



Eugene City Council

500 E 4th Ave., Suite 302
Eugene, OR 97401
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

April 23, 2025

12:00 p.m. CITY COUNCIL WORK SESSION

City Council Wednesday work sessions are held using virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

Meeting of April 23, 2025; Her Honor Mayor Kaarin Knudson Presiding

Councilors

Greg Evans, President
Alan Zelenka
Randy Groves
Matt Keating

Lyndsie Leech, Vice President
Jennifer Yeh
Mike Clark
Eliza Kashinsky

12:00 p.m. CITY COUNCIL WORK SESSION

Mayor: *I call the April 23, 2025 City Council work session to order.*

- 1. WORK SESSION: Shopping Cart and Metal Theft and Stolen Scrap Sales**
- 2. WORK SESSION: Unlawful Transfer on Vehicular Portion of Right-of-Way**

Mayor: *I now close the April 23, 2025 City Council work session.*

Adjourn.

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

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or visit us online at www.eugene-or.gov.

April 23, 2025 Work Session

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Shopping Cart and Metal Theft and Stolen Scrap Sales

Meeting Date: April 23, 2025
Department: EPD and Public Works
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Chief Chris Skinner and Rich Hoey
Contact Telephone Number: 541-682-8461

ISSUE STATEMENT

City Council will be provided with an update on challenges related to metal theft in the community and how scrap metal sales are regulated. In addition, City Council will also receive an update on shopping cart theft in Eugene, policies enacted in other communities to address shopping cart theft, and how the City is currently managing shopping carts that are abandoned and recovered in public spaces. This work session is in response to a council poll. No action is requested at this meeting.

BACKGROUND

This work session is in response to a Council work session poll in November 2024 intended to learn what can be done to address “practices and actions that are posing safety hazards, encouraging behavioral problems, and causing economic harm to residents and local businesses” including:

- Crimes involving theft of copper wire and other metals being stolen and sold as scrap
- The existence of stolen shopping carts in COE parks and on public bike and pedestrian paths
- Reduce or eliminate shopping carts from being taken from private business properties

Metal Theft

Non-ferrous metal theft in Oregon has become a growing problem, driven by the high value of metals like copper, aluminum, and brass. Targets include everything from construction sites to utility infrastructure, where materials are illegally removed to sell for scrap. The primary material targeted is copper wire, which is stripped from buildings and construction sites and sold as scrap metal. This type of theft disrupts services, costs businesses and public entities hundreds of thousands of dollars in repairs and replacements and poses safety hazards to workers and the public. In addition to the economic damage, stolen metals can cause extensive delays in projects, particularly in construction and public utilities.

Efforts to combat the issue include tightening regulations on scrap metal transactions, requiring dealers to maintain detailed records, and increasing penalties for theft. Oregon law tackles issues related to stolen metal and theft in several ways. ORS 164.045 makes theft a crime, while ORS 165.118 specifically addresses the unlawful alteration of metal property. This law says that if someone changes or removes identifying information—such as serial numbers or logos—on metal items with the intent to deceive a scrap metal business about the ownership or origin of the metal,

they are committing a crime. ORS 164.065 makes it theft if someone comes into possession of lost or misplaced property and, knowing it was a mistake, fails to take reasonable steps to return it to the rightful owner, with the intent to keep it. In addition to the criminal laws regarding metal theft, there are extensive state statutory provisions regulating how scrap metal businesses can buy/sell non-ferrous metal from both individuals and commercial businesses. For example, ORS 165.117(2)(c) prohibits scrap metal businesses from paying individuals in cash and ORS 165.117(a) requires scrap metal businesses to keep detailed records of transactions, including the seller's identification and information about the metal sold, to discourage fencing stolen goods.

Shopping Cart Theft

Under Eugene Municipal Code section 4.822, it is a criminal offense to remove, possess or dispose of property, such as a shopping cart, that belongs to a retailer without authorization. Violating any of these statutes is considered theft of property and can result in penalties, including fines or criminal charges, depending on the circumstances. In addition to City Code provisions establishing criminal penalties for theft, state statute, ORS 98.515, provides that a local government may implement an ordinance to prohibit the unauthorized appropriation of a shopping cart from the business premises and to provide for the salvage or reclamation of an abandoned shopping cart. ORS 98.520 sets forth the required content of a local ordinance adopted pursuant to ORS 98.515, including requirements that the businesses supplying the shopping carts for public use retrieve abandoned carts within 72 hours of notice and that the businesses post signs at the business and on the carts that unauthorized use of a cart is theft and provide a toll-free number that members of the public may use to report abandoned shopping carts, and identify the business on the carts.

