

RESOLUTION NO. 2012-5

A Resolution establishing registration for regulated scrap metal purchasers

NOW, THEREFORE, the Board of County Commissioners of Jackson County, Kansas, meeting in session on this 9th day of January, 2012, does hereby resolve as follows, to-wit:

WHEREAS, the Board of County Commissioners of Jackson County, Kansas desires to establish a procedure for businesses or individuals located in Jackson County, Kansas to register so they may purchase regulated scrap metal in compliance with Sections 1 through 9 of Chapter 86 of the 2011 Session Laws of Kansas amending K.S.A. 2010 Supp. 50-6,109 et seq., and

WHEREAS, the Kansas legislature has Sections 1 through 9 of Chapter 86 of the 2011 Session Laws of Kansas, requiring the registration of any business or individual desiring to purchase any regulated scrap metal and outlining the criteria and obligations each county has when accepting registration applications and accepting, denying or suspending the same, and

WHEREAS, said statutes permit the County to defray the cost of providing the services required of the County in said statutes within the limits stated therein, and

WHEREAS, the Board of County Commissioners of Jackson County, Kansas does hereby resolve to implement the following procedure and policies regarding any individual or business desiring to register so they may purchase regulated scrap metals as follows:

Section 1: On or after the date of this resolution, no business or individual shall purchase any regulated scrap metal in Jackson County, Kansas, without having first registered each place of business as provided below. In each case if a place of business is located within the corporate limits of a city, the registration shall be

made to the governing body of said city. In all other cases, registration shall be made to the Board of County Commissioners of Jackson County, Kansas.

Section 2: A registration application for a scrap metal dealer within the boundaries of Jackson County, Kansas but outside of any city located in Jackson County, Kansas shall be found in the office of the Jackson County Clerk and shall be verified by the person or business desiring to register and shall contain the following information:

- a) Name and residence of the applicant;
- b) Length of time the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;
- c) The particular place of business for which a registration is desired;
- d) The name of the owner of the premises upon which the place of business is located; and
- e) The applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for **theft**, as defined in K.S.A. 21-3701, prior to its repeal, or section 87 of Chapter 136 of the 2010 Session Laws of Kansas, **theft of property lost, mislaid or delivered by mistake**, as defined in K.S.A. 21-3703, prior to its repeal, or section 88 of chapter 136 of the 2010 Session Laws of Kansas, **theft of services**, as defined in K.S.A. 21-3704, prior to its repeal, **criminal deprivation of property**, as defined in K.S.A. 21-3705, prior to its repeal, or section 89 of chapter 136 of the 2010 Session Laws of Kansas, **or any other crime involving possession of stolen property.**

Section 3: Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of \$200.00.

Section 4: The Board of County Commissioners of Jackson County, Kansas shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer engaged in business in Jackson County, Kansas and qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of 10 years.

Section 5: If a registration is accepted, the Board of County Commissioners for Jackson County, Kansas shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The registration fee

for such renewal, which shall be in addition to the \$200.00 fee collected at the time of original registration. The registration fee for renewal shall be \$25.00. **No registration shall be transferable.** This resolution shall not apply to a business licensed under the provisions of K.S.A. 8-2402, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

Section 6: After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the requirements for such registration, the Board of County Commissioners of Jackson County, Kansas shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

Section 7: No scrap metal registration shall be accepted for:

- a) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under this resolution,
- b) A person, who within five years immediately preceding the date of filing, has pled guilty to, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit or conspiring to commit: **a violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 87 through 125 and subsection (a)(6) of section 223 of chapter 136 of the 2010 Session Laws of Kansas, perjury, compounding a crime, obstructing legal process or official duty, falsely reporting a crime, interference with law enforcement, interference with judicial process, or any crime involving moral turpitude,**
- c) A person who, within five years immediately preceding the date of registration, has pled guilty to, been found guilty of, or entered a diversion agreement for violating the provisions of section 1, and amendments thereto, K.S.A. 50-6,109 et seq., and amendments thereto, the laws of another state comparable to such provisions or laws of any county or city regulating the sale or purchase of regulated scrap metal three or more times,
- d) A person who within the three years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to contributed to the revocation of such registration,

- e) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar finding within the last three years,
- f) A partnership or limited liability company, unless all members of the partnership or limited liability company are otherwise qualified to file a registration,
- g) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason,
- h) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration, or
- i) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under this act.

