

TURLOCK POLICE DEPARTMENT

Junk Dealers and Scrap Metal Recyclers Permit
Turlock Municipal Code Section 5-22-01

FOR ALL LICENSE APPLICANTS (New and Renewal)

The information you provide in this application will be used in an investigation to assist in determining your eligibility and suitability to conduct business at a Scrap Metal Recycling Center in the City of Turlock.

- A California Driver's License or California ID, with photo, is required.
- Application must be filled out completely, legibly and accurately. If a question does not apply to you, write N/A (not applicable) in the space provided for your answer. If you need more space to respond, use a separate piece of paper and attach it to your application. Deliberate inaccuracies or incomplete information may result in the denial of a license or the revocation of an existing license. The "Release and Waiver" must be signed and witnessed by a Turlock Police Department employee. The applicant must also attach a current and active California Weighmaster's License.
- All applicants must complete Page 1 and the first four items on Page 2. Recycling Center owners must complete all of Page 2. All applicants must sign and date both pages.
- All fees must be paid at the time your application is submitted. First time applicants will need to be fingerprinted. Contact the Turlock Police Department Records Bureau for current fees and to schedule an appointment for fingerprinting.
- A Junk Dealer and Scrap Metal Recyclers permit is issued for a period of 1 year and must be renewed annually. Fingerprinting is only required for the original application. (Allow a period of 4 weeks for renewal to be processed. Those renewing after the permit has expired, risk paying all the associated costs of an original applicant).
- **PENAL CODE SECTION 496a (a): EVERY PERSON WHO, BEING A DEALER IN OR COLLECTOR OF JUNK, METALS OR SECONDHAND MATERIALS, OR THE AGENT, EMPLOYEE, OR REPRESENTATIVE OF SUCH DEALER OR COLLECTOR, BUYS OR RECEIVES ANY WIRE, CABLE, COPPER, LEAD, SOLDER, MERCURY, IRON OR BRASS WHICH HE KNOWS OR REASONABLY SHOULD KNOW IS ORDINARILY USED BY OR ORDINARILY BELONGS TO A RAILROAD OR OTHER TRANSPORTATION, TELEPHONE, TELEGRAPH, GAS, WATER OR ELECTRIC LIGHT COMPANY OR COUNTY, CITY, CITY AND COUNTY OR OTHER POLITICAL SUBDIVISION OF THIS STATE ENGAGED IN FURNISHING PUBLIC UTILITY SERVICE WITHOUT USING DUE DILIGENCE TO ASCERTAIN THAT THE PERSON SELLING OR DELIVERING THE SAME HAS A LEGAL RIGHT TO DO SO, IS GUILTY OF CRIMINALLY RECEIVING SUCH PROPERTY, AND IS PUNISHABLE, BY IMPRISONMENT IN A STATE PRISON, OR IN A COUNTY JAIL FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS (\$250), OR BY BOTH SUCH FINE AND IMPRISONMENT.**

**ADDITIONAL INFORMATION
REQUIRED FOR JUNK DEALERS AND SCRAP METAL RECYCLERS**

Name of Business: _____

Address of Business: _____

Phone Number of Business: _____

California Weighmaster License: _____ (attach copy)

If a corporation or partnership, names and addresses of all officers, directors, or partners. (Use additional paper if necessary.)

If unincorporated association, names of all principals. (Use additional paper if necessary.)

Address, City, State, and approximate dates where and when the applicant conducted a similar business, either alone or in conjunction with others:

Name(s) and address(es) of the owner(s) of the place or premises in or at which the business is located.

Number Street City Zip Code

List the person(s) who will be in charge of and be responsible for the order and due observance of the provisions for the Junk Dealers and Scrap Metal Recyclers permits, as specified in the Turlock Municipal Code:

Days and Hours of Operations: _____

Estimated Attendance: _____

I attest that I am the sole party, either directly or indirectly, interested in the Junk Dealers and Scrap Metal Recyclers for which a permit is sought; and, that no other person or entity is or will be in any manner interested therein, directly or indirectly, during the continuance of the permit.