The Eugene Police Department (EPD) Housing Support Officer (HSO) unit has been treating the possession of shopping carts as stolen property, investigating based on reasonable suspicion. In most cases, HSOs retrieve the carts and return them to the businesses, with individuals often claiming they found the cart(s) in a field. To simplify the process, on April 4, 2025, efforts were made to contact large retailers in Eugene frequently affected by cart thefts. Stores were receptive to collaborating with EPD by providing a single point of contact for both the logistics of returning carts as well as identifying a victim.

Shopping Carts in Public Spaces

Each year, City staff recover hundreds of shopping carts from public spaces, such as parks, waterways, sidewalks and roadways. These abandoned shopping carts and associated debris can pose safety hazards to staff and the public, may cause obstruction of waterways, streets and pathways, and can contribute to environmental pollution and litter in public spaces and waterways. In 2024, nearly 900 carts were collected by the Public Works Right of Way Maintenance Team, along with an estimated 1,000 carts collected by Parks and Open Space staff. Retrieval and management of recovered carts is a labor- and equipment-intensive operation.

City staff take several steps to responsibly manage abandoned and recovered shopping carts by first transporting the shopping carts and any enclosed material to Public Works' Roosevelt Yard for processing. Staff follow established procedures for safe removal, storage and retrieval of any personal property that may be found in the carts. After managing personal property and disposal of trash, staff sort the carts for retrieval by businesses or recycling/disposal.

In order to maximize cart retrieval, the City partners with Glide Rite, Inc., a national corporation, to collect and return shopping carts to participating retailers. Approximately sixty percent of shopping carts collected by the City are retrieved and returned to retailers. The remainder are recycled for scrap metal if possible or discarded.

Staff will be prepared to discuss their evaluation of park rules related to management of shopping carts at this work session.

COUNCIL OPTIONS

Information only.

CITY MANAGER'S RECOMMENDATION

None.

SUGGESTED MOTION

None.

ATTACHMENTS

- A. [ORS 98.515 – Unauthorized appropriation of shopping carts](#)
- B. [ORS 98.520 – Notice of crime of unauthorized appropriation of shopping carts](#)
- C. [ORS 164.045 – Theft in the second degree](#)
- D. [ORS 164.065 – Theft of lost, mislaid property](#)
- E. [ORS 165.117 – Metal property transaction records](#)
- F. [ORS 165.118 – Metal property offenses](#)
- G. Eugene Municipal Code section 4.822: [Property | Eugene Code](#)

FOR MORE INFORMATION

Staff Contact: Chris Skinner, Chief of Police
Telephone: 541-682-8461
Staff E-Mail: CSkinner@eugene-or.gov

Staff Contact: Rich Hoey, Public Works Director
Telephone: 541-682-8461
Staff E-Mail: RHoey@eugene-or.gov



ORS
Vol. 3
Title 10
Chap. 98. Lost, Unclaimed or Abandoned Prop.
§ 98.515

ORS 98.515

Unauthorized appropriation of shopping carts

Text
Annotations

- (1) A local government may enact or adopt an ordinance, charter provision, resolution or other regulation to prohibit the unauthorized appropriation of a shopping cart from the business premises of the person that owns the shopping cart and to provide for the salvage or reclamation of an abandoned shopping cart.
- (2) An ordinance, charter provision, resolution or other regulation enacted or adopted as described in subsection (1) of this section shall substantially conform with the requirements set forth in [ORS 98.520 \(Notice of crime of unauthorized appropriation of shopping carts\)](#). This subsection does not preclude a local government from enacting or adopting an ordinance, charter provision, resolution or other regulation related to persons that supply shopping carts for public use and that are subject to but not in compliance with [ORS 98.520 \(Notice of crime of unauthorized appropriation of shopping carts\)](#) (1).
- (3) For purposes of this section, “local government” means a city, county, special district or other public commission, authority or entity organized under state statute or city or county charter. [Formerly 199.890]

Source: Section 98.515 — Unauthorized appropriation of shopping carts,
https://www.oregonlegislature.gov/bills_laws/ors/ors098.html.

