

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING ARTICLE 36 TO CHAPTER 9 OF THE FRESNO
MUNICIPAL CODE, RELATING TO COMMERCIAL SCRAP
METAL

WHEREAS, This section shall be known as the Commercial Scrap Metal Ordinance.

WHEREAS, The Council finds that theft and resale of commercial scrap metal poses a unique problem within the City of Fresno that cannot be addressed under existing state law.

WHEREAS, Fresno County is largely rural with over 1.5 million acres of farmland representing over 40% of the total area of the county.

WHEREAS, Commercial agriculture is vital to the economy of the County and City of Fresno, providing a substantial portion of the region's jobs and revenue.

WHEREAS, Conductive infrastructure, such as power transmission and telecommunication lines are vital to the business and everyday needs of the residents of the City of Fresno, and to the economic sustainability of commercial agricultural.

WHEREAS, Commercial agricultural businesses rely on conductive lines and cables, often made of copper or aluminum, to convey electricity and information to their business operations, but due to the rural nature of farming, these transmission lines are especially vulnerable to theft.

1 of 8

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: *DB*

Ordinance No.

WHEREAS, The scrap value of this material, along with the ease of theft in rural and unlit settings such as farms, is driving an unrelenting practice of theft which cannot be abated through enforcement of existing state law.

WHEREAS, Thieves particularly target components made of copper due to its high value as scrap metal, although thieves do not typically target aluminum components, they nevertheless often damage aluminum components while searching for copper, inflicting substantial costs on commercial agricultural businesses.

WHEREAS, Thieves will typically strip off, burn off, or otherwise remove protective sheathing with information that identifies the lawful owner and source of the wires or cables.

WHEREAS, Once the sheathing is removed it is difficult or impossible for law enforcement to identify the lawful owner of the wire or cable.

WHEREAS, Thieves also remove the sheathing because recyclers pay a higher dollar value for scrap metal without such sheathing.

WHEREAS, Existing California law regulates the businesses of junk dealing and recycling, requiring businesses to adhere to comprehensive regulations when accepting scrap metal for recycling, but individuals without a legitimate business purpose are not covered by those laws.

WHEREAS, However, the theft of copper lines, cables, and related components is overwhelmingly carried out by individuals acting on their own, with no legitimate business affiliation or purpose.

WHEREAS, Though much of the agricultural production in the region occurs outside of Fresno City's jurisdiction, many of the scrap metal dealers, junk dealers, and recyclers are located within the city.

WHEREAS, Therefore, enforcement and prosecution of scrap metal theft within the City of Fresno is crucial to protecting the unique economic interests of the region.

WHEREAS, It is the purpose and intent of this section to give law enforcement tools to deter, prevent, and punish the theft and vandalism of copper and aluminum lines. It is not the purpose or intent of this section to impede or interfere with ordinary and lawful recycling or scrapping.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Article 36 is added to Chapter 9 of the Fresno Municipal Code to read:

ARTICLE 36

COMMERCIAL SCRAP METAL

Section	9-3601.	Definitions.
	9-3602.	Receipt, Possession, And Transportation Of Commercial Quantities Of Copper Or Aluminum Components Prohibited Without A License
	9-3603.	Receipt, Possession, And Transportation Of Stripped Commercial Grade Wire Or Cable Prohibited Without A License.
	9-3604.	Stripping Of Commercial Grade Copper Wire Prohibited.
	9-3605.	Violation And Penalty.
	9-3606.	Public Nuisance.
	9-3607.	Non-Exclusive Remedy.
	9-3608.	Severability.

SECTION 9-3601. DEFINITIONS.

1. "Commercial grade" means copper or aluminum wire or cable with a diameter of .15 inches or greater, exclusive of any sheathing or

coating, or telecommunications cable with fifty or more pairs of conductors in a single cable.

2. “Sheathing” means the coating, typically made of plastic, rubber or a similar substance, which insulates and protects commercial grade wire or cable, and often bears markings which identify the lawful owner, purpose, or source of the wire or cable.

3. “Scrap” means material derived from manufactured components, such as transmission or telecommunications lines, which is no longer useful for its intended purpose and primarily valuable for recycling.