Signature Owner

Date

I attest that all of the above information is true and correct, under the penalty of perjury.

Signature Employee

Date

Chapter 5-22 JUNK DEALERS AND SCRAP METAL RECYCLERS¹

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5-22-01 Authority.

This chapter is adopted in supplementation of Business and Professions Code Sections 21600 through 21609. This chapter is not intended to supersede the provisions of these statutes. Any conflict that may exist between this chapter and State laws shall be resolved in favor of the latter. Nothing contained herein shall relieve any person or legal entity of obligations contained in the Business and Professions Code or other provisions of State or local law.

(1098-CS, Added, 10/25/2007)

5-22-02 Definitions.

(a) "Junk" shall mean any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, but does not include secondhand and used furniture, pallets.

(b) "Scrap metals and alloys" include, but are not limited to, materials and equipment commonly used in construction, agricultural operations and electrical power generation, railroad equipment, oil well rigs, nonferrous materials, stainless steel, and nickel which are offered for sale to any junk dealer or recycler, but does not include scrap iron, household generated waste, or aluminum beverage containers, as defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code.

(c) "Junk dealer" shall mean any person engaged in the business of buying, selling and dealing in junk, any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk, and any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment, sale or transfer.

(d) "Junk yard" shall mean any yard, plot, space, enclosure, building or any other place where junk is collected, stored, gathered together, and kept.

(e) "Recycler" shall mean any processor, recycling center, or noncertified recycler, as those terms are defined in Chapter 2 (commencing with Section 14502) of Division 12.1 of the Public Resources Code, who buys or sells scrap metal that constitutes junk, as defined herein.

(1098-CS, Added, 10/25/2007)

5-22-03 Exemptions.

This chapter shall not apply to any of the following:

- (a) Secondhand furniture merchants.
 - (b) Pawnbrokers.
 - (c) Secondhand car dealers or merchants in connection with automobile and motor vehicle sales agencies but not carried on and conducted in conjunction with a junk yard.
 - (d) Persons engaged in the business of selling new automobile tires or batteries or other equipment taking in part payment used articles of the same kind and thereafter selling or disposing of the same.
 - (e) Secondhand oil well supply and equipment dealers not conducting or carrying on their business in connection with a junk yard.
 - (f) Secondhand clothing merchants and ragpickers.
- (1098-CS, Added, 10/25/2007)

5-22-04 Reporting.

(a) Junk dealers or recyclers shall report to the Turlock Police Department every Monday before 12:00 noon, on a form provided by the Turlock Police Department, a record of all sales and purchases of the previous seven (7) days. The report shall contain the information required by this chapter and any additional information required by the Turlock Police Department as shown on the forms.

(b) The report shall at a minimum contain the following information:

- (1) The name, business name, business address, telephone number, facsimile number, and electronic mail address.
- (2) The place and date of each sale or purchase of junk made in the conduct of his or her business as a junk dealer or recycler.
- (3) A photocopy of the seller's valid government-issued picture identification card and vehicle license number, including the state of issue of any motor vehicle used in transporting the junk to the junk dealer's or recycler's place of business.
- (4) The name and address of each person to whom junk is sold or disposed of, and the license number of any motor vehicle used in transporting the junk from the junk dealer's or recycler's place of business.
- (5) A full and complete description of the item or items of junk purchased or sold, including the item type, quantity, length, diameter, size, brand, model, manufacturer, and identification number.
- (6) A statement indicating either that the seller of the junk is the owner of it or the name of the person he or she obtained it from, as shown on a signed transfer document.
- (7) The fingerprint of the right hand index finger, unless such finger is missing, in which event the print of the next finger in existence on the right hand shall be obtained with a notation as to the exact finger printed, of the person from whom junk is received.

