AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, ADDING CHAPTER 5.85 TO THE RIVERSIDE MUNICIPAL CODE REGARDING JUNK DEALERS AND SCRAP METAL RECYCLERS.

The City Council of the City of Riverside does ordain as follows:

Section 1. Chapter 5.85 of the Riverside Municipal Code, entitled "Junk Dealers and Scrap Metal Recyclers" is hereby added as shown in Exhibit "A" attached hereto and incorporated herein by reference.

Section 2. The City Council has reviewed the matter and, by based upon the facts and information contained in the staff reports, administrative record, and written and oral testimony, hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change.

Section 3. The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2025.

_____
PATRICIA LOCK DAWSON
Mayor of the City of Riverside

Attest:

_____
DONESIA GAUSE
City Clerk of the City of Riverside

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CITY ATTORNEY'S OFFICE
3750 UNIVERSITY AVE., STE. 250
RIVERSIDE, CA 92501
(951) 826-5567

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the _____ day of _____, 2025, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the _____day of _____, 2025, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of _____, 2025.

_____
DONESIA GAUSE
City Clerk of the City of Riverside

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CA 24-1771 JL 02/11/25

CITY ATTORNEY'S OFFICE
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EXHIBIT "A"

JUNK DEALERS AND SCRAP METAL RECYCLERS

Section 5.85.010 Authority.

This chapter is adopted pursuant to the authority granted to the City of Riverside in Article XI, Section 5(a) and Section 7 of the California Constitution, and Section 200 of the Riverside City Charter.

Section 5.85.020 Definitions.

Except as otherwise specified in this section, the terms used in this article shall have the same meaning as those terms are defined in the California Business and Professions Code, Division 8, Chapter 9, Article 3, Section 21600 et seq., or as those sections may subsequently be amended.

As used in this chapter:

"Chief of Police" means the Chief of Police of the City of Riverside or designee.

"Junk" means any and all secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, but does not include secondhand and used furniture or pallets.

"Junk dealer" means and includes 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.

"Junk yard" means and includes any yard, plot, space, enclosure, building or any other place where junk is collected, stored, gathered together and kept.

"Recycler" means 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 in Business and Professions Code Section 21600.

"Scrap metals and alloys" means and includes, but is 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.

Section 5.85.030 Exemptions.

A. This chapter shall not apply to any of the following:

1. Secondhand furniture merchants;

2. Pawnbrokers;

3. 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;

4. Persons engaged in the business of selling new automobile tires, batteries, or other equipment taking in part payment used articles of the same kind and thereafter selling or disposing of the same;

5. Secondhand oil well supply and equipment dealers not conducting or carrying on their business in connection with a junk yard; and

6. Secondhand clothing merchants and ragpickers.

Section 5.85.040 Reporting.

A. Junk dealers or recyclers shall report to the Chief of Police every day before 12:00 noon, on a form approved by the Chief of Police, a record of all sales and purchases of the previous 24 hours. The report shall contain the information required by this chapter and any additional information required by the Chief of Police 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. The name, valid driver's license number, and state of issue or California-issued identification card number, 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 her or she obtained it from, as shown on a signed transfer document; and

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.

Section 5.85.050 Sellers age limit.

A. 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 years.

Section 5.85.060 Hours.

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

Section 5.85.070 Payment.

A. It is unlawful for any junk dealer or recycler to make payment for the purchase of junk in excess of $10 to any person except by paper draft or check.

Section 5.85.080 Immediate notice of certain transactions.

A. Every junk dealer or recycler shall immediately notify the police department by telephone, or other means likely to reach the police department without delay, of the following:

1. The sale or purchase, or attempted sale or purchase, of any junk which reasonably appear to be used only by government, utilities railroads, or for specific purposes, such as guardrails, manhole covers, high voltage transmission lines, historical markers, cemetery plaques, light poles, and bleachers.

Section 5.85.090 Records inspection.

