

ORDINANCE NO. 25- _____

AN ORDINANCE PERTAINING TO OFFENSES AND CRIMES, BY CREATING SECTIONS 16-5-5-501, 16-5-5-502, 16-5-5-503, 16-5-5-504, DIVISION 16-5-5, ARTICLE 16-5, CHAPTER 16, LAWTON CITY CODE, 2015; BY MOVING THE REQUIREMENTS FOR SCRAP METAL DEALERS FROM CHAPTER 7 TO CHAPTER 16 OF THE CODE, ADDING THE CITY OF LAWTON AS AN EXEMPTED SELLER; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

Section 1. Article 16-5 is hereby created to read as follows:

Article 16-5 Scrap Metal Dealers

Section 2. Division 16-5-5 is hereby created to read as follows:

Division 16-5-5 Scrap Metal Dealers

Section 3. Section 16-5-5-501 is hereby created to read as follows:

16-5-5-501 Definitions.

- A. "Aluminum material" means the metal aluminum or aluminum alloy or anything made of either aluminum or aluminum alloy, except aluminum beverage cans.
- B. "Copper material" means the metal copper or copper alloy or anything made of either copper or copper alloy.
- C. "Exempted seller" means any person, firm, corporation or municipal corporation which constructs, operates or maintains electric distribution and transmission or communication facilities; or any person, firm or corporation that produces or otherwise acquires any scrap metal regulated by the provisions of this section in the normal course of business as:
 - 1. Mechanical, electrical or plumbing contractor licensed to do business in this state,
 - 2. scrap metal dealer (Standard Industrial Classification Codes 5051 or 5093), licensed pursuant to the provisions in this article,
 - 3. holder of a farm-use tax permit,
 - 4. manufacturer,
 - 5. distributor,
 - 6. retailer, or
 - 7. City of Lawton;
- D. "Scrap metal" means any copper material or aluminum material or any item listed in Section 16-5-5-503, offered for sale or resale or purchased by any person, firm or corporation;
- E. "Scrap metal dealer" means any person, firm or corporation being an owner, keeper or proprietor of a retail or wholesale business which buys, sells, salvages, processes or otherwise handles scrap metal materials regulated by the provisions of this article; and
- F. "Yard" means the place where any scrap metal dealer stores scrap metal materials or keeps such materials for purpose of sale.

Section 4. Section 16-5-5-502 is hereby created to read as follows:

16-5-5-502 Records—Inspection—Purchases Exceeding Thirty-Five Pounds—Copper Wires—Minors—Declarations of Ownership—Vehicle Purchases—False Information by Seller.

- A. Every scrap metal dealer shall keep a separate book, record or other electronic system as authorized by this article, to record and maintain the following data from any seller of any amount of scrap metal as defined by this article:
 - 1. A legible photocopy of the seller's driver license or other form of government issued photo identification that contains his or her name, address, date of birth, weight and height;
 - 2. Vehicle description and license tag number of the seller if the vehicle was used to transport the materials being sold;
 - 3. Date and place of the transaction and the transaction number as provided by the scrap metal dealer;
 - 4. Description of the items sold and weight of the items as required by the provisions of this section;
 - 5. Whether the scrap metal is in wire, cable, bar, rod, sheet or tube form;
 - 6. If any insulation is on the scrap metal, the names and addresses of the persons, groups or corporations from whom seller purchased or obtained the materials; and
 - 7. If apparent on the scrap metal, the name of the manufacturer and serial number of each item of scrap metal.
- B. Records required by this section shall be made available at any time to any member of the Lawton Police Department.
- C. Purchases of thirty-five (35) pounds or more of scrap metal containing a manufacturer's serial number or other unique label or mark shall be held separate and apart so that the purchased scrap metal may be readily identifiable from all other purchases for a period of not less than ten (10) days from the date of purchase. During the holding period the scrap metal dealer may not change the form of the purchased scrap metal and shall permit any member of the Lawton Police Department to make inspection of such materials.
- D. Purchases of thirty-five (35) pounds or more of scrap metal which does not contain a manufacturer's serial number or other unique label or mark shall either be held for the same time and in the same manner as required by Subsection C of this section; or in the alternative, the scrap metal dealer shall be required to obtain a digital image of the items purchased, the seller of the items, a copy of the bill of sale and a copy of the seller's photo identification. The digital image shall contain a depiction that can reasonably be utilized for identification of the seller and the items sold and captured in the common JPEG format with a minimum resolution of six hundred forty (640) pixels by four hundred eighty (480) pixels. The digital image shall be retained by the purchaser for a minimum of ninety (90) days from the date of purchase. For the purpose of this section a "digital image" means a raster-based two-dimensional, rectangular array of static data elements called pixels, intended for display on a computer monitor or for transformation into another format, such as a printed page.
- E. No purchase of any amount of scrap metal from an exempted seller, as defined by Section 16-5-5-501, shall be subject to any holding period or digital imaging identification required by subsections C or D of this section.
- F. It shall be unlawful for any person to sell or purchase copper material or copper wire from which the actual or apparent insulation or other coating has been burned, melted or exposed

to heat or fire resulting in melting some or all of the insulation or coating. This provision shall not apply to sales by or purchases from an exempted seller.

- G. It shall be unlawful for any scrap metal dealer to purchase any item from a minor without having first obtained the consent, in writing, of a parent or guardian of such minor. Such written consent shall be kept with the book, record or other electronic recording system required by subsection A of this section and, if requested by a member of the Lawton Police Department, shall be transmitted to the Lawton Police Department and may be kept as a permanent record and made available for public inspection.
- H. A scrap metal dealer shall obtain from each seller of a scrap metal item regulated by this article, or a parent or guardian on behalf of a minor, a written declaration of ownership containing a legible signature of the seller. The declaration of ownership shall be in the following form and shall appear on the bill of sale or transaction ticket to be completed by the seller in the presence of the purchaser at the time of the transaction:
"I hereby affirm under penalty of prosecution that I am the rightful owner of the hereon described merchandise; or I am an authorized representative of the rightful owner and affirm that I have been given authority by the rightful owner to sell the hereon described merchandise.

Signature

- I. If requested by a member of the Lawton Police Department, a scrap metal dealer shall report in writing all purchases of scrap metal as defined by this article within forty-eight (48) hours following such purchase. The report shall contain all the information required by this section and be reported in a manner prescribed by the Chief of Police.
- J. A scrap metal dealer purchasing a vehicle from any person shall be required to record the information required in subsection A of this section and the make, model, license tag number and vehicle identification number of the purchased vehicle. A person selling a vehicle to a scrap metal dealer shall be required to present to the dealer the title of the vehicle or a verified bill of sale from the owner of the vehicle or other proof of ownership in addition to signing a declaration of ownership as required by subsection H of this section. The provisions of this subsection shall not apply to sales, purchases or other transfer of vehicles between scrap metal dealers and licensed automotive dismantlers and part recyclers.
- K. The provisions of this article shall not apply to the sale or purchase of aluminum beverage cans for recycling purposes.
- L. It shall be unlawful for any person to knowingly provide false information with respect to the information required by this section.

Section 4. Section 16-5-5-503 is hereby created to read as follows:

16-5-5-503 Purchase Restrictions—Regulated Items.