(c) Upon request by the Turlock Police Department, junk dealers and recyclers shall immediately make available the information set forth above as to any transaction(s).

(1098-CS, Added, 10/25/2007)

5-22-05 Seller's age limit.

It is unlawful for any junk dealer or recycler to purchase or otherwise acquire any junk from any person known or reasonably should be known by the junk dealer or recycler, to be under the age of eighteen (18) years.

(1098-CS, Added, 10/25/2007)

5-22-06 Hours.

It is unlawful for any junk dealer or recycler to conduct his or her business as a junk dealer within this County between the hours of 7:00 p.m. of one day and 7:00 a.m. of the next day.

(1098-CS, Added, 10/25/2007)

5-22-07 Payment.

It is unlawful for any junk dealer or recycler to make payment for the purchase of junk to any person except by paper draft or check after a minimum period of fifteen (15) days from the date of purchase.

(1098-CS, Added, 10/25/2007)

5-22-08 Special consideration for certain transactions.

(a) Every junk dealer or recycler shall immediately notify the Turlock Police Department by telephone or other means likely to reach the Turlock Police Department without delay of the following transactions: the sale or purchase of any junk which reasonably appears to be used only by governments, utilities, railroads, or for specific purposes, such as guardrails, manhole covers, aluminum irrigation pipes, high voltage transmission lines, historical markers, cemetery plaques, light poles, and bleachers.

(b) Every junk dealer or recycler shall hold all scrap metals described in this section in its custody in the same condition in which they were received for a minimum of five (5) days before the scrap metal and alloys may be released or disposed of.

(1098-CS, Added, 10/25/2007)

5-22-09 License required.

It is unlawful for any person to act as a junk dealer or recycler without first making an application for and receiving from the City of Turlock a license to act as such junk dealer or recycler in the unincorporated areas of the County.

(1098-CS, Added, 10/25/2007)

5-22-10 License: Application: Contents.

(a) Any person desiring a license or to renew a license hereunder shall make application to the City of Turlock Finance Department upon blanks furnished therefor. If the application is made by an individual, he shall affirm under penalty of perjury that the contents of the application are true and the contents of the application shall include the name and age of applicant, his present address or addresses, and the name under which and the place where the applicant has conducted a similar business within twelve (12) months immediately preceding the date of the application. If the business is to be engaged in by a partnership, association, or corporation, the application for a license shall be made by the general manager thereof, or by one having the authority of a general manager. In such case, the application shall state the true name of the organization, the date of its organization, its type, the location of its principal place of business, the names and addresses of its officers, or, in the case of a co-partnership, the names and addresses of all of the partners.

(b) If applicable, in accordance with California Business and Professions Code Sections 12703 and 12733, the applicant shall attach to the application documentation to the satisfaction of the Finance Department that the applicant holds a current and active California Weighmaster License. A copy of the applicant's current Weighmaster License shall be displayed in a prominent location at each location where the applicant conducts business.

(c) The applicant shall acknowledge having read Penal Code Section 496a, which shall be prominently set forth on the application in bold type.

(1098-CS, Added, 10/25/2007)

5-22-11 License: Application: Employee identification.

The applicant, at the request of the Turlock Police Department, shall accompany the application with photographs and fingerprints of all the individuals who are to be actually engaged in the management of the business or in buying or otherwise acquiring junk for the business for which the license is requested. In the event any other person, after the license has been granted, is engaged in the management of the business or in buying or otherwise acquiring such junk, the licensee shall furnish to the Turlock Police Department on request, the photograph and fingerprints of such person. No license shall be issued until any such demand has been complied with, and any license that has been issued shall be suspended or revoked if the licensee does not, within a reasonable time, comply with the provisions of this section.

(1098-CS, Added, 10/25/2007)

5-22-12 License: Application: Investigation.

