

## **CHAPTER V: BUSINESS REGULATIONS**

### Article

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## ARTICLE 3: SCRAP METAL DEALERS

### Section

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**JUNK VEHICLE.** A vehicle not requiring a title as provided in K.S.A. Ch. 8, and amendments thereto, aircraft, boat, farming implement, industrial equipment, trailer or any other conveyance used on the highways and roadways, which has no use or resale value, except as scrap.

**NON-FERROUS METAL.** A metal that does not contain iron or steel, including, but not limited to, copper, brass, aluminum, bronze, lead, zinc, nickel and their alloys.

**REGULATED SCRAP METAL.** Wire, cable, bars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, junk vehicles, vehicle parts, pipes or connectors made from aluminum, catalytic converters containing platinum, palladium or rhodium, and copper, titanium, tungsten, stainless steel and nickel in any form; for which, the purchase price described in K.S.A. 50-6,110 and 50-6,111, and amendments thereto, was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium, stainless steel or rhodium; any item composed in whole or in part of any non-ferrous metal other than an item composed of tin, that is purchased or otherwise acquired for the purpose of recycling or storage for later recycling. Aluminum shall not include food or beverage containers.

**REGULATED SCRAP METAL YARD.** Any yard, plot, space, enclosure, building or any other place where regulated scrap metal is collected, gathered together and stored or kept for shipment, sale or transfer.

**SCRAP METAL DEALER.** Any person that operates a business out of a fixed location, and that is also either.

### § 5-301 REGISTRATION REQUIRED.

On and after the effective date of this article, it shall be unlawful for any business to purchase any regulated scrap metal without having first registered each place of business with the city, as herein provided.  
(Ord. 995, passed 2-28-2013)

### § 5-302 DEFINITIONS.

For the purpose of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

**BALES OF REGULATED METAL.** Regulated scrap metal properly processed with professional recycling equipment by compression, shearing or shredding, to a form in which it may be sold by a scrap metal dealer consistent with industry standards.

**FERROUS METAL.** A metal that contains iron or steel.

(1) Engaged in the business of buying and dealing in regulated scrap metal;

(2) Purchasing, gathering, collecting, soliciting or procuring regulated scrap metal; or

(3) Operating, carrying on, conducting or maintaining a regular scrap metal yard or place where regulated scrap metal is gathered together and stored or kept for shipment, sale or transfer.

**TIN.** A metal consisting predominantly of light sheet metal ferrous scrap, including large and small household appliances, construction siding and construction roofing.

**VEHICLE PART.** The front clip consisting of the two front fenders, hood, grill and front bumper of an automobile assembled as one unit; or the rear clip consisting of those body parts behind the rear edge of the back doors, including both rear quarter panels, the rear window, truck lid, trunk floor panel and rear bumper, assembled as one unit; or any other vehicle part.

(Ord. 995, passed 2-28-2013)

**§ 5-303 REGISTRATION; APPLICATION; FEES; PENALTY.**

(a) Application for registration for a scrap metal dealer shall be verified and made upon a form furnished by the city and approved by the Attorney Journal and shall contain:

(1) The name and residence of the applicant;

(2) The length of time that the applicant has resided within the state and a list of all residences outside the state during the previous ten years;

(3) The particular place of business for which a registration is desired;

(4) The name of the owner of the premises upon which the place of business is located; and

(5) The applicant shall disclose any prior convictions within ten years immediately preceding the date of making the registration for theft, as defined in K.S.A. 21-3701, prior to its repeal, or § 87 of Ch. 136 of the 2010 Session Laws of the state, theft of property lost, mislaid or delivered by mistake, as defined in K.S.A. 21-3703, prior to its repeal, or § 88 of Ch. 136 of the 2010 Session Laws of the state, theft of services, as defined in K.S.A. 21-3704, prior to its repeal, criminal deprivation of property, as defined in K.S.A. 21-21-3705, prior to its repeal, or § 89 of Ch. 136 of the 2010 Session Laws of the state, or any other crime involving possession of stolen property.