A. Every junk dealer or recycler shall, during normal business hours, allow periodic inspection of any premises maintained and any junk thereon for the purpose of determining compliance with the recordkeeping requirements of this Chapter, and shall during those hours produce his or her records of sales and purchases and all property purchased incident to those transactions which is in the possession of the junk dealer or recycler for inspection by any of the following persons:

1. A person designated by the Chief of Police.

Section 5.85.100 City business tax certificate required.

It is unlawful for any person to operate or conduct the business of a junk dealer and/or recycler , unless a valid, unexpired, and unrevoked business tax certificate is issued pursuant to Chapter 5.04 of this Code.

Section 5.85.110 Minor conditional use permit required.

Any person engaging in the business of junk dealing and/or scrap metal recycling must comply with Chapter 19.730 of this Code.

Section 5.85.120 Junk dealer and/or recycler establishment permit required.

A. No person shall own, operate, or manage any junk dealer and/or recycler establishment in any location within the city without first having obtained a junk dealer and/or recycler business establishment permit from the Chief of Police.

B. Any person desiring to own or operate a junk dealer and/or recycler establishment must first obtain (1) a city business tax certificate pursuant to Chapter 5.04 of this Code, (2) a minor conditional use permit pursuant to Chapter 19.730 of this Code, and (3) a current and active California Weighmaster License in accordance with Business and Professions Code Sections 12703 and 12733, in order to obtain a junk dealer and/or recycler establishment permit from the Chief of Police.

C. The person(s) must file, under penalty of perjury, a written application on forms provided by and submitted to the Chief of Police. Fee amounts for the application may be established by resolution of the city council.

D. 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 city 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.

D. The applicant shall acknowledge having read Penal Code Section 496a, which shall be promptly set forth within the application in bold type.

E. The application shall be completed and signed by the owner of the proposed junk dealer and/or recycler establishment, if a sole proprietorship; one general partner, if the owner is a partnership; or two officers, if the owner is a corporation. The application shall be deemed complete if it contains or is accompanied by the following information:

1. A description of the type of ownership of the business (i.e., whether by individual, partnership, corporation, or otherwise). If the applicant is a corporation, the application shall include the names and residence addresses of each of its current officers and directors. If the applicant is a partnership, the application shall include the names and residence addresses of each of its officers and partners.

2. A detailed description of all services to be provided at the junk dealer and/or recycler establishment.

3. The proposed business name.

4. The complete address and all telephone numbers of the business.

5. A complete list of the names and residence addresses of all proposed employees or volunteers with a description of the job duties and functions of each. In the event of corporation ownership, the applicant must also include the name and residence

address of the responsible employee to be principally in charge of the day-to-day operations of the business.

6. Possess original valid licenses, permits, and certificates for the business as described in Section 5.85.120(B) of this Chapter.

7. A description of any other business owned or operated by the applicant within the State of California.

8. The following personal information concerning every owner:

    a. Full complete name and all aliases used;

    b. Current residence address and residential addresses for five years immediately preceding the present address, and the inclusive dates for each such address;

    c. The complete business, occupation, and employment history for five years preceding the date of application including, but not limited to, junk dealer and/or recycler and similar business history and experience;

    d. The complete permit history including, but not limited to, permit history for junk dealer and/or recycler establishments, or similar businesses; whether such person has ever had any permit or license issued by any agency, board, city, county, territory, or state; the date of issuance; and whether the permit or license was denied, revoked, or suspended;

    e. A complete set of the applicant's fingerprints submitted through the Livescan system. The applicant shall be responsible for payment of any fingerprinting fee.

    f. Date of birth and original documentation to verify both the applicant's identity and employment authorization (if applicable), as listed under 8 U.S.C. Section 1324a(b)(1) and 8. C.F.R. Section 274a.2(b)(1);

    g. All criminal convictions, including pleas of nolo contendere, within the last ten years, including those dismissed pursuant to Penal Code Section 1203.4, and the date and place of each such conviction and reason and sentence thereof; and

    h. All pending criminal charges for which the applicant is currently out of custody on bail or on his/her own recognizance.