Upon submission of a complete application for license under this chapter, the application shall be immediately referred to the Department of Development Services and to the Turlock Police Department for investigation concerning the applicant's business and character of the applicant. These departments shall, after investigation, file a report upon the application designating whether or not the applicant is a proper person to be granted the license applied for. No applicant shall be reported as a proper person to be granted a license under this chapter unless and until it appears that the applicant's conduct or proposed conduct of the business does and will comply with all applicable laws and ordinances, including but not limited to those relating to the

public health and to zoning. The departments shall be allowed sixty (60) days from the date of receiving a completed application within which to file the report.

(1098-CS, Added, 10/25/2007)

5-22-13 License: Fee.

The required annual fee for a junk dealer or recycler's license shall be One Hundred Fifty and no/100ths (\$150.00) Dollars.

(1098-CS, Added, 10/25/2007)

5-22-14 License: Term.

The licenses provided for in this section shall be issued for a period of one (1) year from the date of issuance.

(1098-CS, Added, 10/25/2007)

5-22-15 License: Denial appeal.

In the event of the denial of an application for license under this chapter, the applicant may, within ten (10) days after the date written notice of such adverse report is mailed, file with the Turlock City Council a notice of intention to appear before the City Council to appeal the denial of the application. Upon failure to file such notice within the ten (10) day period, the denial of the application shall be final and conclusive.

(1098-CS, Added, 10/25/2007)

5-22-16 License: Suspension, revocation or conditional.

The City Council may, upon its own motion or upon the verified complaint in writing of any person, investigate the actions of any licensee and may, after ten (10) days' written notice to the licensee and after a hearing before the City Council, suspend, revoke, or condition the license of any licensee who commits any one (1) or more of the acts or omissions constituting grounds for disciplinary action under this chapter. The grounds for such action shall be summarized in the notice. The notice provided for herein shall be given by registered or certified mail, postage prepaid, or in the manner required for the service of summons of civil actions. Pending the City Council's final decision regarding the license, a licensee may continue to engage in the business for the period of his license.

(1098-CS, Added, 10/25/2007)

5-22-17 License: Disciplinary action: Grounds.

It shall be a ground for disciplinary action if any licensee, his agent or employee or any person connected or associated with the licensee as partner, director, officer, stockholder, general manager, or person who is exercising managerial authority of or on behalf of the licensee has:

(a) Knowingly made any false, misleading or fraudulent statement of a material fact in an application for a license, or in any report or record required to be filed; or

(b) Violated any provision of this chapter or of any statute relating to his licensed activity; or

(c) Been convicted of a felony or any crime involving theft, embezzlement or moral turpitude; or

(d) Committed any act constituting dishonesty or fraud; or

(e) A bad moral character, intemperate habits or a bad reputation for truth, honesty or integrity; or

(f) Committed any unlawful, false, fraudulent, deceptive or dangerous act while conducting a licensed business; or

(g) Published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the operation of a licensed business; or

(h) Violated any rule or regulation adopted by the City of Turlock relating to the licensee's business; or

(i) Conducted the licensed business in a manner contrary to the peace, health, safety, and general welfare of the public; or

(j) Demonstrated that he is unfit to be trusted with the privileges granted by such license; or

(k) Failed to comply with the regulations of the City of Turlock.

(1098-CS, Added, 10/25/2007)

5-22-18 License: Revocation without hearing upon conviction.

If any person holding a license under this chapter is convicted in any court of the violation of any law relative to his operation of a licensed business, the City Council may revoke the license forthwith without any further action thereon other than giving notice of revocation to the licensee.

(1098-CS, Added, 10/25/2007)

5-22-19 Penalty.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to a fine of not more than Five Hundred and no/100ths (\$500.00) Dollars or imprisonment in the County Jail for not more than six (6) months, or both such fine and imprisonment.

(1098-CS, Added, 10/25/2007)

Code reviser's note: Ord. 1098-CS added this chapter as Chapter [5-21](#) TMC. It has been editorially renumbered to avoid duplication.