(6) In addition to the information required in division (a)(5) above, the applicant shall also disclose any prior convictions within ten years immediately preceding the date of making the application for registration for any federal or local crime or offense similar to those stated in division (a)(5) above, to include, but not be limited to, §§ 6.1, theft of lost or mislaid property, and 6.5, criminal deprivation of property, and amendments thereto, of the Uniform Public Offense Code for Kansas Cities.

(b) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of \$400.

(c) The City Clerk shall provide the Chief of Police written notice of the filing of registration by a scrap metal dealer within ten days of registration or renewal.

(Ord. 995, passed 2-28-2013)

**§ 5-304 ISSUANCE OF REGISTRATION; RENEWAL; RENEWAL FEES.**

(a) Upon receipt of the application for registration, the application fee and verifying the information contained in the registration, the application fee and verifying the information contained in the registration application that the applicant is qualified, the City Clerk shall forward the application to the governing body, or its designee. The governing body, or its designee, shall accept a registration for a



scrap metal dealer as otherwise provided for herein, from any scrap metal dealer engaged in business in the city and qualified to file such registration, to purchase regulated scrap metals.

(b) Registrations issued hereunder, unless revoked as herein provided, shall be effective for a period of ten years.

(c) If an original registration is accepted, the governing body, or its designee, shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The registration for such renewal, which shall be in addition to the fee provided by § 5-303, shall be \$50.

(d) No registration or renewal issued hereunder shall be transferable.  
(Ord. 995, passed 2-28-2013)

**§ 5-305 PENALTY.**

Violation of § 5-301 is a Class A violation and punishable be a fine of not more than \$2,500 or imprisonment in jail for not more than 12 months or by both such fine and imprisonment.  
(Ord. 995, passed 2-28-2013)

**§ 5-306 EXCEPTION.**

This article shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.  
(Ord. 995, passed 2-28-2013)

**§ 5-307 ISSUANCE; DISQUALIFICATION.**

(a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the governing body, or its designee, shall accept such filing and the

scrap metal dealer shall be deemed to be property registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under this article;

(2) A person who, within five years immediately preceding the date of filing, has pled guilty to, been convicted of released from incarceration for or released from probation of parole for committing, attempting to commit, or conspiring to commit a violation of K.S.A. Ch. 21, Art. 37, prior to their repeal, or §§ 87 through 125 and subsection (a)(6) of § 223 of Ch. 136 of the 2010 Sessions Laws of the state, perjury, K.S.A. 21-3805, prior to its repeal, or § 128 of Ch. 136 of the 2010 Session Laws of the state, compounding a crime, K.S.A. 21-3807, prior to its repeal, falsely reporting a crime, K.S.A. 21-3818, prior to its repeal, interference with law enforcement, § 129 of Ch. 136 of the 2010 Session Laws of the state, interference with judicial process, § 130 of Ch. 136 of the 2010 Session Laws of the state, or any crime involving moral turpitude;

(3) A person who, within the five years immediately preceding the date of registration, has pled guilty to, been found guilty of or entered a diversion agreement for violating the provisions of § 5-301, and amendments thereto, K.S.A. 50-6, 109 et seq., and amendments thereto, the laws of another state comparable to such provisions or laws of any county or city regulating the sale or purchase of regulated scrap metal three or more times;

(4) A person who within the three years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for any scrap metal dealer whose

registration was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration;

(5) A person who makes a materially false statement on a registration or similar filing within the last three years;

(6) A partnership or limited liability company, unless all members of the partnership or limited liability company are otherwise qualified to file a registration;

(7) A corporation, if any manager, officer or director thereof, of any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason;

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration; and/or

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under this article.  
(Ord. 995, passed 2-28-2013)

#### **§ 5-308 SUSPENSION OR REVOCATION OF REGISTRATION.**

(a) The governing body, upon five days' notice to the persons holding a registration, may suspend the scrap metal dealer's registration for up to 30 days for any one of the following reasons:

(1) The registrant has been convicted of violating any of the provisions of K.S.A. 50-6,109 et seq., and amendments thereto, or any similar ordinance or code provisions adopted by the city;

(2) The employment or continuation in employment of a person if the registered scrap metal

dealer knows such person has, within the 24 months prior to the notice of suspension or revocation action, been convicted of violating any of the provisions of K.S.A. 50-6109 et seq., and amendments thereto or the laws of another state comparable to such provisions, or any city ordinance, or regulation controlling scrap metal sale or purchase in Kansas or any other state; or

(3) Permitting any criminal activity under the Kansas Criminal Code, or similar ordinance adopted by the city in or upon the registrant's place of business.

