

1 **84-92012**

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3 **ORDINANCE: Create Section 9.38 of the General Code of Winnebago County: Regulation**
4 **of Purchase and Sale of Scrap Metal**

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7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

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9 **WHEREAS**, Section 134.405(6), Wis Stats, provides counties with the authority to enact ordinances
10 governing the sale and purchase of scrap metal provided that said ordinances are not more stringent than § 134.405,
11 Wis Stats; and

12 **WHEREAS**, there has been an increase in the number of thefts of scrap metal within Winnebago County;
13 and

14 **WHEREAS**, Section 134.405, Wis Stats, regulates the purchase of non-ferrous scrap metal and proprietary
15 articles; and

16 **WHEREAS**, it would be in the best interests of Winnebago County that an ordinance adopting the contents
17 of § 134.405, Wis Stats, be enacted so as to streamline the enforcement and prosecution of the contents of that
18 Statute.

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20 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of Supervisors that it hereby
21 creates Section 9.38 of the General Code of Winnebago County to read as follows:

22 **9.38 REGULATION OF PURCHASE AND SALE OF SCRAP METAL**

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24 (1) **AUTHORITY:** This Ordinance is created pursuant to that authority provided in § 134.405(6), Wis Stats.

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26 (2) **JURISDICTION:** This Ordinance shall be applicable to any scrap metal business within the non-
27 incorporated areas of Winnebago County.

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29 (3) **SECTION 134.405(1) THROUGH (4), WIS STATS, INCORPORATED HEREIN BY REFERENCE:**
30 Section 134.405(1) through (4), Wis Stats, to the extent such Statutory section requires any act to be performed or
31 prohibits any act, is hereby adopted, and made a part of this section of the Code by reference as if fully set forth
32 herein. Any act required to be performed or prohibited by § 134.405(1) through (4), Wis Stats, is required or
33 prohibited by this Section of the Code, subject to those exceptions stated in Subsection (4) hereunder.

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35 (4) **EXCEPTIONS:** This Ordinance shall not apply to transactions involving aluminum beverage cans wherein
36 the total weight of cans sold or purchased during any singular transaction does not exceed 25 lbs. In addition, this
37 Ordinance shall not apply to any transactions wherein the total weight of objects purchased or sold in any singular
38 transactions does not exceed 5 lbs.

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40 (5) **PENALTIES:** Any individual who violates any provision of this Section of the Code shall be subject to a
41 forfeiture of \$50.00 for first offense and \$500.00 for second and subsequent offenses plus any statutory surcharges
42 imposed by the State Legislature. In addition, the violator may be ordered to pay full restitution to any individual
43 victimized as a result of the violation of any Section of this Ordinance.

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46 (6) **EFFECTIVE DATE:** This Ordinance shall be effective as of October 14, 2012.

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48 Submitted by:

49 **JUDICIARY AND PUBLIC SAFETY COMMITTEE**

50 Committee Vote: **4-0**

51 Vote Required for Passage: **Majority of Those Present**

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Approved by the Winnebago County Executive this _____ day of _____, 2012.

Mark L Harris
Winnebago County Executive