



ORDINANCE NO. 28184

1 AN ORDINANCE relating to licenses; amending Subtitle 6B of the Tacoma
2 Municipal Code ("TMC") by amending Section 6B.160.025, Exemptions, and
3 by repealing in its entirety Chapter 6B.190, Scrap Metal and Recyclable
4 Material Dealers; amending Chapter 8.37 of the TMC by enacting thereto a
5 new section, to be known and designated as Section 8.37.115, "Metal
6 Businesses – Unlawful Acts and Exceptions"; and providing for the effective
7 dates thereof.

8 WHEREAS the Tacoma Municipal Code ("TMC") currently requires scrap
9 metal dealers to obtain a City regulatory license, and

10 WHEREAS recently enacted Engrossed Substitute House Bill ("ESHB") 1552
11 requires a state license for scrap metal activities and preempts local jurisdictions
12 from further regulation, effective January 1, 2014, and

13 WHEREAS, as a result of this legislation, TMC 6B.190, Scrap Metal and
14 Recyclable Material Dealers, will be repealed in its entirety, and

15 WHEREAS it is also necessary to amend TMC Chapter 8.37 to adopt the
16 state penalty provisions for unlawful acts relating to scrap metal businesses by
17 January 1, 2014, to ensure compliance with state law; Now, Therefore,

18 BE IT ORDAINED BY THE CITY OF TACOMA:

19 Section 1. That Subtitle 6B of the Tacoma Municipal Code ("TMC") is
20 hereby amended by amending Section 6B.160.025, Exemptions, and by repealing
21 in its entirety Chapter 6B.190, Scrap Metal and Recyclable Material Dealers, as set
22 forth in the attached Exhibit "A."

23 Section 2. That Chapter 8.37 of the TMC is hereby amended by enacting
24 thereto a new section, to be known and designated as Section 8.37.115, "Metal
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Businesses – Unlawful Acts and Exceptions,” as set forth in the attached
Exhibit “B.”

Section 3. That Sections 1 and 2 shall become effective January 1, 2014.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**TITLE 6B
LICENSE CODE**

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4 Chapters:

- 5 6B.10 General License Provisions
- 6 6B.20 Annual Business License
- 7 6B.30 Adult Entertainment
- 8 6B.40 Alarm Devices
- 9 6B.50 Ambulances
- 10 6B.60 Boilers – Engineer and Fireman Certificates
- 11 6B.70 Entertainment/Dancing – Alcohol served
- 12 6B.80 Entertainment/Dancing or Skating Rinks – All Ages
- 13 6B.90 Fire Alarms and Fire Suppression Systems
- 14 6B.100 *Repealed*
- 15 6B.110 Garages, Fuel Stations and Marine Repair Facilities
- 16 6B.120 Gas Fitters and Appliance Installers
- 17 6B.125 Hazardous Materials
- 18 6B.130 Home Occupations
- 19 6B.140 Hotels
- 20 6B.150 Oil and Gas Delivery Vehicles
- 21 6B.160 Pawnbrokers, Secondhand Dealers and Garage Sales
- 22 6B.165 Provisional Rental Property License
- 23 6B.170 Sales – Door-to-Door Soliciting
- 24 6B.180 Sales – Sidewalk Vendors
- 25 ~~6B.190 Scrap Metal and Recyclable Material Dealers~~
- 26 6B.200 Septic and Side Sewer Contractors
- 27 6B.210 Sign Erectors
- 28 6B.220 Taxicab Regulations
- 29 6B.230 Temporary Licenses – Sales or Shows

**TITLE 6
TAX AND LICENSE CODE**

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31 The Tax and License Code consists of two subtitles. Subtitle 6A pertains to the Tax Code. Subtitle 6B
32 pertains to the License Code.

33 * * *

LICENSE CODE	SECTION
General License Provisions	6B.10
Annual Business License	6B.20
Adult Entertainment	6B.30
Alarm Devices	6B.40
Ambulances	6B.50



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Boilers – Engineer and Fireman Certificates	6B.60
Entertainment/Dancing – Alcohol served	6B.70
Entertainment/Dancing or Skating Rinks – All Ages	6B.80
Fire Alarms and Fire Suppression Systems	6B.90
<i>Repealed</i>	6B.100
Garages, Fuel Stations and Marine Repair Facilities	6B.110
Gas Fitters and Appliance Installers	6B.120
Hazardous Materials	6B.125
Home Occupations	6B.130
Hotels	6B.140
Oil and Gas Delivery Vehicles	6B.150
Pawnbrokers, Secondhand Dealers and Garage Sales	6B.160
Provisional Rental Property License	6B.165
Sales – Door-to-Door Soliciting	6B.170
Sales – Sidewalk Vendors	6B.180
Scrap Metal and Recyclable Material Dealers	6B.190

**SUBTITLE 6B
LICENSE CODE**

Chapters:

- 6B.10 General License Provisions
- 6B.20 Annual Business License
- 6B.30 Adult Entertainment
- 6B.40 Alarm Devices
- 6B.50 Ambulances
- 6B.60 Boilers – Engineer and Fireman Certificates
- 6B.70 Entertainment/Dancing – Alcohol Served
- 6B.80 Entertainment/Dancing or Skating Rinks – All Ages
- 6B.90 Fire Alarms and Fire Suppression Systems
- 6B.100 *Repealed.*
- 6B.110 Garages, Fuel Stations and Marine Repair Facilities
- 6B.120 Gas Fitters and Appliance Installers
- 6B.125 Hazardous Materials
- 6B.130 Home Occupations
- 6B.140 Hotels
- 6B.150 Oil and Gas Delivery Vehicles
- 6B.160 Pawnbrokers, Secondhand Dealers, and Garage Sales
- 6B.165 Provisional Rental Property License
- 6B.170 Sales – Door-to-Door Soliciting
- 6B.180 Sales – Sidewalk Vendors
- [6B.190 Scrap Metal and Recyclable Material Dealers](#)
- 6B.200 Septic and Side Sewer Contractors
- 6B.210 Sign Erectors



6B.220 Taxicab Regulations
 6B.230 Temporary Licenses – Sales or shows

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6B.160.025 Exemptions.

The provisions of this chapter shall not apply to transactions conducted by the following:

- A. Motor vehicle dealers licensed under chapter 46.70 RCW;
- B. Persons licensed under ~~TMC 6B.190 Scrap Metal Dealers~~[Chapter 19.290 RCW](#);
- C. Persons receiving and selling “trade-ins” as defined in this chapter;
- D. Persons in the business of operating a public garage or a shop for the repair of motor vehicles.

* * *

**Chapter 6B.190
 SCRAP METAL AND RECYCLABLE MATERIAL DEALERS**

Sections:

- ~~6B.190.010 License required.~~
- ~~6B.190.020 Definitions.~~
- ~~6B.190.030 Classes of licenses.~~
- ~~6B.190.040 License fees.~~
- ~~6B.190.050 Vehicle markings.~~
- ~~6B.190.060 Reports and records.~~
- ~~6B.190.070 Limitations on transactions.~~

~~6B.190.010 License required.~~

~~It shall be unlawful for any person to engage in the business of buying, selling, dealing in, or collecting recyclable materials, scrap metal or scrap metal products in the City without first obtaining a license pursuant to the provisions of this chapter.~~

~~6B.190.020 Definitions.~~

~~“Recyclable materials,” means any material that can be removed and/or diverted from the waste stream for the purpose of recovering and reusing the resources contained therein.~~

~~“Recyclable materials dealer,” means any person who buys and sells, or who buys or collects for his, their, or its own use, or for use in connection with the business of the purchaser, or for any other purpose, any or all of the articles herein defined as recyclable materials but shall not include persons dealing in scrap metal and licensed under this chapter or persons dealing in secondhand goods and licensed under Chapter 6B.160.~~

~~“Scrap metal,” means all ferrous and nonferrous metals including, but not limited to, iron, steel, copper, brass, bronze, lead, nickel, aluminum, zinc, tin, and any and all products made therefrom and shall include any and all products made partially therefrom whose market value is based upon the amount of metal contained therein.~~

~~“Scrap metal dealer,” means any person who buys, buys and sells, or buys and collects for his, her, or its own use, sells or deals in any scrap metal or scrap metal products in any manner whatsoever from a business location in the City, except that the term shall not apply to any bona fide charitable organization collecting, among other things, scrap metal or scrap metal products, when the collection thereof is part of a drive or fund raising program to raise money for charitable purposes and said organization is duly recognized as a charitable organization pursuant to the provisions of this title.~~



6B.190.030—Classes of licenses.

Recyclable material and scrap metal dealers shall be divided into four classes, as follows:

- A. Dealers who use or occupy more than 6,000 square feet for the storage or processing of scrap metal products shall be known as Class “A.”
- B. Dealers who use or occupy more than 500 square feet and less than 6,000 square feet for the storage or processing of scrap metal shall be known as Class “B.”
- C. Dealers who use not more than 500 square feet for the storage or processing of scrap metal shall be known as Class “C.”
- D. Dealers of recyclable materials shall be known as Class “D.”

6B.190.040—License fees.

The annual license fees for scrap metal and recyclable materials dealers shall be payable in advance, and are hereby fixed as follows:

Type of license	Fees
Class “A” Scrap Metal Dealer	\$500
Class “B” Scrap Metal Dealer	\$200
Class “C” Scrap Metal Dealer	\$150
Class “D” Recyclable Materials Dealer	No fee

6B.190.050—Vehicle markings.

