

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 ORDINANCE NUMBER _____

5 AN ORDINANCE ADDING CHAPTER 6.27 TO THE ORDINANCE CODE OF THE
6 COUNTY OF FRESNO PERTAINING TO THE ILLEGAL POSSESSION AND
7 TRANSPORTATION OF COMMERCIAL COPPER WIRE

8 The Board of Supervisors of the County of Fresno ordains as follows:

9 **Section 1.** That the Ordinance Code of the County of Fresno is hereby amended by adding
10 Chapter 27 of Title 6 to read as follows:

11 Chapter 6.27 – ILLEGAL POSSESSION OR TRANSPORTATION OF COMMERCIAL
12 COPPER WIRE

13 Section 6.27.010 – Title, Purpose, and Intent

14 Section 6.27.020 – Definitions

15 Section 6.27.030 – Receipt, possession and transportation of commercial grade scrap metal

16 Section 6.27.040 – Receipt, possession, and transportation of stripped commercial grade wire

17 Section 6.27.050 – Stripping of commercial grade wire

18 Section 6.27.060 – Enforcement

19 Section 6.27.065 – Licensed Businesses and Proof of Ownership

20 Section 6.27.070 – Reserved

21 Section 6.27.080 – Public Nuisance

22 Section 6.27.090 – Administrative Remedies

23 Section 6.27.100 – Appeals of administrative citations

24 Section 6.27.110 – Civil Actions

25 Section 6.27.120 – Non-exclusive remedy

Section 6.27.130 – Severability

6.27.010 – Title, Purpose, and Intent

22 This Chapter shall be known as the Commercial Grade Scrap Metal Ordinance. The
23 Board of Supervisors finds that commercial agriculture is vital to the economy of the County of
24 Fresno. Businesses engaged in commercial agriculture rely upon infrastructure, such as energy
25 transmission and telecommunication lines, to operate. Transmission and telecommunication

1 lines, and related infrastructure, are often made of copper or aluminum, which can be sold as
2 scrap metal to recyclers or junk dealers. Although these components are much more valuable
3 to their lawful owners when used for their intended purpose, they are nevertheless frequently
4 stolen by thieves seeking to sell copper or aluminum components as scrap. The process of
5 stealing copper and aluminum components renders vital infrastructure inoperable until repaired,
6 thereby harming the public health, safety and welfare which depend on such infrastructure. The
7 cost of repairing and replacing infrastructure damaged by metal thieves substantially burdens
8 businesses, public utilities, law enforcement and the public generally. Although the damage
9 caused by metal thieves burdens all residents of the County, commercial agricultural
10 businesses are particularly vulnerable to metal thieves due to the rural nature of agriculture. It is
11 estimated that metal thieves inflicted over \$3 million in damage to commercial operations in the
12 County of Fresno alone in 2023.

13 Telecommunications and transmission lines are nearly always sheathed in a protective,
14 insulating coating of rubber, plastic or similar material which contains markings that identify the
15 type of wire or cable and its lawful owner. Once the sheathing is removed it is difficult for law
16 enforcement to identify the lawful owner of the wire or cable. Wire or cable which has had the
17 sheathing removed also sells for more money to recyclers and junk dealers. For both reasons,
18 metal thieves typically strip off, burn off, or otherwise remove this protective sheathing before
19 attempting to sell the stolen metal as scrap.

20 Existing California law regulates the businesses of junk dealing and recycling, requiring
21 businesses to adhere to extensive regulations when accepting scrap metal for recycling, but
22 those laws are not readily applied to individuals without a business affiliation. However, metal
23 theft in the County of Fresno is overwhelming carried out by individuals acting on their own, with
24 no legitimate business affiliation or purpose. Additionally, Fresno is a largely rural and
25 agricultural county and is uniquely and particularly vulnerable to theft and destruction of

1 infrastructure because its telecommunications and energy infrastructure are spread out over
2 vast distances that cannot be feasibly secured or observed. Consequently, existing California
3 law is insufficient to address the unique circumstances faced by the County of Fresno, and the
4 Board of Supervisors finds that a County ordinance is necessary to address these issues. It is
5 the purpose and intent of this chapter to support and supplement existing state law by giving law
6 enforcement officials tools to deter, prevent, and punish the theft and vandalism of transmission
7 and telecommunication lines by individuals without connection to a lawful business. It is not the
8 purpose or intent of this chapter to impede or interfere with ordinary and lawful recycling, or
9 duplicate or contradict existing state law pertaining to junk dealers and recyclers. Based upon
10 the foregoing, the Board finds that it can be demonstrated by clear and convincing evidence that
11 this ordinance is both necessary and addresses a unique problem specific to the County of
12 Fresno that cannot effectively be addressed by existing law.