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ORS
Vol. 3
Title 10
Chap. 98. Lost, Unclaimed or Abandoned Prop.
§ 98.520

ORS 98.520

Notice of crime of unauthorized appropriation of shopping carts

- recovery of abandoned shopping carts

Text
Annotations

- (1) A local government in an ordinance, charter provision, resolution or other regulation enacted or adopted in accordance with [ORS 98.515 \(Unauthorized appropriation of shopping carts\)](#) shall provide that a person that supplies shopping carts for public use at the person’s business shall:
 - (a) Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under [ORS 164.015 \(“Theft” described\)](#) and to provide a toll-free telephone number that members of the public may use to report abandoned shopping carts.
 - (b) Identify the person’s business on each shopping cart and post a sign on the shopping cart that:
 - (A) Notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under [ORS 164.015 \(“Theft” described\)](#); and
 - (B) Provides a toll-free telephone number for use in reporting an abandoned shopping cart.

- (c) Establish, maintain and make available to the public, at the person's own expense, a toll-free telephone line for the purpose of reporting abandoned shopping carts. The person shall forward each report the person receives concerning an abandoned shopping cart to the owner of the shopping cart and to the appropriate local government within one business day after the person receives the report. The person may forward the report to the local government by means of electronic mail or in any other manner provided for in a local government regulation.
 - (d) Retrieve or contract for the retrieval of abandoned shopping carts.
- (2) An ordinance, charter provision, resolution or other regulation enacted or adopted in accordance with [ORS 98.515 \(Unauthorized appropriation of shopping carts\)](#) shall provide that a person may agree with other persons to share and to pay expenses related to the toll-free telephone line described in subsection (1)(c) of this section. The agreement shall provide that any person designated to operate the toll-free telephone line and receive reports concerning abandoned shopping carts must forward the reports in accordance with subsection (1)(c) of this section.
- (3) An ordinance, charter provision, resolution or other regulation enacted or adopted in accordance with [ORS 98.515 \(Unauthorized appropriation of shopping carts\)](#) shall provide that a person shall retrieve a shopping cart that the person owns within 72 hours after receiving notification that the shopping cart has been abandoned.
- (4) An ordinance, charter provision, resolution or other regulation enacted or adopted in accordance with [ORS 98.515 \(Unauthorized appropriation of shopping carts\)](#) shall provide that:
 - (a) A local government that identifies, salvages or reclaims an abandoned shopping cart shall use the toll-free telephone line described in subsection (1)(c) of this section to report the existence and location of an abandoned shopping cart to the owner of the shopping cart, if the

owner is identifiable;

(b) A local government may take custody of an abandoned shopping cart and impose a fine of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the local government makes a report under paragraph (a) of this subsection or after the owner receives a report under subsection (1)(c) of this section;

(c) A local government may release a shopping cart held in the local government’s custody to the owner upon payment of the fine; **and**

(d) A local government may take title to a shopping cart in the local government’s custody and dispose of the shopping cart as the local government deems appropriate, if the owner does not claim the shopping cart within 30 days.

(5) For purposes of this section, “local government” means a city, county, special district or other public commission, authority or entity organized under state statute or city or county charter. [Formerly 199.891]

Source: Section 98.520 — Notice of crime of unauthorized appropriation of shopping carts; recovery of abandoned shopping carts, https://www.oregonlegislature.gov/bills_laws/ors/ors098.html.

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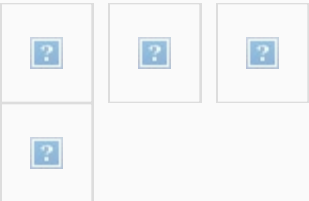
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[ORS](#)
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[§ 164.045](#)

ORS 164.045 **Theft in the second degree**

[Text](#)
[Annotations](#) 12

- (1) A person commits the crime of theft in the second degree if:
 - (a) By means other than extortion, the person commits theft as defined in [ORS 164.015](#) (“Theft” described); **and**
 - (b) The total value of the property in a single or aggregate transaction is \$100 or more and less than \$1,000.
- (2) Theft in the second degree is a Class A misdemeanor. [1971 c.743 §124; 1987 c.907 §3; 1993 c.680 §19; 2009 c.11 §12; 2009 c.16 §2]

Source: Section 164.045 — Theft in the second degree, https://www.oregonlegislature.gov/bills_laws/ors/ors164.html.

