

To the Mayor and Members of the City Council**November 10, 2015**

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**SUBJECT: SCRAP METAL REGULATIONS AND ENFORCEMENT**

This Informal Report is in response to a request for information about scrap metal regulations and enforcement measures.

The Fort Worth Police Department currently has two officers assigned to the Secondary Metals Recycling Compliance Unit. Though the unit enforces numerous state statutes, the primary enforcement tool employed to regulate metal recyclers is Chapter 20, Article XI - Secondary Metal Recyclers of the Fort Worth City Code. In this ordinance the terms of licensing, compliance and record keeping are defined. It specifies what is required for a business to be in compliance, to include signage and any electronic equipment that is necessary to comply with the ordinance. The statute also outlines enforcement actions should a violation occur.

The Secondary Metals Recycling officers' regular duties help ensure the compliance of scrap metal recyclers by conducting business inspections. These inspections include, but are not limited to, the following:

- Check sales receipts to ensure all of the proper documentation is on each receipt. Each receipt must have the name, date of birth, address, transaction ID number, Texas DL/ID number, picture and a thumbprint.
- Review videos as needed when investigating cases for suspect(s) selling possibly stolen metals/material.
- Walk the business property and inspect all metals/materials that have been taken in for sale. This includes Copper, Aluminum, Brass, Bronze, Tin and Steel.
- Check for regulated metals/materials that may have been purchased. If located, officers check for other criteria that the transactions must meet per state law and/or city ordinance. This will include a letter from the owner on his/her letterhead authorizing the sale of the metal/material.
- Officers also enforce statutes related to the purchase of vehicles by metal recyclers. They inspect all paperwork required by the State and ensure that all vehicles are free of catalytic converters, batteries, and fluids.
- Batteries are now a regulated item and must be kept separate from other metals/materials per state law. The Texas Commission on Environmental Quality and the Environmental Protection Agency are notified upon continued violations after enforcement actions have occurred.

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- Multiple violations by the same business in any 180-day timeframe warrant additional enforcement action to include closing the business for up to 30-days.

Any material pile height violations at a scrap metal recycler are enforced by Code Enforcement and Planning and Development.

In addition to regular enforcement duties, the Secondary Metals Recycling Compliance Unit is a resource for other sections of the department, as well as federal and state agencies. The unit works closely with all patrol division's criminal investigation sections and other specialized investigative units in the police department. Officers respond daily to requests for assistance from local businesses in the oil and gas industry, cell phone providers, North Texas Tollway Authority personnel, railroads, other local businesses and residents.

Officers must know the different types of metals they encounter and the difference between a regulated metal/material and a non-regulated metal/material. They must also know if the metals are ferrous or non-ferrous metals/materials.

When conducting investigations, officers utilize the Leads-on-Line system and a DPS Database to check for the sale of stolen metals/material. By searching both these databases daily, officers routinely determine if metals purchased by a recycler are stolen.

Though the primary purpose of the Secondary Metals Recycling Unit is the oversight of metal recyclers, officers also check on secondhand dealers and pawnshops. The unit is in the process of reviewing and proposing updates to the existing city ordinance regarding secondhand dealers. Pawnshops are regulated under state law.

Proposed changes to the secondhand dealer statutes currently include the following:

- Extending the hold period from 14-days to 30-days to allow detectives additional time to investigate thefts.
- Requiring secondhand dealer participation in the Leads-on-Line reporting process. Also, adding pictures of sellers and merchandise being sold.
- Requiring background checks for all permit applicants before license approval as a secondhand dealer.

In addition to the enforcement components related to scrap metals, the council also requested metal theft offense data for the current year compared to the prior year. A preliminary analysis of the data shows a 34% reduction in the number of metal theft offenses so far in 2015 when compared to the same time period last year. 435 metal theft offenses were reported citywide



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from January through September, 2015. During the same nine months of 2014, 658 metal theft offenses were reported. The attached document lists the theft offense totals by patrol division.

Any further inquiries may be directed to Police Chief Joel Fitzgerald.

David Cooke
City Manager