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BILL NO. \_\_\_\_\_

SUMMARY – Adopts prohibitions and limitations regarding the purchase of scrap metal

ORDINANCE NO. \_\_\_\_\_  
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 12 AND TITLE 6 OF THE CLARK COUNTY CODE 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.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 12 of the Clark County Code is hereby amended by adding thereto a new chapter, designated as Chapter 12.50 and consisting of Sections 12.50.010 to 12.50.040, inclusive, reading as follows:

**12.50.010 – Prohibitions and Limitations on the Purchase of Scrap Metal.**

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

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- 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 unless:
- (1) Payment is made either by check or electronic transfer of money; and
- (2) Such payment is not mailed, delivered or electronically transmitted sooner than ten days after the purchase transaction.
- (d) For any payment made by check under Subsection (c) to a seller who represents a business, the check must be made payable to the business using the name of the business.
- (e) For purposes of this Section and this Chapter:
- (1) “Scrap metal” has the meaning ascribed to that term in NRS 647.017; and
- (2) “Seven-strand copper wire” means copper or copper-clad wire consisting of seven strands and typically used in municipal or utility operations.

**12.50.020 – Exception.**

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

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

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County business license necessary to engage in such a transaction; and

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

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

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

(3) Holding any County business license necessary to engage in such a transaction.

#### **12.50.030 – Enforcement.**

The provisions of this Chapter may be enforced by the Las Vegas Metropolitan Police Department, officers and employees of the Department of Business License, and any other officer or employee designated by the County Manager.

#### **12.50.040 – Penalties for violation.**

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

(b) No business licensed in Clark County may engage in the practices, transactions and acts prohibited by this Chapter. In lieu of the criminal penalty provided in subsection (a), for a violation of this Chapter by any such business, a civil penalty in the amount of five hundred dollars for the first violation and one thousand dollars for each subsequent violation may be imposed by a hearing officer pursuant to Section 6.04.140 of this Code.

(c) The penalties provided for in this Section are not exclusive and shall not limit any other rights or remedies which may otherwise be available at law.

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SECTION 2. Title 6, Chapter 6.04, Sections 6.04.140(a) and (c) of the Clark County Code are hereby amended to read as follows:

**6.04.140 - Penalty for violation.**

(a) Except as otherwise specified, every person, firm, association, partnership, corporation, institution or agency violating any of the provisions of Chapters 4.08 and 4.09 of Title 4, or Chapter 12.50 of Title 12, and any of the provisions of Titles 6, 7 or 8 shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars or imprisonment of not more than six months in the county jail, or by both such fine and imprisonment. A separate offense shall be deemed committed on each day during or on which a violation occurs.

In addition to the penalties above-named any person, firm or corporation convicted of wilfully violating any of the provisions of this code shall be subject to having his or its license to do business within the county revoked by the board of commissioners.

...

(c) Upon the hearing officer or hearing board finding a violation has been affirmed, the hearing officer or hearing board shall levy such penalty, as provided for in subsection (b) of this section, and require corrective action as deemed appropriate for the violation~~[;]~~. Unless another civil penalty is expressly provided by this Code, any civil penalty levied by a hearing officer or hearing board is subject to the following:

- (1) First offense, at least two hundred fifty dollars but no more than one thousand dollars per day;
- (2) Second offense, at least five hundred dollars but no more than one thousand dollars per day;

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(3) Third offense, at least seven hundred fifty dollars but no more than one thousand dollars per day;

(4) For any subsequent offense, one thousand dollars per day.

...

SECTION 3. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 4. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the \_\_\_\_ day of \_\_\_\_\_, 2024.

PROPOSED BY: \_\_\_\_\_

PASSED on the \_\_\_\_ day of \_\_\_\_\_ 2024.

AYES: \_\_\_\_\_

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NAYS: \_\_\_\_\_

\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

By: \_\_\_\_\_  
Tick Segerblom, Chair

ATTEST:

\_\_\_\_\_  
LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of  
\_\_\_\_\_ 2024.