Every licensee hereunder, before using any vehicle or causing the same to be used for the collection or disposal of scrap metal or recyclable materials, shall obtain from the City for each vehicle a City of Tacoma Scrap metal plate that displays a valid year sticker which shall be securely fastened on the vehicle in a location that is visible to City officials. Such vehicle shall also be prominently and plainly marked with the name of the licensee.

6B.190.060—Reports and records.

A. Every scrap metal and recyclable materials dealer, as defined herein, shall furnish at such intervals designated, but not less than two business days, to the Tacoma Police Department, on such forms as are approved by the Tacoma Police Department, a record of all transactions requested. Said report shall be treated confidentially by the Police Department and the contents thereof shall not be disclosed to any third persons, except as may be required by official police business or litigation. The furnishing thereof by the dealer shall be deemed a certification or affirmation by said dealer that the report is true and correct in all respects.

In the event that a dealer shall know or have reason or cause to believe that any property coming into his or her possession has been previously lost by or stolen from a prior owner, he or she shall immediately report such fact to the Tacoma Police Department, together with the name, description, and motor vehicle license number of the person from whom said property was purchased, together with a full and complete description of the property so purchased.

B. Every dealer, before making any purchase of or receiving any scrap metal or recyclable materials, shall record all transactions in accordance with RCW 19.290 as it now exists or as it may be amended.

Such records of all metals or materials received shall at all times be open to inspection by members of the City staff and no entry made in said records shall be erased, altered, or in any manner obliterated or defaced. Such records shall be maintained and kept available for inspection for a period of three (3) years from the date of purchase of the property described therein.

6B.190.070—Limitations on transactions.

It shall be unlawful for any scrap metal or recyclable materials dealer to purchase any scrap metal or recyclable materials from any minor under the age of 18 years, or to purchase scrap metal or recyclable



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materials between the hours of 7:00 p.m. and 7:00 a.m., or to sell or expose for sale, dismantle, break apart, melt, compress, or change in form in any manner, any scrap metal, except car bodies, or recyclable materials within three (3) working days from the time of purchasing or receiving the same, or until it has been in or upon the premises where it is kept or stored for at least three (3) working days, or to refuse to allow any police officer to inspect his or her place of business and all articles or things kept therein.



EXHIBIT "B"

**CHAPTER 8.37
THEFT**

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Sections:

- 8.37.010 Definitions.
- 8.37.020 Theft – Definition, defense.
- 8.37.030 Theft in the Third Degree.
- 8.37.030A Vehicle Prowling in the Second Degree.
- 8.37.040 Unlawful issuance of checks or drafts
- 8.37.050 Theft of rental, leased, lease-purchased, or loaned property.
- 8.37.060 Possessing stolen property in the Third Degree.
- 8.37.070 Obscuring the identity of a machine.
- 8.37.080 Theft of subscription television services.
- 8.37.090 Shopping cart theft.
- 8.37.100 Credit, debit cards, checks, etc. – Definitions.
- 8.37.110 Possession of another’s identification.
- [8.37.115 Metal Businesses – Unlawful Acts and Exceptions.](#)

8.37.010 Definitions.

RCW 9A.56.010, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein.

8.37.020 Theft – Definition, defense.

RCW 9A.56.020, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein.

8.37.030 Theft in the Third Degree.

RCW 9A.56.050, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.37.030A Vehicle Prowling in the Second Degree.

RCW 9A.52.100, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

8.37.040 Unlawful issuance of checks or drafts.

RCW 9A.56.060, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.37.050 Theft of rental, leased, lease-purchased, or loaned property.

RCW 9A.56.096, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.37.060 Possessing stolen property in the Third Degree.

RCW 9A.56.170, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.37.070 Obscuring the identity of a machine.

RCW 9A.56.180, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.



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8.37.080 Theft of subscription television services.

RCW 9A.56.220, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

8.37.090 Shopping cart theft.

RCW 9A.56.270, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

8.37.100 Credit, debit cards, checks, etc. – and Definitions.

RCW 9A.56.280, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

8.37.110 Possession of another’s identification.

RCW 9A.56.330, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

8.37.115 Metal Businesses – Unlawful acts and exceptions.

1. It is unlawful for a person to engage in the business of a scrap metal processor, scrap metal recycler, or scrap metal supplier, as those terms are defined by state law, without having first applied for and received a state scrap metal license.

2. RCW 19.290.070, “Violations – Penalty,” as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein.

3. A person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

4. RCW 19.290.090, “Exemptions from chapter,” as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein.