

SPONSOR: Smith/E Brown

ORDINANCE NO. 61-08

AN ORDINANCE ENACTING JACKSON CODIFIED ORDINANCE SECTION 705.09, RECORDS OF TRANSACTIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Jackson Codified Ordinance Section 705.09 is hereby adopted as set forth in Exhibit "A".

Section Two. The Clerk of Council shall assure that this Ordinance is posted in all the City's Ordinance books.

Section Three. This Ordinance shall take effect at the earliest time permitted by law.

Section Four. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Date: _____

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

Approved:

Date: _____

MAYOR

7/28 Ordinance Dies

EXHIBIT A

CHAPTER 705

JUNK DEALERS AND YARDS

705.09 RECORDS OF TRANSACTIONS.

(a) All junk dealers, junk shop, and junk yards shall maintain a separate record book or electronic file in which the junk dealer, junk shop, and junk yard shall keep an accurate, legible and complete record of all of the following specified information for each transaction:

(1) A complete and accurate description of any scrap metal article or material that has been purchased or received by the junk dealer, junk shop, or junk yard, including, where available, the name and maker of the article or material, and the serial number or other identification number, letters or marks written or inscribed on the article or material.

(2) The seller's name and current address.

(3) The identification number from a current and valid driver's license, military identification, or other government-issued photo identification card issued to the seller.

(4) The license plate number and state issuing the license plate of the motor vehicle being used by the seller to transport the articles or material to the facility.

(5) The date and time that the junk dealer, junk shop, or junk yard purchased or received the article or material and the name of the individual employee or operator of the junk dealer, junk shop, or junk yard who conducted the transaction.

(6) A declaration of whether the total amount paid by the junk dealer, junk shop, or junk yard for the articles or material purchased or received was five hundred dollars (\$500.00) or more.

(7) Photographs of the articles or material purchased or received.

(b) Every retail transaction shall be numbered consecutively.

(c) Except as otherwise provided in this section, a junk dealer, junk shop, or junk yard shall retain any and all scrap metal articles or material composed of copper, brass, aluminum or stainless steel that have been purchased or received by the junk

dealer, junk shop, or junk yard in a retail transaction, in the condition the article or material was received, until the expiration of at least seven (7) days after the date of purchase or receipt. This required seven (7) days retention period does not apply to: aluminum cans; motor vehicles; scrap metal articles or material other than copper, brass, aluminum or stainless steel; or, any other scrap metal articles or material for which the licensee has received written permission for disposition from the chief of police or his or her designee.

(d) For any article or material received for which a retention period is required under this section, the junk dealer, junk shop, or junk yard shall attach a tag to the article or material in some visible and convenient place that identifies the date and transaction number applicable to that article or material, which tag shall remain attached until disposition of the article or material.

(e) If the chief of police or his or her designee has probable cause to believe that an article or material is stolen property, he shall notify the junk dealer, junk shop, or junk yard in writing. Upon receipt of such a notice, the junk dealer, junk shop, or junk yard shall retain the article or material until the expiration of thirty (30) days after receipt of the notice, unless the chief or his or her designee notifies the junk dealer, junk shop, or junk yard in writing that retention of the article or material is no longer required. Upon expiration of the thirty (30) day period, absent renewal thereof by the chief or his or her designee, or the failure of the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.

(f) If the chief of police or his or her designee receives a report that property has been stolen and determines the identity of the true owner of the allegedly stolen property that is in the possession of a junk dealer, junk shop, or junk yard, and informs the junk dealer, junk shop, or junk yard of the true owner's identity, the junk dealer, junk shop, or junk yard shall hold the allegedly stolen property for at least thirty (30) days from the date of notification by the chief of police or his or her designee to enable the true owner to pick up that property from the junk dealer, junk shop, or junk yard. If a junk dealer, junk shop, or junk yard fails or refuses to return the allegedly stolen property that has been held as required by this division, the true owner may recover the property from the junk dealer, junk shop, or junk yard in an action at law. Upon expiration of the thirty (30) day period, absent renewal thereof by the chief or his or her designee, or the failure of the true owner to pick up the allegedly stolen property, the scrap article or material may be immediately recycled.