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ORS 164.065 Theft of lost, mislaid property

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A person who comes into control of property of another that the person knows or has good reason to know to have been lost, mislaid or delivered under a mistake as to the nature or amount of the property or the identity of the recipient, commits theft if, with intent to deprive the owner thereof, the person fails to take reasonable measures to restore the property to the owner. [1971 c.743 §126]

Source: Section 164.065 — Theft of lost, mislaid property,
https://www.oregonlegislature.gov/bills_laws/ors/ors164.html.

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ORS 165.117 **Metal property transaction records**

- prohibited conduct
- commercial sellers
- penalties

[Text](#)
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- (1)** Before completing a transaction, a scrap metal business engaged in business in this state shall:
 - (a)** Create a metal property record for the transaction at the time and in the location where the transaction occurs. The record must:
 - (A)** Be accurate and written clearly and legibly in English;
 - (B)** Be entered onto a standardized printed form or an electronic form that is securely stored and is capable of ready retrieval and printing; **and**
 - (C)** Contain all of the following information:
 - (i)** The signature of the individual with whom the scrap metal business conducts the transaction.
 - (ii)** The time, date, location and monetary amount or other value of the transaction.

- (iii) The name of the employee who conducts the transaction on behalf of the scrap metal business.
- (iv) The name and telephone number of the individual with whom the scrap metal business conducts the transaction and a street address or, if a post office box is listed on the government-issued photo identification described in sub-subparagraph (vi) of this subparagraph, a post office box, to which the scrap metal business will mail payment to the individual.
- (v) The make, model year and the license plate number and state of issue of the motor vehicle or motor vehicles, if any, used to transport the individual who conducts the transaction and to transport the nonferrous metal property or private metal property that is the subject of the transaction.
- (vi) A photocopy of a current, valid driver license or other government-issued photo identification belonging to the individual with whom the scrap metal business conducts the transaction.
- (vii) A photograph of, or video surveillance recording depicting, a recognizable facial image of the individual with whom the scrap metal business conducts the transaction.
- (viii) A general description of the nonferrous metal property that constitutes the predominant part of the transaction and a specific description of private metal property, if any, included in the transaction. The description must include any identifiable marks on the property, if readily discernible, and must specify the weight, quantity or volume of the nonferrous metal property or private

metal property.

- (ix) For private metal property, the vehicle identification number and a copy of the title or vehicle registration for the vehicle from which the private metal property was removed.
- (b) Require the individual with whom the scrap metal business conducts a transaction to sign and date a declaration printed in conspicuous type, either on the record described in this subsection or on a receipt issued to the individual with whom the scrap metal business conducts the transaction, that states:

I, _____, AFFIRM UNDER PENALTY OF LAW THAT THE PROPERTY I AM SELLING IN THIS TRANSACTION IS NOT, TO THE BEST OF MY KNOWLEDGE, STOLEN PROPERTY.

- (c) Require the employee of the scrap metal business who conducts the transaction on behalf of the scrap metal business to witness the individual sign the declaration, and also to sign and date the declaration in a space provided for that purpose.
- (d) For one year following the date of the transaction, keep a copy of the record and the signed and dated declaration described in this subsection. If the scrap metal business uses a video surveillance recording as part of the record kept in accordance with this subsection, the scrap metal business need not keep the video surveillance recording for one year, but shall retain the video surveillance recording for a minimum of 30 days following the date of the transaction. The scrap metal business

shall at all times keep the copies at the current place of business for the scrap metal business.

- (2)** A scrap metal business engaged in business in this state may not do any of the following:

 - (a)** Purchase or receive kegs or similar metallic containers used to store or dispense alcoholic beverages, except from a person that manufactures the kegs or containers or from a person licensed by the Oregon Liquor and Cannabis Commission under [ORS 471.155 \(Commission’s licensing duties\)](#).
 - (b)** Conduct a transaction with an individual if the individual does not at the time of the transaction consent to the creation of the record described in subsection (1) of this section and produce for inspection a valid driver license or other valid government-issued photo identification that belongs to the individual.
 - (c)** Conduct a transaction with an individual in which the scrap metal business pays the individual other than by electronic funds transfer, stored value card or stored value device, or by mailing a nontransferable check, made payable to the individual, for the amount of the transaction to the street address or post office box the individual provided under subsection (1)(a)(C)(iv) of this section. Payment must be made not earlier than three business days after the date of the transaction. The check, electronic funds transfer or stored value device must be drawn on or must draw from an account that the scrap metal business maintains with a financial institution, as defined in [ORS 706.008 \(Additional definitions for Bank Act\)](#). A stored value card may be issued by a money transmission business licensed under [ORS 717.200 \(Definitions\)](#) to [717.320 \(Short title\)](#) or exempt from the licensing requirement under [ORS 717.210 \(Exemptions\)](#).
 - (d)** Purchase metal property from a nonprofit corporation other than by

