

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
TITLE 10 OF THE SAN JOSE MUNICIPAL CODE TO ADD A
NEW CHAPTER 10.52 PERTAINING TO THE ILLEGAL
POSSESSION AND TRANSPORTATION OF
COMMERCIAL COPPER WIRE**

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP-17-008 (General Procedure & Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. A new Chapter 10.52 is added to Title 10 of the San José Municipal Code, to be numbered, entitled and to read as follows:

CHAPTER 10.52

ILLEGAL POSSESSION OR TRANSPORTATION OF COMMERCIAL COPPER WIRE

10.52.010 Definitions

The following definitions shall apply to this Chapter:

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

10.52.020 Receipt, Possession and Transportation of Commercial Grade Scrap Metal

No person shall receive, possess, or transport scrap commercial grade copper or aluminum wire, cable, transformer coils, transformer bands, power conducting components, or control system components of the type commonly found in electrical switch gear, or any combination thereof. This section does not apply to a junk dealer or recycler within the meaning of California Business and Professions Code section 21601, or to the agents or employees of those entities. This section does not apply to any licensed general contractor, subcontractor, or business engaged in the construction, repair, or

demolition of buildings, to commercial agricultural businesses, to commercial manufacturing businesses, to licensed businesses engaged in the transport or hauling of materials including scrap metal or commercial grade copper or aluminum wire, or to the agents or employees of those entities.

10.52.030 Receipt, Possession, and Transportation of Stripped Commercial Grade Wire

No person shall receive, possess, or transport scrap commercial grade copper or aluminum wire or cable which has had its sheathing stripped, burned off, or otherwise removed. This section does not apply to a junk dealer or recycler within the meaning of California Business and Professions Code section 21601 or to the agents or employees of those entities. This section does not apply to any licensed general contractor, subcontractor, or business engaged in the construction, repair, or demolition of buildings, to commercial agricultural businesses, to commercial manufacturing businesses, to licensed businesses engaged in the transport or hauling of materials including scrap metal or commercial grade copper or aluminum wire, or to the agents or employees of those entities.

10.52.040 Stripping of Commercial Grade Wire

No person shall strip, burn, or otherwise remove the sheathing from commercial grade copper or aluminum wire or cable. This section does not apply to a junk dealer or recycler within the meaning of California Business and Professions Code section 21601 or to the agents or employees of those entities. This section does not apply to any licensed general contractor, subcontractor, or business engaged in the construction, repair, or demolition of buildings, to commercial agricultural businesses, to commercial manufacturing businesses, to licensed businesses engaged in the transport or hauling of materials including scrap metal or commercial grade copper or aluminum wire, or to the agents or employees of those entities.

10.52.050 Enforcement

Violations of this Chapter may be prosecuted criminally, civilly, or administratively either undertaken separately or in conjunction with other remedies, at the sole discretion of the City. Nothing in this chapter shall be deemed to prevent the City from commencing any administrative or legal proceeding to enforce this Chapter, Code, or any law.

10.52.060 Licensed Businesses and Proof of Ownership

- A. Notwithstanding any other provision in this Chapter, it shall be a defense to any criminal or civil enforcement of this Chapter, if, at the time of the alleged violation of Sections 10.52.020, 10.52.030 or 10.52.040, the person alleged to have violated these sections possesses a valid City permit or license for one of the types of commercial activities listed in Sections 10.52.020, 10.52.030 or 10.52.040, or other valid City permit or license which would render the activity prohibited by Sections 10.52.020, 10.52.030 or 10.52.040 a legal and legitimate commercial activity.
- B. Notwithstanding any other provision in this Chapter, it shall be a defense to any criminal or civil enforcement of this Chapter, if, at the time of the alleged violation of Sections 10.52.020, 10.52.030 or 10.52.040, the person alleged to have violated these sections possesses adequate written evidence of legal ownership of the scrap commercial grade copper or aluminum wire or cable that is the subject of the alleged violation.
- C. Notwithstanding any other provision in this Chapter, no citation shall be issued to, and no arrest made of, any person having in their possession at the time of the alleged violation of Sections 10.52.020, 10.52.030 or 10.52.040 of this Chapter, a permit or license as described in Subsection A, of this Section or adequate written

evidence of ownership of the of the scrap commercial grade copper or aluminum wire or cable that is the subject of the alleged violation as described in Subsection B, of this Section.

- D. It shall be unlawful for any person to show or use false, counterfeit or fraudulent written evidence of ownership of the scrap commercial grade copper or aluminum wire or cable alleged to be the subject of a violation of Sections 10.52.020, 10.52.030 or 10.52.040, in an attempt to prove ownership of those materials.

PASSED FOR PUBLICATION of title this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk