery.
 7. A rail, switch component, spike, angle bar, tie plate, or bolt used to construct railroad track.
 8. A plastic bulk merchandise container.
- (fm) "Scrap dealer" means a scrap plastic dealer or scrap metal dealer.
- (g) "Scrap metal" means a metal article; metal removed from or obtained by cutting, demolishing, or disassembling a building, structure, or manufactured item; or other metal that is no longer used for its original intended purpose and that can be processed for reuse in a mill, foundry, or other manufacturing facility.
- (h) "Scrap metal dealer" means a person who is licensed as a scrap and recycling dealer under Sec. 9.21 who is engaged in the business of buying or selling scrap metal or plastic bulk merchandise containers, as defined in this Sec. 9.22.
- (j) "Scrap plastic dealer" means a person engaged in the business of buying or selling plastic to be processed for reuse in a mill or other manufacturing facility.
- (2) Purchases of Ferrous Scrap. A scrap metal dealer may purchase scrap metal other than nonferrous scrap, a metal article, or a proprietary article from any person over the age of eighteen (18).
- (3) Purchases of Nonferrous Scrap, Metal Articles, Proprietary Articles.
- (a) Subject to sub. (b), a metal dealer may purchase nonferrous scrap, metal articles, or proprietary articles from any person who is over the age of eighteen (18) if all of the following apply:
1. If the seller of nonferrous scrap, metal articles, or proprietary articles is an individual, at the time of the sale, the seller provides to the scrap dealer the seller's motor vehicle operator's license or other government-issued, current photographic identification that includes the seller's full name, current address, date of birth, and recognized identification number. If the seller is not an individual, at the time of the sale, the individual who delivers the seller's nonferrous scrap, metal articles, or property articles provides to the dealer the deliverer's motor vehicle operator's

license or other government-issued, current photographic identification that includes the deliverer's full name, current address, date of birth, and recognized identification number.

2. The scrap dealer records and maintains at the scrap dealer's place of business the seller's or deliverer's identification information described in sub. 1., the time and date of the purchase, the number and state of issuance of the license plate on the seller's or deliverer's vehicle, and a description of the items received, including all of the following:
 - a. The weight of the scrap or articles.
 - b. A description of the scrap or articles that is consistent with guidelines promulgated by a national recycling industry trade organization. This sub. 2.b. does not apply to plastic bulk merchandise containers.
 3. With respect to a purchase of nonferrous scrap or a metal article the scrap dealer obtains the seller's signed declaration that the seller is the owner of the items being sold.
 4. With respect to a purchase of a proprietary article, one of the following applies:
 - a. The scrap dealer receives from the seller documentation, such as a bill of sale, receipt, letter of authorization, or similar evidence, that establishes that the seller lawfully possesses the proprietary article.
 - b. The scrap dealer documents that the scrap dealer has made a diligent inquiry into whether the person selling the proprietary article has a legal right to do so, and, not later than one business day after purchasing the proprietary article, submits a report to the Madison Police Department describing the proprietary article and submits a copy of the seller's or deliverer's identifying information under sub. 1.
- (b) This subsection does not apply to purchases of nonferrous scrap, metal articles, or proprietary articles by a scrap dealer from a commercial account, if the scrap dealer creates and maintains a record of its purchases from the commercial account that includes all of the following:
1. The full name of the commercial account.
 2. The business address and telephone number of the commercial account.
 3. The name of a contact person at the commercial account who is responsible for the sale of nonferrous scrap, metal articles, or proprietary articles to the scrap dealer.
 4. The time, date, and value of each of the scrap dealer's purchases from the commercial account.
 5. A description of the predominant types of nonferrous scrap, metal articles, or proprietary articles the scrap dealer has purchased from the commercial account.
- (c) Except as provided under sub. (4), a scrap dealer may disclose personally identifiable information recorded or maintained under this subsection only to a successor in interest to the scrap dealer, including a successor in interest that arises as a result of a merger, sale, assignment, restructuring, or change of control.
- (4) Other Provisions.
- (a) A scrap dealer shall make the records required under sub. (3)(a)2. to 5. and (b) available to a law enforcement officer who presents the agent's credentials at the scrap dealer's place of business during business hours.