electronic funds transfer, stored value card or stored value device, or by mailing a nontransferable check, made payable to the nonprofit corporation, for the amount of the purchase price to the business address provided under subsection (4)(a)(B) of this section. Payment must be made not earlier than three business days after the date of the purchase. The check, electronic funds transfer or stored value device must be drawn on or must draw from an account that the scrap metal business maintains with a financial institution, as defined in [ORS 706.008 \(Additional definitions for Bank Act\)](#). A stored value card may be issued by a money transmission business licensed under [ORS 717.200 \(Definitions\)](#) to [717.320 \(Short title\)](#) or exempt from the licensing requirement under [ORS 717.210 \(Exemptions\)](#).

- (e) Purchase private metal property from a commercial seller other than by electronic funds transfer, credit card, debit card, stored value card or stored value device or by mailing a nontransferable check, made payable to the commercial seller, for the amount of the purchase price to the business address provided under subsection (4)(a)(B) of this section. Except for an electronic funds transfer, credit card transaction or debit card transaction which can be immediate, payment must be made not earlier than three business days after the date of the purchase. The check, electronic funds transfer, credit card, debit card or stored value device must be drawn on or must draw from an account that the scrap metal business maintains with a financial institution, as defined in [ORS 706.008 \(Additional definitions for Bank Act\)](#). A stored value card may be issued by a money transmission business licensed under [ORS 717.200 \(Definitions\)](#) to [717.320 \(Short title\)](#) or exempt from the licensing requirement under [ORS 717.210 \(Exemptions\)](#).
- (f) Cash or release a check issued in payment for a transaction or for a purchase described in paragraph (c), (d) or (e) of this subsection other than as provided in this paragraph or paragraph (c), (d) or (e) of this subsection. If a check is not delivered to the intended recipient within

10 days of the date of the transaction or the purchase, the scrap metal business may release the check directly to the individual or commercial seller with the written approval of a law enforcement agency having jurisdiction over the scrap metal business. If a check is returned as undelivered or undeliverable, the scrap metal business shall:

- (A) Release the check directly to the individual or commercial seller with the written approval of a law enforcement agency having jurisdiction over the scrap metal business; **or**
- (B) Retain the check until the individual or commercial seller to which the check was mailed provides a valid address in accordance with subsection (1)(a)(C)(iv) or (4)(a)(B) of this section. If after 30 days following the date of the transaction or the purchase described in paragraph (c), (d) or (e) of this subsection the individual or commercial seller fails to provide a valid address, the scrap metal business may cancel the check and the individual or commercial seller shall forfeit to the scrap metal business the amount due as payment.

(g) Purchase or receive private metal property, except from:

- (A) A commercial seller; **or**
- (B) An individual who is the owner of the vehicle from which the private metal property was removed and who provides the information required under subsection (1)(a)(C) of this section.

(3) If a scrap metal business obtains the approval of a law enforcement agency under subsection (2)(f) of this section, the scrap metal business shall retain the written approval for one year following the date the approval is received.

(4) Before purchasing or receiving metal property from a commercial seller, a scrap metal business shall:

(a) Create and maintain a commercial account with the commercial seller. As part of the commercial account, the scrap metal business shall enter accurately, clearly and legibly in English onto a standardized printed form, or an electronic form that is securely stored and is capable of ready retrieval and printing, the following information:

- (A)** The full name of the commercial seller;
- (B)** The business address and telephone number of the commercial seller; **and**
- (C)** The full name of each employee, agent or other individual the commercial seller authorizes to receive payment for metal property from the scrap metal business.