Section 8: The Board of County Commissioners of Jackson County, Kansas may upon five days' notice to the persons holding a registration, may suspend the scrap metal dealer's registration for up to 30 days for any one of the following reasons:

- a) The registrant has been convicted of violating any of the provisions of K.S.A. 50-6,109 et seq., and amendments thereto, or any similar ordinance, resolution, or rules or regulations made by the board as the case may be,
- b) The employment or continuation in employment of a person if the registered scrap metal dealer knows such person has, within the 24 months prior to the notice of suspension or revocation action, been convicted of violating any of the provisions of K.S.A. 50-6,109 et seq., and amendments thereto, or the laws of another state comparable to such provisions, or any county or city ordinance or resolution, or regulation controlling scrap metal sale or purchase in Kansas or any other state; or
- c) Permitting any criminal activity under the Kansas criminal code, or similar ordinance, resolution or rules or regulations made by the board or city, as the case may be in or upon the registrant's place of business.

Section 9: The Board of County Commissioners of Jackson County, Kansas may revoke the registration of a scrap metal dealer who has had its registration suspended three or more times within a 24-month period.

Section 10: The Board of County Commissioners of Jackson County, Kansas, upon five days' notice to the person holding the registration, shall revoke or suspend the registration for any one of the following reasons:

- a) The registrant has fraudulently registered by knowingly giving materially false information on the registration form;
- b) The registrant has become ineligible to obtain a registration under this resolution or the laws of the State of Kansas;
- c) The nonpayment of any registration fees after reviewing written notice that such registration fees are more than 30 days past due; or
- d) Within 20 days after the order of the board denying, revoking or suspending any registration, the registrant may appeal to the district court and the district court shall proceed to hear such appeals though the court had original jurisdiction on the matter.

Section 11: Any action brought under Sections 8, 9 or 10 shall be brought individually against a single registrant's site and not against any other scrap metal sites or locations registered by the same individual, company or business entity.

Section 12: Definitions as used in this section shall include the definitions provided in chapter 86 of the 2011 Session Laws of Kansas. "Scrap metal dealer" means any person that operates a business out of a fixed location, and that is also either: a) engaged in the business of buying and dealing in regulated scrap metal; b) purchasing, gathering, collecting, soliciting or procuring regulated scrap metal; or c) operating, carrying on, conducting or maintaining a regulated scrap metal yard or place where regulated scrap metal is gathered together and stored or kept for shipment, sale or transfer. "Regulated scrap metal yard" means any yard, plot, space, enclosure, building or any other place where regulates scrap metal is collected, gathered together and scored or kept for shipment, sale or transfer. "Regulated scrap metal" shall mean wire, cable, cars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, junk vehicles, vehicle parts, pipes or connectors made from aluminum, catalytic converters containing platinum, palladium or rhodium; and copper, titanium, tungsten, stainless steel and nickel in any form; for which the purchase price described in K.S.A. 2010 Supp. 50-6,110 and 50-6,111, and

amendments thereto, was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium, stainless steel or rhodium; any item composed in whole or in part of any nonferrous metal other than an item composed of tin, that is purchased or otherwise acquired for the purpose of recycling or storage for later recycling. Aluminum shall not include food or beverage containers.

WHEREAS, this Resolution is passed, approved and adopted by the Board of County Commissioners of Jackson County, Kansas on the date and year first above written.

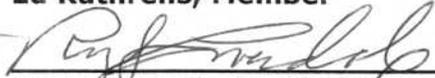
**Board of County Commissioners,
Jackson County, Kansas**



Larry Fenske, Chairman



Ed Kathrens, Member



Roger Coverdale, Member



Attest:



Kathy Mick, Jackson County Clerk

**JACKSON COUNTY
RESOLUTION NO. 2012-5**

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WHEREAS, said statutes permit the County to defray the cost of providing the services required of the County in said statutes within the limits stated therein, and