9. The name and address of the owner or lessor of the real property upon or in which the business is to be conducted. If the applicant is not the property, the application must be accompanied by an acknowledgement from the property owner that a junk dealer and/or recycler establishment will be located on the property.

10. The name and address of any junk dealer and/or recycler establishment or other business wherein junk dealing and/or scrap metal recycling occurs, owned or operated by any applicant.

11. Such other identification and information as the Chief of Police may require to verify the truth of the matters set forth in the application.

12. A statement in writing and dated by the applicant certifying under penalty of perjury that all information contained in the application is true and correct.

F. Each permit issued under this section shall expire two years from the date of issuance.

G. An unrevoked permit may be renewed for two years by filing, under penalty of perjury, a written application on forms provided by and submitted to the Chief of Police. The renewal fees accompanied with the application may be established by resolution of the city council.

H. A business establishment permit required under this section shall be in addition to any license, permit, or fee required under any other chapter of this Code.

I. A permit holder shall notify the Chief of Police whenever there is a change in information that was required to be submitted in the application. Such notification shall be in writing and made within ten business days of the change.

J. The Chief of Police shall complete an investigation of the qualifications and moral character of the applicant and either grant or deny the permit within 90 days after the submission of the completed application; provided, however, if good cause exists, the Chief of Police may extend the period of investigation for an additional 30 days, provided the applicant is mailed notification or verbally notified that the investigation has not been completed.

Section 5.85.130 Refusal to issue junk dealer and/or recycler establishment permit.

A. The Chief of Police shall not issue or allow a transfer of a business permit pursuant to this Chapter to an applicant under any of the following conditions:

1. The applicant fails to or refuses to furnish the information or documents required by this Chapter or submits false, misleading, or incomplete information on the application;

2. The business does not comply with the minimum requirements set forth within this Chapter or within the city's code, building, fire, health, and/or zoning regulations;

3. The operation of the business will not comport with the peace, health, safety, convenience, good morals, and general welfare of the public;

4. The applicant has been convicted of any of the following offenses, unless the Chief of Police finds the offense was so remote in time and that the applicant has been rehabilitated:

    a. A crime involving dishonesty, fraud, deceit, or moral turpitude;

b. A felony committed while engaged in the ownership or operation of a junk dealer and/or recycler business;

c. Any crime involving conduct reasonably related to the occupation being regulated where that crime demonstrates a pattern of conduct;

d. Attempt to commit or conspiracy to commit any of the above-mentioned offenses; or

e. Any crime in any other state or jurisdiction which is equivalent of or substantially similar to any of the above-mentioned offenses.

5. The applicant has had a junk dealer and/or recycler establishment permit or license denied, suspended, or revoked, for cause, by any city, county, state, local agency, or other licensing authority, or has had to surrender a permit or license as a result of pending criminal charges or in lieu of said permit or license being suspended or revoked.

6. The property has had a prior revocation of a junk dealer and/or recycler establishment permit, or a state license, where the applicant has a current or prior personal or business relationship with the prior permittee/licensee, or the property owner was associated with criminal activity related to junk dealer and/or recycler activity.

B. Denial of a junk dealer and/or recycler establishment permit shall be given to the applicant in writing and shall specify the grounds for such denial. Notice of the denial shall be deemed to have been served upon personal service or when deposited in the United States Mail with postage prepaid and addressed to the applicant at the address listed on the application.

Section 5.85.140 Display of licenses.

A. Every junk dealer and/or recycler establishment shall:

1. Display the original valid California Weighmaster License issued to the junk dealer and/or recycler establishment in an open and conspicuous location;

2. Display the original valid business tax certificate issued to the junk dealer and/or recycler establishment owner in an open and conspicuous location;

3. Display the original valid minor conditional use permit issued by the city allowing a junk dealer and/or recycler establishment to operate a business within the city in an open and conspicuous location; and

4. Display the original valid junk dealer and/or recycler establishment permit issued by the Chief of Police in an open and conspicuous location.

