

BEFORE  
THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MADERA  
STATE OF CALIFORNIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 5.08 OF THE MADERA  
COUNTY CODE, REGARDING JUNK DEALERS

The Board of Supervisors of the County of Madera, State of California, ordains as follows:

**SECTION 1**

Section 5.08.010 of the Madera County Code, is repealed.

**SECTION 2**

Section 5.08.010 is added to the Madera County Code, to read in its entirety as follows:

**5.08.010 Definitions.**

A. Junk Defined. For purposes of this Chapter, "Junk" shall mean ferrous or non-ferrous metal, wire, plastic, glass, cardboard, paper, wood, or other material unfit for use in its present form, including scrap metal valuable only for recycling.

B. Junk Dealer Defined. For purposes of this Chapter, "Junk Dealer" shall mean any person, entity or association of persons or entities engaging within the County of Madera in the purchase, sale, exchange, transfer, collecting, distributing or in any manner transacting in "junk" as that term shall be defined elsewhere in this Chapter. Specifically excepted from the definition of "Junk Dealer" is the collection and transfer of discarded beverage containers, newspaper, or cardboard.

C. Second Hand Goods Defined. For purposes of this chapter, "Second Hand Goods" shall mean previously used or worn household goods, furniture, or clothing.

D. Second Hand Goods Dealer Defined. For purposes of this Chapter, "Second Hand Goods Dealer" shall mean any person, entity or association of persons or entities engaging within the County of Madera in the purchase, sale, exchange, transfer, collecting, distributing or in any manner transacting in "second hand goods" as that term shall be defined elsewhere in this Chapter.

**SECTION 3**

Section 5.08.020, of the Madera County Code, is amended to read in its entirety as follows:

**5.08.020 Permission to engage in business.** It is unlawful from and after the passage of the ordinance codified herein for any person, entity, or association of persons or entities to engage in the County of Madera in business as a junk dealer without first making an

application to the Board of Supervisors for, and receiving from the Board, permission to engage in such business as provided in this Chapter.

**SECTION 4**

Section 5.08.030, of the Madera County Code, is amended to read in its entirety as follows:

5.08.030 Application--Contents. The application shall be in writing and shall contain the name of the applicant(s), the persons or entities interested in the business with the applicant, the business address, if at a fixed place of business, or if a mobile place of business, the residence address, telephone number, and such other information as may be required by the Sheriff to facilitate investigation of the background and character of the applicant(s), and shall be filed with the Clerk of the Board of Supervisors fifteen days before the meeting of the Board at which the application is to be considered. Immediately upon the filing of the application the Clerk of the Board shall refer the application to the Sheriff, who shall make an investigation concerning the background and character of the applicant(s).

**SECTION 5**

Section 5.08.040, of the Madera County Code, is amended to read in its entirety as follows:

5.08.040 Report of Sheriff. The Sheriff shall within seven days of receipt of the application, provide a written report to the Board of Supervisors concerning the background and character of the applicant(s).

**SECTION 6**

Section 5.08.050, of the Madera County Code, is amended to read in its entirety as follows:

5.08.050 Approval Of Application. Upon receiving the report of the Sheriff, the Board of Supervisors shall approve the application unless it appears from the report of the Sheriff that the background and character of the applicant(s) is unsuitable.

**SECTION 7**

Section 5.08.060, of the Madera County Code, is amended to read in its entirety as follows:

5.08.060 License Revocation. If any person, entity, or association of persons or entities, after having received Board permission to operate as a junk dealer thereafter fails to obey any of the provisions of this Chapter, or conducts business in an unlawful manner, the Board of Supervisors may, after notice and hearing, revoke the permission of such person, entity, or association of persons or entities to conduct such business.

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## **SECTION 8**

Section 5.08.070, of the Madera County Code, is amended to read in its entirety as follows:

5.08.070 Record of Transactions. Every junk dealer and every secondhand dealer shall make a legible written record, in triplicate, of each and every transaction entered into, which record shall contain all of the following information.