(b) The governing body may revoke the registration of a scrap metal dealer who has had its registration suspended three or more times within a 24-month period.

(c) The governing body, upon five days' notice to the person holding the registration, shall revoke or suspend the registration for any one of the follow reasons:

(1) The registrant has fraudulently registered by knowingly giving materially false information on the registration form;

(2) The registrant has become ineligible to obtain a registration under this article;

(3) The non-payment of any registration fees after receiving written notice that such registration fees are more than 30 days past due; or

(4) Within 20 days after the order of the governing body denying, revoking or suspending any registration, the registrant may appeal to the District Court and the District Court shall proceed to hear such appeal as though the had original jurisdiction of the matter. Upon request by the registrant, the District Court may enjoin the revocation or suspension of a registration until final disposition of any action brought under this article.

(d) Any action brought under divisions (a), (b) or (c) above shall be brought individually against a

single registrant's site and not against any other scrap metal sites or locations registered against a single registrant's site and not against any other scrap metal sites or locations registered by the same individual, company or business entity.

(Ord. 995, passed 2-28-2013)



## ARTICLE 4: CONTRACTORS

### Section

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| 5-402 | Proof of liability insurance |
| 5-403 | Applications                 |
| 5-404 | Exceptions                   |
| 5-405 | Penalties                    |

### § 5-401 LICENSING REQUIRED.

Every person, firm or corporation, before engaging in the commercial tree trimming or pruning business, electrical repair or construction business, plumbing repair or construction business or roofing or siding business or demolition for any person, firm or corporation engaging in the general construction business in the city, shall apply for, and receive, an annual city license before engaging in such work. (Ord. 985, passed 1-13-2011)

### § 5-402 PROOF OF LIABILITY INSURANCE.

Any person, firm or corporation applying for such license must furnish proof of liability insurance in the amount of \$300,000 for the death or injury of any one person and \$600,000 for the death or injury of any number of persons in any one accident and \$100,000 for property damage in any one accident. Said insurance must be kept in force during the time period that such person, firm or corporation engages in the above occupations within the city. (Ord. 985, passed 1-13-2011)

### § 5-403 APPLICATIONS.

All applications must be submitted to the office of the City Clerk, accompanied by a \$25 fee. All licenses shall be granted by the governing body of said city. (Ord. 985, passed 1-13-2011)

### § 5-404 EXCEPTIONS.

(A) No license would be required to replace lamps, fuses or bulbs or to connect portable electrical equipment to suitable permanently installed receptacles or to replace receptacles and switches, lighting fixtures and apparatus where no change or alterations are made to wiring, or to perform any work involved in manufacturing, repair or testing of electrical equipment, but not including any permanent wiring. No license shall be required for making minor repairs of any plumbing, including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste in supply pipes or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repairs not involving original installation or reconstruction.

(B) Nothing herein contained shall prohibit any property owner from personally performing any tree trimming or pruning, performing any building or construction work, performing any electrical construction or installing electrical wiring or equipment, or installing any plumbing piping or equipment within and upon his or her own residence or other building owned by him or her, or which is intended for his or her personal use and permanent occupancy, or which is used for rental purposes. (Ord. 985, passed 1-13-2011)

### § 5-405 PENALTIES.

Any person, firm or corporation found guilty of any first violation of this article shall be fined not less than \$100 per day for each day of said first violation and shall be restrained from continuing said construction work until he or she complies with the

requirements of this article. For second and subsequent violations of this article, the person, firm or corporation shall be fined the sum of \$250 per day for each day of said violation and shall be restrained from continuing said construction work until he or she complies with the requirements of this article.

(Ord. 985, passed 1-13-2011)