



Board Agenda Item 8

DATE: April 8, 2025

TO: Board of Supervisors

SUBMITTED BY: Supervisor Garry Bredefeld, District 2
Supervisor Nathan Magsig, District 5

SUBJECT: Proposed Amendment to the Ordinance Code of Fresno County, Adding Chapter 6.27, "ILLEGAL POSSESSION OR TRANSPORTATION OF COMMERCIAL COPPER WIRE"

RECOMMENDED ACTION(S):

- 1. Conduct first hearing to amend the Fresno County Ordinance Code, Title 6, to add Chapter 6.27, "ILLEGAL POSSESSION OR TRANSPORTATION OF COMMERCIAL COPPER WIRE"; waive reading of the Ordinance in its entirety and set the second hearing for April 22, 2025;**
- 2. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
- 3. Direct the Clerk of the Board to post and publish the required summary in accordance with Government Code, Section 25124(b)(1).**

There is no additional Net County Cost associated with the recommended actions, which will add Chapter 6.27, "Junk Dealers, Secondhand Dealers, Used Goods Dealers, Itinerant Dealers, and Flea Markets Ordinance" of Title 6, "Business Licenses and Regulations" of the Ordinance Code of Fresno County to facilitate and support law enforcement efforts to combat the theft and vandalism of commercial grade energy transmission and telecommunications infrastructure within the unincorporated areas. The recommended ordinance would define "commercial grade" telecommunications cable as having 50 or more pairs of conductors in a single cable. The ordinance would define "scrap" as material no longer useful for its intended purpose and primary value for recycling. The ordinance would prohibit receiving, possessing and transporting more than 10 lbs. of commercial grade wire or aluminum wire except by licensed businesses. Commercial grade wire and telecommunications cables are typically sheathed in a protective coating that has markings identifying the lawful owner. The ordinance also prohibits possessing commercial grade wire stripped of its protective sheathing and prohibits the act of stripping commercial grade wire of its protective sheathing, except by a licensed business. Violations would be punishable as a misdemeanor, through civil penalties, or through administrative fines of \$500 to \$1,000 per violation. The recommended ordinance would also deem violations to be a public nuisance. The ordinance would find and declare that the theft of copper and aluminum components from energy transmission and telecommunications infrastructure in the unincorporated areas damages vital agricultural businesses, threatens public safety, and causes millions of dollars annually in damage to local businesses. The ordinance finds and declares that existing California law is inadequate to combat these issues, because it primarily regulates recycling businesses rather than individuals, whereas most theft is committed by individuals with no business affiliation. Because state law already regulates businesses, the ordinance finds and declares that it is intended to supplement state law by regulating individuals, and exempts lawful businesses, such as agricultural operations, utilities, contractors, and licensed junk dealers or recyclers. Finally, the ordinance declares that its purpose and intent is to protect the public health, safety, and welfare, and to impose consequences for the theft and vandalism of vital infrastructure on those who commit such unlawful acts. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board could determine not to approve the recommended actions; however, the administrative fines, criminal and civil penalties would not be in place for the violations stipulated in this ordinance. Theft within the unincorporated areas would remain unlawful under the current ordinance code and state law, but the burden of proving these violations would remain a significant hurdle to enforcement. As an additional alternative action, your Board may continue the actions with direction to County Counsel and other responsible County department staff to further revise the recommended ordinance.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Patrol and enforcement efforts may incur such impacts or costs in the future, associated with enforcement of the recommended amendment to the ordinance, which may be partially offset by payments of fines. Staff will monitor impacted county departmental budgets accordingly.

DISCUSSION:

The Board of Supervisors finds that commercial agriculture is vital to the economy of the County of Fresno, and that conductive infrastructure, such as power transmission and telecommunication lines are vital to the business and everyday needs of the residents of the County of Fresno, including commercial agricultural. Commercial agricultural businesses rely on conductive lines and cables, often made of copper or aluminum, to convey electricity and information to their business operations, but due to the rural nature of farming, these transmission lines are especially vulnerable to pillaging by thieves seeking to sell them for scrap. The scrap value of this pillaged material is a fraction of its value as infrastructure, and the process of stealing and removing it inflicts substantial costs far exceeding any scrap value, on commercial agricultural businesses and public utilities. It is estimated that copper thieves inflicted over \$3 million in damage to commercial operations in County jurisdiction alone in 2023, not counting any damage to residential or other business properties.

Thieves particularly target components made of copper for its high value as scrap metal. Although thieves do not typically target aluminum components, they nevertheless often damage aluminum components while searching for copper, inflicting substantial costs on commercial agricultural businesses. Thieves will typically strip off, burn off, or otherwise remove protective sheathing with information that identifies the lawful owner and source of the wires or cables. Once the sheathing is removed it is difficult or impossible for law enforcement to identify the lawful owner of the wire or cable. Thieves also remove the sheathing because recyclers pay a higher dollar value for scrap metal without such sheathing.

Existing California law regulates the businesses of junk dealing and recycling, requiring businesses to adhere to comprehensive regulations when accepting scrap metal for recycling, but individuals without a legitimate business purpose are not covered by those laws. However, the theft of copper lines, cables, and related components is overwhelming carried out by individuals acting on their own, with no legitimate business affiliation or purpose. It is the purpose and intent of this chapter to give law enforcement tools to deter, prevent, and punish the theft and vandalism of copper and aluminum lines. It is not the purpose or intent of this chapter to impede or interfere with ordinary and lawful recycling or scrapping.

The recommended ordinance creates misdemeanors, punishable by up to 30 days in County jail and a fine of up to \$1,000 as well as administrative penalties streamlining the administrative remedies for instances of specified copper wire theft. Violations are defined as misdemeanors rather than an infraction because as an infraction, the County is limited by Government Code section 25132 in the amount of administrative fine it can impose for a violation. The fine amounts for any administrative citation issued under this chapter shall be: \$500 for a first violation, \$750 for a second violation within one year of the first violation, and \$1,000 for each violation of the same ordinance within one year of the first violation.

The ordinance establishes three categories of violations, as follows: (1) prohibits receipt, possession, and transportation of commercial grade scrap metal, (2) prohibits receipt, possession, and transportation of stripped commercial grade wire, and (3) prohibits stripping of commercial grade copper wire. Violations categorized within this ordinance will be subject to enforcement through criminal prosecution, civil action, administrative citation, and civil penalties, as provided, including by injunction.

The recommended ordinance:

- targets individuals operating without connection to a lawful business
- targets quantities (10lbs or more) of “commercial grade” scrap metal highly correlated to theft: “commercial grade” means transmission lines thicker than .15 inches and telecom cables with more than 50 pairs of conductors. Does not apply to miscellaneous scrap metal-only commercial grade.
- prohibits individuals from removing or burning off the protective sheathing from commercial grade wire, an activity highly correlated with theft. Sheathing contains markings identifying the lawful owner.
- prohibits individuals from possessing commercial grade that has had the sheathing removed.
- exempts agricultural businesses and their agents as well as anyone using commercial grade wire for its intended purpose. This ordinance applies to commercial grade scrap metal only.
- does not apply to junk dealers or recyclers as defined by state law; does not apply to contractors or other businesses with a legitimate reason to possess scrap copper; does not apply to itinerant or junk dealers licensed under our Ordinance Code.

This ordinance is extremely specific, targeting individuals with commercial quantities of likely stolen metals. It is not intended to disrupt legitimate recyclers or people who recycle legitimate scrap metal .

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance

On file with Clerk - Ordinance Summary

CAO ANALYST:

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