- A. A full and detailed description of all items or materials received or transferred, including, but not limited to type of items or materials, quantity, size, weight, and dimension.
- B. The name, address, telephone number, and physical description of the parties to the transaction.
- C. The driver's license or state-issued identification number and state of issue of the parties to the transaction.
- D. The license number and state of issue, or vehicle identification number if no license, of each vehicle, including trailers, utilized by the parties to the transaction.
- E. A written statement signed by the transferor indicating that the transferor is the lawful owner of the items or materials transferred, or providing the name, address and telephone number of the persons or entities from whom the transferor obtained the items or materials transferred.
- F. Legible thumbprint of the transferor of the items or materials.

## **SECTION 9**

Section 5.08.080, of the Madera County Code, is repealed.

## **SECTION 10**

Section 5.08.080, of the Madera County Code, is added to read in its entirety as follows:

5.08.080. Record Retention. A copy of each transaction record required to be made pursuant to this Chapter shall be retained by the junk dealer or second hand goods dealer making the record for a period of not less than two (2) years after the date of the transaction. Transaction records made and retained by a junk dealer or second hand goods dealer shall be made available upon demand for inspection by the Sheriff, Deputy Sheriff, or any other County official.

## **SECTION 11**

Section 5.08.090, of the Madera County Code, is amended to read in its entirety as follows:

5.08.090 Transmittal of Transaction Records. Every junk dealer and every secondhand dealer shall at least once every week transmit to the Sheriff, either personally or by registered mail, a written statement showing the exact description of all items or materials purchased or received prior to the time of making such statement and since the making of the last prior statement; date of purchase or of receiving same; the price paid therefor; name, address and place of business of the person or entity from whom purchased or received, and all particular

and prominent marks of identification that may be found on such items or materials, and the place where such items or materials will be exposed to public view as required in Section 5.08.100.

**SECTION 12**

Section 5.08.100, of the Madera County Code, is amended to read in its entirety as follows:

5.08.100 Ten Day Retention Period. All items or materials purchased, received or collected, by junk dealers or secondhand dealers shall be held for a period of at least ten days, after report to the sheriff is made as required by Section 5.08.090, before the same shall be sold or otherwise disposed of, and such items or materials shall be exposed to public view, during business hours, from the time of purchase or receiving same until the expiration of ten days after report to the sheriff as otherwise provided herein.

**SECTION 13**

Section 5.08.110, of the Madera County Code, is repealed.

**SECTION 14**

Section 5.08.110, Definitions, added to the Madera County Code, to read in its entirety as follows:

5.08.110 Cash Transactions Prohibited. Junk dealers may only make payment for ferrous or non-ferrous metal purchased or received, excluding used beverage containers, by check delivered to the physical address provided by the seller; such payment may not be made sooner than ten (10) days after the transaction.

**SECTION 15**

Section 5.08.120, of the Madera County Code, is amended to read in its entirety as follows:

5.08.120 Hours restricted. No junk dealer or secondhand dealer shall purchase, receive, gather up or collect any items or materials between the hours of six p.m. and six a.m. of the following day, or on Sunday or any holiday.

**SECTION 16**

Section 5.08.130, of the Madera County Code, is repealed.

**SECTION 17**

Section 5.08.140, of the Madera County Code, is repealed.

**SECTION 18**

This Ordinance shall be effective thirty (30) days after its adoption.

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The foregoing Ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
by the following vote.

Supervisor Bigelow voted: \_\_\_\_\_

Supervisor Moss voted: \_\_\_\_\_

Supervisor Dominici voted: \_\_\_\_\_

Supervisor Rodriguez voted: \_\_\_\_\_

Supervisor Wheeler voted: \_\_\_\_\_

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Approved as to Legal form:  
COUNTY COUNSEL

By \_\_\_\_\_