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**PROPOSED THIRD 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 seven-strand copper 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 seven-strand copper wire

Submitted at City Council

Date 9/4/24 Item 37

By: Staff

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) "Seven-strand copper wire" means copper or copper-clad wire consisting of seven  
10 strands and typically used in municipal or utility operations.

11 **10.93.020:** This Chapter does not apply to any transaction in scrap metal, including seven-strand copper  
12 wire, between a seller and a buyer if:

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

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

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

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

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

24 **10.93.030:** The provisions of this Chapter may be enforced by the Las Vegas Metropolitan Police  
25 Department, officers and employees of the Department of Community Development, and any other officer  
26 or employee designated by the City Manager.

1 **10.93.040:** (A) A violation of this Chapter is a misdemeanor. The minimum fine for a first violation  
2 is five hundred dollars. For a subsequent violation, the fine is one thousand dollars.

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

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

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

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1                   SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,  
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983  
3 Edition, in conflict herewith are hereby repealed.

4                   PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

5                   APPROVED:

6                   By \_\_\_\_\_  
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 \_\_\_\_\_  
10 DR. LUANN D. HOLMES, MMC  
11 City Clerk

12 APPROVED AS TO FORM:

13 \_\_\_\_\_ Date  
14 Val Steed,  
15 Deputy City Attorney  
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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

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