13
14 **Section 6.27.020 – Definitions**

15 For the purposes of this chapter:

- 16 A. “Commercial grade” refers to copper or aluminum wire or cable with a total diameter of
17 .15 inches or greater, exclusive of any sheathing or coating, or telecommunications
18 cable with fifty or more pairs of conductors in a single cable.
- 19 B. “Sheathing” means the coating, typically made of plastic, rubber or a similar substance,
20 which insulates and protects commercial grade wire or cable, and often bears markings
21 which identify the lawful owner, purpose, or source of the wire or cable.
- 22 C. “Scrap” means material derived from manufactured components, such as transmission
23 or telecommunications lines, which is no longer useful for its intended purpose and is
24 primarily valuable for recycling.

1 Section 6.27.030 - Receipt, possession and transportation of commercial grade scrap metal

2 No person shall receive, possess, or transport scrap commercial grade copper or
3 aluminum wire, cable, transformer coils, transformer bands, power conducting components, or
4 control system components of the type commonly found in electrical switch gear, or any
5 combination thereof, with a total aggregate weight of 10lbs or more. This section does not apply
6 to a junk dealer or recycler within the meaning of California Business and Professions Code
7 section 21601, or to a person with a current and valid business license from the County of
8 Fresno to operate as a junk dealer, secondhand dealer, itinerant dealer, used goods dealer, or
9 flea market operator as set forth in Chapter 6.24 of this Ordinance Code, or to the agents or
10 employees of those entities. This section does not apply to any licensed general contractor,
11 subcontractor, or business engaged in the construction, repair, or demolition of buildings, to
12 commercial agricultural businesses, to commercial manufacturing businesses, to licensed
13 businesses engaged in the transport or hauling of materials including scrap metal or commercial
14 grade copper or aluminum wire, or to the agents or employees of those entities.

15
16 Section 6.27.040 - Receipt, possession, and transportation of stripped commercial grade wire

17 No person shall receive, possess, or transport scrap commercial grade copper or
18 aluminum wire or cable which has had its sheathing stripped, burned off, or otherwise removed.
19 This section does not apply to a junk dealer or recycler within the meaning of California
20 Business and Professions Code section 21601, or to a person with a current and valid business
21 license from the County of Fresno to operate as a junk dealer, secondhand dealer, itinerant
22 dealer, used goods dealer, or flea market operator as set forth in Chapter 6.24 of this Ordinance
23 Code, or to the agents or employees of those entities. This section does not apply to any
24 licensed general contractor, subcontractor, or business engaged in the construction, repair, or
25 demolition of buildings, to commercial agricultural businesses, to commercial manufacturing

1 businesses, to licensed businesses engaged in the transport or hauling of materials including
2 scrap metal or commercial grade copper or aluminum wire, or to the agents or employees of
3 those entities.

4 5 Section 6.27.050 - Stripping of commercial grade wire

6 No person shall strip, burn, or otherwise remove the sheathing from commercial grade
7 copper or aluminum wire or cable. This section does not apply to a junk dealer or recycler
8 within the meaning of California Business and Professions Code section 21601, or to a person
9 with a current and valid business license from the County of Fresno to operate as a junk dealer,
10 secondhand dealer, itinerant dealer, used goods dealer, or flea market operator as set forth in
11 Chapter 6.24 of this Ordinance Code, or to the agents or employees of those entities. This
12 section does not apply to any licensed general contractor, subcontractor, or business engaged
13 in the construction, repair, or demolition of buildings, to commercial agricultural businesses, to
14 commercial manufacturing businesses, to licensed businesses engaged in the transport or
15 hauling of materials including scrap metal or commercial grade copper or aluminum wire, or to
16 the agents or employees of those entities.

17 18 Section 6.27.060 - Enforcement

19 A violation of this chapter is subject to enforcement through criminal prosecution, civil
20 action, administrative citation, and civil penalties, as provided herein, including by injunction.
21 Any violation of this chapter is a misdemeanor, punishable by up to 180 days in the County Jail,
22 a fine of up to \$1,000.00, or both.