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Section 2: A registration application for a scrap metal dealer within the boundaries of Jackson County, Kansas but outside of any city located in Jackson

the office of the Jackson County Clerk and shall be verified by the person or business desiring to register and shall contain the following information:

- a) Name and residence of the applicant;
- b) Length of time the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;
- c) The particular place of business for which a registration is desired;
- d) The name of the owner of the premises upon which the place of business is located; and
- e) The applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for **theft**, as defined in K.S.A. 21-3701, prior to its repeal, or section 87 of Chapter 136 of the 2010 Session Laws of Kansas, **theft of property lost, mislaid or delivered by mistake**, as defined in K.S.A. 21-3703, prior to its repeal, or section 88 of chapter 136 of the 2010 Session Laws of Kansas, **theft of services**, as defined in K.S.A. 21-3704, prior to its repeal, **criminal deprivation of property**, as defined in K.S.A. 21-3705, prior to its repeal or section 89 of chapter 136 of the 2010 Session Laws of Kansas, **or any other crime involving possession of stolen property**.

Section 3: Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of \$200.00.

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Section 5: If a registration is accepted, the Board of County Commissioners for Jackson County, Kansas shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the regis-

trated by law. The registration fee for such renewal, which shall be in addition to the \$200.00 fee collected at the time of original registration. The registration fee for renewal shall be \$25.00. **No registration shall be transferable.** This resolution shall not apply to a business licensed under the provisions of K.S.A. 8-2402, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

Section 6: After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the requirements for such registration, the Board of County Commissioners of Jackson County, Kansas shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

Section 7: No scrap metal registration shall be accepted for:

- a) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under this resolution,
- b) A person, who within five years immediately preceding the date of filing, has pled guilty to, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit or conspiring to commit: **a violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or sections 87 through 125 and subsection (a)(6) of section 223 of chapter 136 of the 2010 Session Laws of Kansas, perjury, compounding a crime, obstructing legal process or official duty, falsely reporting a crime, interference with law enforcement, interference with judicial process, or any crime involving moral turpitude,**
- c) A person who, within five years immediately preceding the date of registration, has pled guilty to, been found guilty of, or entered a diversion agreement for violating the provisions of section 1, and amend-

- d) A person who within three years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to contributed to the revocation of such registration,
- e) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar finding within the last three years,
- f) A partnership or limited liability company, unless all members of the partnership or limited liability company are otherwise qualified to file a registration,
- g) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason,
- h) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration, or
- i) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under this act.

Section 8: The Board of County Commissioners of Jackson County, Kansas may upon five days' notice to the persons holding a registration, may suspend the scrap metal dealer's registration for up to 30 days for any one of the following reasons:

- a) The registrant has been convicted of violating any of the provisions of K.S.A. 50-6,109 et seq., and amendments thereto, or any similar ordinance, resolution, or rules or regulations made by the board as the case may be,
- b) The employment or continuation in employment of

THE STATE OF KANSAS
JACKSON COUNTY

DAVID POWLS, being first duly sworn, Deposes and says "That he is The Publisher of

THE HOLTON
RECORDER

EXHIBIT "A"

has not been revoked as required by law. The registration for such renewal, which shall in addition to the \$200.00 fee be filed at the time of original registration. The registration fee renewal shall be \$25.00. No registration shall be transferred. This resolution shall not apply to a business licensed under provisions of K.S.A. 8-2402, amendments thereto, unless business buys or recycles regulated scrap metal that are motor vehicle components.

Section 6: After examining the information contained in a filing scrap metal dealer registration determining the registrant meets the requirements for registration, the Board of County Commissioners of Jackson County, Kansas shall accept filing and the scrap metal dealer shall be deemed to be duly registered.

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ments thereto, K.S.A. 50-6,109 et seq., and amendments thereto, the laws of another state comparable to such provisions or laws of any county or city regulating the sale or purchase of regulated scrap metal three or more times,

- d) A person who within three years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to contributed to the revocation of such registration,
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Section 8: The Board of County Commissioners of Jackson County, Kansas may upon five days' notice to the persons holding a registration, may suspend the scrap metal dealer's registration for up to 30 days for any one of the following reasons:

a person if the registered scrap metal dealer knows such person has, within the 24 months prior to the notice of suspension or revocation action, been convicted of violating any of the provisions of K.S.A. 50-6,109 et seq., and amendments thereto, or the laws of another state comparable to such provisions, or any county or city ordinance or resolution, or regulation controlling scrap metal sale or purchase in Kansas or any other state; or

- c) Permitting any criminal activity under the Kansas criminal code, or similar ordinance, resolution or rules or regulations made by the board or city, as the case may be in or upon the registrant's place of business.