- (b) A scrap dealer shall maintain the records required under sub. (3)(a)2., 4., and 5. and (b)4. and 5. for not less than two (2) years after recording it. A scrap dealer shall maintain the records required under sub. (3)(b)1. to 3. regarding a commercial account for not less than two (2) years after the dealer's most recent transaction with the commercial account.
 - (c) Notwithstanding Wis. Stat. 19.35(1), a law enforcement officer or agency that receives a record under sub. (a) or a report under sub. (c) may disclose it only to another law enforcement officer or agency.
- (5) Penalties.
- (a) 1. A scrap dealer who knowingly violates this section and who has not knowingly committed a previous violation of this section is subject to a fine not to exceed one thousand dollars (\$1,000).
 - 2. A scrap dealer who knowingly violates this section and who has knowingly committed one previous violation of this section is subject to a fine not to exceed ten thousand dollars (\$10,000).
 - (b) Each day on which a scrap dealer knowingly violates this section constitutes a separate violation.
- (6) Electronic Reporting.
- (a) A scrap dealer shall electronically submit to the Madison Police Department a report of each purchase of nonferrous scrap, metal articles, and proprietary articles not later than the business day following the purchase, including each seller's or deliverer's name, date of birth, identification number, and address, and the number and state of issuance of the license plate on each seller's or deliverer's vehicle, by electronically transferring it from their computer to the Police department approved data server. All records must be transmitted completely and accurately and in accordance with standards and procedures established by the Police Department.
 - (b) If a scrap dealer is unable to successfully transfer the required reports electronically, the scrap dealer shall notify the Police Department of the reason the dealer is unable to transfer the required reports and shall provide the Police Department with an estimated time of compliance. The scrap metal dealer shall provide the Police Department with electronic copies of all reportable transactions that have not been transmitted electronically in a form approved by the Police Department by 5:00 p.m. of the next business day after the due date, unless the scrap dealer electronically transfers the data prior to that time."

3. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>"Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Junk <u>Scrap and recycling</u> dealer license required.	9.21(3)(a)1.	\$200
Junk <u>Scrap and recycling</u> collector license required.	9.21(3)(a)3.	\$100
<u>Solid waste hauler license</u> required.	9.21(3)(a)5.	\$200
<u>Improper disposal of recyclables or yard waste</u> by solid waste hauler.	9.21(4)(i)	\$200

<u>Failure to report quantities of recycling, yard solid waste and yard waste to Street Superintendent.</u>	9.21(4)(j)	\$200
<u>Unlawful collection of scrap and recycling left for City.</u>	9.21(9)(a)	\$200
<u>Purchases of scrap or recycling from minor or intoxicated person.</u>	9.21(9)(b)	\$200
<u>Purchases of scrap metal from a person under 18 years of age.</u>	9.22(2)	\$200
<u>Failure to obtain seller's identification information.</u>	9.22(3)(a)1.	\$200
<u>Failure to obtain vehicle plate information, time and date of purchase or description of items received.</u>	9.22(3)(a)2.	\$200
<u>Failure to obtain seller's signed declaration of ownership.</u>	9.22(3)(a)3.	\$200
<u>Failure to obtain documentation of lawful possession of proprietary article.</u>	9.22(3)(a)4.a.	\$200
<u>Failure to document diligent inquiry and report to Madison Police Department.</u>	9.22(3)(a)4.b.	\$200
<u>Failure to make records available to law enforcement officers.</u>	9.22(4)(a)	\$200
<u>Failure to maintain records for two years.</u>	9.22(4)(b)	\$200"

4. Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>"Enforcement Official</u>	<u>Ordinance Chapter or Section and Title</u>
Streets Superintendent and Building Inspection Division Director or her/his designee.	Section 9.21, Scrap and Recycling Dealers."