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SECOND AMENDMENT

BILL NO. 2024-22

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT PROHIBITIONS AND LIMITATIONS REGARDING THE PURCHASE OF SCRAP METAL, CONSISTENT WITH AND SUPPLEMENTARY TO STATE LAW ON THE SUBJECT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Brian Knudsen

Summary: Adopts prohibitions and limitations regarding the purchase of scrap metal, consistent with and supplementary to State law on the subject.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 10.93 and consisting of Sections 10.93.010 to 10.93.040, inclusive, reading as follows:

10.93.010: In addition to and independent of the provisions of State law on this subject:

(A) It is unlawful for any person to purchase scrap metal unless the scrap metal has been transported to the purchaser by means of a motor vehicle, and not by means of a shopping cart or on a walk-up basis.

(B) It is unlawful for any person to purchase scrap metal in the form of specified metallic wire that has been burned in whole or in part to remove insulation unless the purchaser:

(1) Obtains from the seller written evidence identifying the seller and documenting that the wire was lawfully acquired and burned. Such documentation may include without limitation an affidavit from the seller or the person delivering the wire, or a declaration under penalty of perjury, regarding the lawfulness of the acquisition and burning of the wire; and

(2) Complies with the documentation and retention requirements of NRS 647.030 and 647.035 that pertain to the purchase of burned metallic wire.

(C) It is unlawful for any person to purchase scrap metal in the form of specified metallic wire

1 unless:

2 (1) Payment is made either by check or electronic transfer of money; and

3 (2) Such payment is not mailed, delivered or electronically transmitted sooner than ten
4 days after the purchase transaction.

5 (D) For any payment made by check under Subsection (C) to a seller who represents a business,
6 the check must be made payable to the business using the name of the business.

7 (E) For purposes of this Section and this Chapter:

8 (1) "Scrap metal" has the meaning ascribed to that term in NRS 647.017; and

9 (2) "Specified metallic wire" means scrap metal in the form of solid, single-strand or
10 multi-strand wire made of non-ferrous metal that:

11 (a) Has a diameter equal to or greater than the diameter of AWG #10 wire; and

12 (b) Is typically used in municipal or utility operations, but can be used in
13 commercial, industrial, institutional and other applications as well.

14 **10.93.020:** This Chapter does not apply to any transaction in scrap metal, including specified metallic
15 wire, between a seller and a buyer if:

16 (A) The seller is the holder of, or a principal of the holder of, a State of Nevada
17 business license, any other State-level licenses necessary to engage in such a transaction, and any City
18 business license necessary to engage in such a transaction; and

19 (B) The buyer qualifies to engage in such a transaction under NRS Chapter 647,
20 including without limitation:

21 (1) Holding a State of Nevada business license, and any other
22 State-level licenses necessary to engage in such a transaction;

23 (2) Holding an authorization from or registration with the Southern
24 Nevada Health District as the local solid waste management authority; and

25 (3) Holding any City business license necessary to engage in such a
26 transaction.

1 **10.93.030:** The provisions of this Chapter may be enforced by the Las Vegas Metropolitan Police
2 Department, officers and employees of the Department of Community Development, and any other officer
3 or employee designated by the City Manager.

4 **10.93.040:** (A) A violation of this Chapter is a misdemeanor. The minimum fine for a first violation
5 is five hundred dollars. For a subsequent violation, the fine is one thousand dollars.

6 (B) As an alternative to a criminal prosecution under this Chapter, the Department of
7 Community Development may proceed by means of a civil proceeding in accordance with the provisions of
8 LVMC 6.02.400 to 6.02.460, inclusive. In the case of a civil proceeding regarding such a violation, in lieu of
9 the schedule of fines set forth in LVMC 6.02.460, the applicable civil is five hundred dollars for a first
10 violation, and one thousand dollars for a subsequent violation.

11 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
12 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
13 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
14 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
15 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
16 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
17 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

18 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to
19 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
20 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
21 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
22 conviction thereof, shall, except as otherwise provided in Section 1, be punished by a fine of not more than
23 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine
24 and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

25 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
26 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983

1 Edition, in conflict herewith are hereby repealed.

2 PASSED, ADOPTED and APPROVED this ____ day of _____, 2024.

3 APPROVED:

4
5 By _____
CAROLYN G. GOODMAN, Mayor

6 ATTEST:

7 _____
8 DR. LUANN D. HOLMES, MMC
City Clerk

9 APPROVED AS TO FORM:

10 Val Steed
11 Val Steed,
Deputy City Attorney

12 8-19-24
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2024, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2024, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 DR. LUANN D. HOLMES, MMC
City Clerk