23 24 Section 6.27.065 - Licensed Businesses and Proof of Ownership

25 A. Notwithstanding any other provision in Chapter 6.27 of the Fresno Ordinance Code, it

1 shall be a defense to any criminal or civil enforcement of this Chapter, if, at the time of the
2 alleged violation of Sections 6.27.030, 6.27.040 or 6.27.050 of this Chapter, the person alleged
3 to have violated these sections possesses a valid business license for one of the types of
4 commercial activities listed in Sections 6.27.030, 6.27.040 or 6.27.050, or other valid state or
5 local business license which would render the activity prohibited by Sections 6.27.030, 6.27.040
6 or 6.27.050 a legal and legitimate commercial activity.

7 B. Notwithstanding any other provision in Chapter 6.27 of the Fresno Ordinance Code, it
8 shall be a defense to any criminal or civil enforcement of this Chapter, if, at the time of the
9 alleged violation of Sections 6.27.030, 6.27.040 or 6.27.050 of this Chapter, the person alleged
10 to have violated these sections possesses adequate written evidence of legal ownership of the
11 scrap commercial grade copper or aluminum wire or cable that is the subject of the alleged
12 violation.

13 C. Notwithstanding any other provision in Chapter 6.27 of the Fresno Ordinance Code,
14 no citation shall be issued to, and no arrest made of, any person having in their possession at
15 the time of the alleged violation of Sections 6.27.030, 6.27.040 or 6.27.050 of this Chapter, a
16 business license as described in Subsection A, of this Section or adequate written evidence of
17 ownership of the of the scrap commercial grade copper or aluminum wire or cable that is the
18 subject of the alleged violation as described in Subsection B, of this Section.

19 D. Any person who presents, shows or uses false, counterfeit or fraudulent written
20 evidence of ownership of the scrap commercial grade copper or aluminum wire or cable alleged
21 to be the subject of a violation of Sections 6.27.030, 6.27.040 or 6.27.050 of this Chapter, in an
22 attempt to prove ownership of those materials shall be guilty of a misdemeanor and subject to
23 the criminal penalties provided in Section 6.27.060.

24

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1 Section 6.27.070 – Reserved

2
3 Section 6.27.080 – Public Nuisance

4 A violation of this chapter is hereby declared to be a public nuisance.

5
6 Section 6.27.090 – Administrative Remedies

7 A. Administrative Citations. Pursuant to Section 53069.4, of the California
8 Government Code, a County code enforcement officer or Sheriff's deputy may issue an
9 administrative citation to any person for a violation of this chapter occurring in the presence of
10 the enforcement officer, or deputy, or upon the enforcement officer or deputy's reasonably
11 reliable confirmation of a violation.

12 B. Administrative fine amounts. The fine amounts for any administrative citation
13 issued under this chapter shall be:

- 14 1. Five hundred dollars (\$500) for a first violation.
- 15 2. Seven hundred and fifty dollars (\$750) for a second violation of this
16 chapter within one year of the first violation.
- 17 3. One thousand dollars (\$1,000) for each violation of the same ordinance
18 within one year of the first violation.

19 Revenues received from citations issued pursuant to the chapter shall be deposited in
20 the account of the county department which issued the citation.

21 C. Contents of the Administrative Citation. An administrative citation issued for a
22 violation of this chapter shall contain the following information: (a) the date of the violation and
23 any previous administrative citations for violation of this chapter issued with the proceeding one-
24 year period; (b) a description of the violation; (c) a reasonably clear description of where the
25 violation occurred or was confirmed to have occurred; and (d) evidence identifying the person

1 receiving the administrative citation as the person responsible for the violation.

2 D. Service of citations. An administrative citation issued pursuant to this chapter
3 shall be served on the responsible person as follows:

4 1. The enforcement officer or deputy Sheriff may personally serve the responsible
5 person at any time. The enforcement officer or deputy Sheriff may obtain the signature of the
6 responsible person on the administrative citation, which shall create a presumption of personal
7 service. The lack of signature shall in no way affect the validity of the administrative citation.

8 2. Alternatively, or in addition to personally serving the administrative citation, the
9 enforcement officer or deputy Sheriff may provide notice by mailing the administrative citation to
10 the responsible person by first class mail, postage prepaid.

11 3. Alternatively, or in addition to, personally serving or mailing the administrative
12 citation, an enforcement officer or deputy Sheriff may utilize any other means fairly and
13 reasonably calculated to provide notice of the violation.

14 E. Effective date of service. Service of the administrative citation shall be effective
15 on the date it was personally served, mailed, or otherwise delivered by the enforcement officer
16 or deputy, regardless of when it is actually received by the responsible person.