Section 9: The Board of County Commissioners of Jackson County, Kansas may revoke the registration of a scrap metal dealer who has had its registration suspended three or more times within a 24-month period.

Section 10: The Board of County Commissioners of Jackson County, Kansas, upon five days' notice to the person holding the registration, shall revoke or suspend the registration for any one of the following reasons:

- a) The registrant has fraudulently registered by knowingly giving materially false information on the registration form;
- b) The registrant has become ineligible to obtain a registration under this resolution or the laws of the State of Kansas;
- c) The nonpayment of any registration fees after reviewing written notice that such registration fees are more than 30 days past due; or
- d) Within 20 days after the order of the board denying, revoking or suspending any registration, the registrant may appeal to the district court and the district court shall proceed to hear such appeals though

Section 12: Definitions as used in this section shall include the definitions provided in chapter 86 of the 2011 Session Laws of Kansas. "Scrap metal dealer" means any person that operates a business out of a fixed location, and that is also either: a) engaged in the business of buying and dealing in regulated scrap metal; b) purchasing, gathering, collecting, soliciting or procuring regulated scrap metal; or c) operating, carrying on, conducting or maintaining a regulated scrap metal yard or place where regulated scrap metal is gathered together and stored or kept for shipment, sale or transfer. "Regulated scrap metal yard" means any yard, plot, space, enclosure, building or any other place where regulates scrap metal is collected, gathered together and scored or kept for shipment, sale or transfer. "Regulated scrap metal" shall mean wire, cable, cars, ingots, wire scraps, pieces, pellets, clamps, aircraft parts, junk vehicles, vehicle parts, pipes or connectors made from aluminum, catalytic converters containing platinum, palladium or rhodium; and copper, titanium, tungsten, stainless steel and nickel in any form; for which the purchase price described in K.S.A. 2010 Supp. 50-6.110 and 50-6.111; and amendments thereto, was primarily based on the content therein of aluminum, copper, titanium, tungsten, nickel, platinum, palladium, stainless steel or rhodium; any item composed in whole or in part of any nonferrous metal other than an item composed of tin, that is purchased or otherwise acquired for the purpose of recycling or storage for later recycling. Aluminum shall not include food or beverage containers.

WHEREAS, this Resolution is passed, approved and adopted by the Board of County Commissioners of Jackson County, Kansas on the date and year first above written.

Board of County Commissioners,
Jackson County, Kansas

/s/ Larry Fenske, Chairman

a Semi-Weekly Newspaper printed in the State of Kansas, and published in and of general circulation in Jackson County, Kansas, with a general paid circulation on a yearly basis in Jackson County, Kansas, and that said newspaper is not a trade, religious or fraternal publication. Said newspaper is a Semi-Weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Holton, Kansas in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the day of Jan 16, 2012, with subsequent publications being made on the following dates:

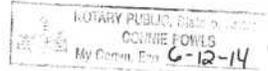
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Subscribed and sworn to before me this 17 day of January, 2012

C. P. Pals

Notary Public

My commission expires: 6-12-14
Printer's Fee \$ 378.00
Additional Copies \$ 0



e Holton Re-
li., on Monday,

**COUNTY
NO. 2012-5**

**bilishing reg-
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RE. The Board
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- b) The registrant has become ineligible to obtain a registration under this resolution or the laws of the State of Kansas;
- c) The nonpayment of an registration fees after reviewing written notice that such registration fees are due; or
- d) Within 20 days after the order of the board denying revoking or suspending any registration, the registrant may appeal to the district court and the district court shall proceed to hear such appeals though the court had original jurisdiction on the matter.

Section 11: Any action brought under Sections 8, 9 or 10 shall be brought individually against a single registrant's site and not against any other scrap metal sites or locations registered by the same individual, company or business entity.