SECTION 9-3602. RECEIPT, POSSESSION, AND TRANSPORTATION OF COMMERCIAL QUANTITIES OF COPPER OR ALUMINUM COMPONENTS PROHIBITED WITHOUT A LICENSE. No person shall receive, possess, or transport scrap commercial grade copper or aluminum wire, cable, transformer coils, transformer bands, power conducting components, or control system components of the type commonly found in electrical switch gear, or any combination thereof, with a total aggregate weight of 10lbs or more. This section does not apply to a junk dealer or recycler within the meaning of California Business and Professions Code section 21601, or to a person with a current and valid business license from the County City of Fresno to operate as a junk dealer, secondhand dealer, itinerant dealer, used goods dealer, or flea market operator as set forth in Chapter 6.24 of the Fresno County Ordinance Code, or to the agents or employees of those entities. This section does not apply to any licensed general contractor, subcontractor, or business engaged in the construction, repair, or

demolition of buildings, to commercial agricultural businesses, or to the agents or employees of those entities.

SECTION 9-3603. RECEIPT, POSSESSION, AND TRANSPORTATION OF STRIPPED COMMERCIAL GRADE WIRE OR CABLE PROHIBITED WITHOUT A LICENSE. No person shall receive, possess, or transport scrap commercial grade copper or aluminum wire or cable which has had its sheathing stripped, burned off, or otherwise removed. This section does not apply to a junk dealer or recycler within the meaning of California Business and Professions Code section 21601, or to a person with a current and valid business license from the County of Fresno to operate as a junk dealer, secondhand dealer, itinerant dealer, used goods dealer, or flea market operator as set forth in Chapter 6.24 of the Fresno County Ordinance Code, or to the agents or employees of those entities. This section does not apply to any licensed general contractor, subcontractor, or business engaged in the construction, repair, or demolition of buildings, to commercial agricultural businesses, or to the agents or employees of those entities.

SECTION 9-3604. STRIPPING OF COMMERCIAL GRADE COPPER WIRE PROHIBITED. No person shall strip, burn, or otherwise remove the sheathing from commercial grade copper or aluminum wire or cable. This section does not apply to a junk dealer or recycler within the meaning of California Business and Professions Code section 21601, or to a person with a current and valid business license from any county or county equivalent, related to construction, repair, demolition, junk dealing, or flea market operation, or the

agents or employees of those entities. This section does not apply to any licensed general contractor, subcontractor, or business engaged in the construction, repair, or demolition of buildings, to commercial agricultural businesses, or to the agents or employees of those entities.

SECTION 9-3605. VIOLATION AND PENALTY.

(a) A criminal citation for violation of this article may be issued as provided under Section 1-304 and Section 1-305. The City Attorney is also authorized to refer felony violations of the law to either the Fresno County District Attorney's Office or the California Department of Justice.

(b) An administrative citation for violation of this article may be issued as provided under Section 1-308.

(c) Any violation of this article is a misdemeanor, punishable by up to one year in a county jail and a fine of up to \$1,000, plus an additional fine equal to the reasonable cost of repairing or replacing the pillaged property. Except as prohibited Penal Code section 654, or by other state law, each subdivision of this section is a separate and complete offense.

(b) The administrative citation penalty for each and every violation of this article shall be One Thousand Dollars (\$1,000) per twenty feet of aluminum or copper components.

(c) Any property upon which a violation of this article is found shall be subject to immediate abatement by the city.

(d) In addition to any administrative penalty assessed for violation of this article, any person found in violation of this article will be charged

abatement, actual, administrative and enforcement costs as defined in Section 1-503, calculated to recover the total costs incurred by the City in enforcing this article, pursuant to Article 5.

SECTION 9-3606. PUBLIC NUISANCE. A violation of this section is hereby declared to be a public nuisance.

SECTION 9-3607. NON-EXCLUSIVE REMEDY. This section supplements and is in addition to other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, state or any legal entity or agency having jurisdiction.

SECTION 9-3608. SEVERABILITY. If any portion of this section is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this section. The Council hereby declares it would have passed each remaining portion irrespective of the fact that any one or more portions are declared invalid.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, MMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Darcy L. Brown Date
Deputy City Attorney