- A. Scrap metal dealers permitted to do business in this state as required by the Oklahoma Scrap Metal Dealers Act shall not purchase any items listed in subsection B of this section without:
 - 1. Obtaining proof that the seller owns or is authorized to sell the property, by evidence of a receipt of purchase or a bill of sale for the property; and
 - 2. Requiring the seller to sign a written declaration in the form required by subsection H of Section 16-5-5-502; or

3. Obtaining proof that the seller is an exempted seller or an employee of an exempted seller, as defined by Section 16-5-5-501.
- B. The following items are regulated by the provision of this article:
1. Manhole covers, street signs, traffic signs, traffic signals including their fixtures and hardware, or any other identifiable public property;
 2. Electric light poles, including their fixtures and hardware, electric transmission or distribution cable and wires, and any other hardware associated with electric utility or telecommunication systems;
 3. Highway guard rails;
 4. Funeral markers, plaques or funeral vases;
 5. Historical markers or public artifacts;
 6. Railroad equipment;
 7. Any metal item marked with any form of the name, initials or logo of a governmental entity, utility, cemetery or railroad;
 8. Aluminum or stainless steel containers or bottles designed to contain fuel;
 9. Metal beer kegs that are clearly marked as being the property of the beer manufacturer;
 10. Metal bleachers or other seating facilities used in recreational areas or sporting arenas;
 11. Plumbing or electrical fixtures;
 12. Tools;
 13. Machinery or supplies commonly used in the drilling, completing, operating or repairing of oil or gas wells;
 14. Stainless steel fittings and fixtures commonly used in the operation of car wash facilities;
 15. Bicycles;
 16. Lawn mowers;
 17. Trailers;
 18. Metal real estate signs; and
 19. Metal fencing.
- C. Scrap metal dealers, permitted to do business in this state as required by the Oklahoma Scrap Metal Dealers Act, are prohibited from purchasing the following items from any individual or group unless they are an exempted seller, as defined in Section 7-32-1-3201 of this article.
1. Copper in any form including copper wire, insulated or un-insulated; copper cable; copper bar; copper rod; copper sheets; copper tube.
 2. Copper/aluminum material mixtures, such as condensing or evaporating coils.
 3. Automotive catalytic converters.
- D. It shall be unlawful for any scrap metal dealer to purchase, sell, or possess any shopping cart(s) or parts of shopping carts, unless the seller of the cart is/was the owning commercial entity of said cart or the City of Lawton. An invoice shall be kept on file for the duration that the shopping cart is in possession of the scrap metal dealer or the length of time required by law, whichever is greater.
- F. The Lawton Police Department will develop a form with the information required by Subsection A of Section 16-5-5-502, either written or electronic, to be submitted by scrap metal dealers.

Section 5. Section 16-5-5-504 is hereby created to read as follows:

16-5-5-504 Penalty.

- A. Any scrap metal dealer or person who violates any provision of this article shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 1-1-119 of the Lawton City Code.
- B. Each scrap metal dealer convicted of a violation of this article shall be reported to the Oklahoma Tax Commission by the clerk of the municipal court.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 7. Effective Date. The provisions of this ordinance shall become effective thirty days after passing of the ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 2nd day of December, 2025.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2025.

JARI ASKINS, INTERIM CITY ATTORNEY

ORDINANCE NO. 24- ____

AN ORDINANCE PERTAINING TO OFFENSES AND CRIMES, BY CREATING SECTIONS 16-5-5-501, 16-5-5-502, 16-5-5-503, 16-5-5-504, DIVISION 16-5-5, ARTICLE 16-5, CHAPTER 16, LAWTON CITY CODE, 2015; BY MOVING THE REQUIREMENTS FOR SCRAP METAL DEALERS FROM CHAPTER 7 TO CHAPTER 16 OF THE CODE, ADDING THE CITY OF LAWTON AS AN EXEMPTED SELLER; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

BRIEF GIST

This ordinance moves the information from Scrap metal dealers from Chapter 7 to Chapter 16 of Lawton City Code and adds the City of Lawton as an exempted seller.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 2nd day of December, 2025.

STANLEY BOOKER, MAYOR

ATTEST:

DONALYNN BLAZEK-SCHERLER, CITY CLERK

(Published in the Lawton Constitution this ____ day of _____, 2025.)