17 F. Finality. Unless the responsible person properly requests a hearing to challenge
18 an administrative citation issued pursuant to this chapter within 30 days of the date of issuance,
19 the administrative citation shall constitute the final administrative order and the imposition of the
20 administrative penalty shall become a final order.

21
22 Section 6.27.100 – Appeals of administrative citations

23 The procedures to appeal an administrative citation issued pursuant to this chapter are
24 as follows:

25 A. Hearing Request. Any person issued an administrative citation for violation of

1 this Chapter may contest the citation by requesting a hearing according to the procedures found
2 in Section 1.13.170 of this code. A person financially unable to pay the administrative fine as
3 provided in Section 1.13.170 may request an advance deposit hardship waiver as set forth in
4 Section 1.13.180.

5 B. Hearing Officer. For hearings to challenge an administrative citations issued
6 pursuant to this Chapter, the County Administrative Officer, or the designee thereof, in
7 consultation with the Director of the enforcing department of the county, or the designee thereof,
8 or the Sheriff-Coroner, or the designee thereof, shall appoint a hearing officer to preside over an
9 administrative citation hearing that has been properly requested under the provisions of this
10 chapter and this code.

11 C. Hearing Procedures. The procedures for a hearing to contest an administrative
12 citation issued pursuant to this Chapter are the same as those procedures listed in Section
13 1.13.200 of this code.

14 D. Hearing Officer's Decision. A hearing officer appointed to hear a contest to an
15 administrative citation issued pursuant to this Chapter shall follow the procedural requirements
16 of Section 1.13.210 of this code.

17 E. Right to Judicial Review. Any person aggrieved by the decision of an
18 administrative hearing officer in any hearing on an administrative citation under this Chapter,
19 may obtain review of the administrative decision by filing a petition for review with the Fresno
20 County Superior Court, in accordance with the timeline and other provisions set forth in Section
21 53069.4. in California Government Code.

22 F. The procedures of Sections 1.14.020-1.14.050 of this code are applicable to this
23 chapter.

24
25 G. Recovery of Administrative Citations and Civil Penalties. The county may collect

1 any past due administrative citation(s) or unpaid civil penalties, assessed, and issued pursuant
2 to this Chapter, by use of any and all available legal means, including, without limitation, as a
3 personal obligation or a lien recorded against any real property owned by the person(s) found to
4 have violated this Chapter. County Counsel may bring a civil action in the name of the county to
5 recover any past due administrative citation(s) or unpaid civil penalties and may enforce any
6 judgment to collect any unpaid sum in the same manner as civil judgments.

7
8 **Section 6.27.110 – Civil Actions**

9 A. In addition to the remedies provided in this chapter, County Counsel may bring a
10 civil action in a court of competent jurisdiction against any person found to have violated this
11 Chapter. In the civil action, County Counsel may pursue all available remedies authorized by
12 law and may seek to recover all Costs related to the action.

13 B. The court in which such a proceeding is heard may assess a civil penalty in
14 amount not to exceed \$1,000 for each separate violation of this chapter. In determining the
15 amount of the civil penalty, the court shall take into consideration all relevant circumstances,
16 including, but not limited to, the extent of harm caused by the violation, the nature and
17 persistence of the violation, the fact of any past violations, and corrective action, if any taken by
18 the violator.

19
20 **Section 6.27.120 - Non-Exclusive Remedy**

21 This chapter is not the exclusive regulation or penalty for acts prohibited hereby. It
22 supplements and is in addition to other regulatory codes, statutes, and ordinances heretofore or
23 hereafter enacted by the County, state or any legal entity or agency having jurisdiction.

24
25

1 Section 6.27.130 - Severability

2 If any portion of this chapter is held to be invalid by any court of competent jurisdiction,
3 such decision shall not affect the validity or effectiveness of the remaining portions of this
4 chapter. The Board hereby declares it would have passed each remaining portion irrespective
5 of the fact that any one or more portions are declared invalid.

6 **Section 2:** This ordinance shall take effect thirty (30) days after final passage.

7
8 THE FOREGOING, was passed and adopted by the following vote of the Board of
9 Supervisors of the County of Fresno this ___ day of _____, 2025, to wit:

10 AYES:

11 NOES:

12 ABSENT:

13 ABSTAINED:

14
15 _____
16 Ernest Buddy Mendes, Chairman of the
Board of Supervisors of the County of
Fresno

17 **ATTEST:**
18 Bernice E. Seidel
19 Clerk of the Board of Supervisors
County of Fresno, State of California

20 By: _____
21 Deputy

22 FILE # _____

23 AGENDA # _____

24 ORDINANCE # _____
25