B. The city may conduct reasonable inspections, during regular business hours, to ensure compliance with this Code, this Chapter, and other sections of the Riverside Municipal Code, and

other applicable fire and health and safety requirements. An owner or employee cannot refuse to permit such lawful inspection of the premises at any time it is occupied or open for business.

C. All owners shall be responsible for the conduct of all the junk dealer and/or recycler establishment's employees while the employees are in the premises of the junk dealer and/or recycler establishment.

Section 5.85.150 Bond.

Every junk dealer and/or recycler shall furnish to the city a bond in the principal amount of $50,000.00 guaranteeing faithful performance by the junk dealer and/or recycler of the terms and conditions set forth in this Chapter and the Business and Professions Code.

Section 5.85.160 Violation and penalty.

A. Any violation of this chapter shall be subject to administrative fines consistent with Business and Professions Code Section 21608 as follows:

1. For a first offense, by a fine of not less than one thousand dollars ($1,000).
2. For a second offense, by a fine of not less than two thousand dollars ($2,000).
3. For a third or any subsequent offense, by a fine of not less than four thousand dollars ($4,000).

B. The administrative fines imposed shall be in addition to any other fines and/or penalties imposed for violation of local, State, and/or Federal law.

Section 5.85.170 Revocation of a junk dealer and/or recycler establishment permit.

A. Subject to the procedures set forth in this section, the Chief of Police may revoke a junk dealer and/or recycler 's establishment permit issued pursuant to this Chapter whenever any of the following has occurred:

1. The holder of an establishment permit or his agents, contractors, or employees have committed a felony or crime involving dishonesty, fraud, deceit, or moral turpitude in connection with the operation of this business;
2. The holder of an establishment permit is acting in a manner that constitutes a public nuisance;
3. The holder of an establishment permit or their agents, contractors, or employees have violated any laws or regulations in connection with the operation of this business or failed to cooperate with the Riverside Police Department, where such actions constitute a pattern of conduct; or
4. The Chief of Police determines the permit holder has made material misrepresentations in the permit application or makes any of the findings that would have justified denying the application for an establishment permit in the first instance under Section 5.85.130 of this Chapter.

B. If, in the discretion of the Chief of Police, the violation is capable of correction, then prior to revocation, a written notice shall be given to the permittee or certificate holder of the violation(s) involved to allow a period of time to correct the violation(s), which period shall not exceed five business days. At the end of said period, the police department shall conduct an inspection to determine whether the violation(s) has been corrected. If the Chief of Police determines that the violation(s) is not capable of correction or finds that the violation(s) continues without correction, then the Chief of Police may issue a notice of revocation.

C. To revoke an establishment permit, the Chief of Police shall serve upon the holder thereof, either by personal service or by United States Mail sent to address(es) listed on the establishment permit application, a written notice that said permit shall be revoked on a date specified in said notice. All junk dealer and/or recycler work and activity by employees shall cease following issuance of the notice of revocation, and no activity for which the permit is required shall be conducted.

D. A revoked establishment permit shall be immediately surrendered to the Chief of Police.

Section 5.85.180 Appeal.

A. A denial or revocation of a junk dealer and/or recycler establishment permit may be appealed as set forth in Section 1.17.121 of this Code.

Section 5.85.190 Establishment permit land use.

A. If, within the past five years, the property had an establishment permit revoked under this Chapter or there was criminal activity relating to receiving stolen property, selling stolen property, storing stolen property, or similar illegal conduct on the property, the Chief of Police may deny any subsequent establishment permit for that property up to one year from the date of the most recent denial of an establishment permit application.

B. An appeal of a denial of an establishment permit under this section may be made pursuant to the appeal provision of this Chapter.

Section 5.85.200 Severability.

If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.