(b) Create a metal property record as part of the commercial account at the time and in the location that the scrap metal business purchases or receives metal property from a commercial seller that contains the following information:

- (A)** The time, date and location at which the scrap metal business purchased or received the metal property;
- (B)** The printed name and signature or electronic signature of the employee who conducted the purchase or receipt on behalf of the scrap metal business;
- (C)** The printed name and signature or electronic signature of the individual or individuals who conducted the purchase or receipt of the metal property on behalf of the commercial seller and of the individual or individuals who delivered the metal property on behalf of the commercial seller to the scrap metal business, if different;
- (D)** A photocopy of a valid driver license or other valid government-

issued photo identification belonging to the individual or individuals who conducted the purchase or receipt of the metal property on behalf of the commercial seller and of the individual or individuals who delivered the metal property on behalf of the commercial seller to the scrap metal business, if different;

- (E) The monetary amount or other value of the metal property;
- (F) A description of the type of metal property that constitutes the predominant part of the purchase or receipt;
- (G) For private metal property sold or transferred by a commercial seller other than a dismantler, the following information for the vehicle from which the private metal property was removed:
 - (i) The make, model year, vehicle identification number and, if available, the license plate number and issuing state shown on the license plate; **and**
 - (ii) The date that the commercial seller removed the private metal property; **and**
- (H) For private metal property sold or transferred by a dismantler, the stock or yard number or numbers assigned to the private metal property by the dismantler under [ORS 822.137 \(Dismantler conduct resulting in civil penalty\)](#).
- (c) Require all signatories to the metal property record to declare the accuracy of the information contained in the record by including on the metal property record in conspicuous type, “I AFFIRM BY MY SIGNATURE THAT UNDER PENALTY OF LAW THAT THE INFORMATION I PROVIDED AND REFLECTED ON THIS FORM IS TRUE AND ACCURATE.”

- (5) A scrap metal business may require an individual from whom the business obtains metal property to provide the individual’s thumbprint to the scrap metal business.
- (6) A scrap metal business shall make all records and accounts required to be maintained under this section available to any peace officer on demand.
- (7) *Intentionally left blank —Ed.*
 - (a) Except as otherwise provided in [ORS 165.118 \(Metal property offenses\)](#), violation of this section is a specific fine violation, and the presumptive fine for the violation is \$1,000.
 - (b) Notwithstanding paragraph (a) of this subsection, the presumptive fine for a violation of a provision of this section is \$5,000 if the scrap metal business has at least three previous convictions for violations of a provision of this section. [Formerly 165.107; 2015 c.240 §2; 2021 c.351 §4; 2021 c.412 §3]

Source: Section 165.117 — Metal property transaction records; prohibited conduct; commercial sellers; penalties, https://www.oregonlegislature.gov/bills_laws/ors/ors165.html.

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Nevada: [NRS](#)

New York: [Laws](#)

Oregon: [OAR, ORS](#)

Texas: [Statutes](#)

World: [Rome Statute,
International
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[ORS](#)
[Vol. 4](#)
[Title 16](#)
[Chap. 165. Offenses Involving Fraud or Deception](#)
[§ 165.118](#)

ORS 165.118 **Metal property offenses**

[Text](#)
[Annotations](#)

- (1) A person commits the offense of unlawfully altering metal property if the person, with intent to deceive a scrap metal business as to the ownership or origin of an item of metal property, knowingly removes, alters, renders unreadable or invisible or obliterates a name, logo, model or serial number, personal identification number or other mark or method that a manufacturer uses to identify the metal property.
- (2) *Intentionally left blank —Ed.*
 - (a) A person commits the offense of making a false statement on a metal property record if the person:
 - (A) Knowingly makes, causes or allows to be made a false entry or misstatement of material fact in a metal property record described in [ORS 165.117 \(Metal property transaction records\)](#); **or**
 - (B) Signs a declaration under [ORS 165.117 \(Metal property transaction records\)](#) knowing that the nonferrous metal property or private metal property that is the subject of a transaction is stolen.
 - (b) As used in this subsection, “material fact” means information required

under [ORS 165.117 \(Metal property transaction records\)](#) (1)(a)(C) or (4)(b).

- (3)** A person commits the offense of unlawfully purchasing or receiving metal property if the person is a scrap metal business, is an agent or employee of a scrap metal business or engages in the business of purchasing or receiving metal property and the person does any of the following:

 - (a)** Conducts a private metal property transaction or purchases or receives private metal property without holding a license required by state law or local ordinance to engage in all applicable business activity.
 - (b)** Fails to create a metal property record under [ORS 165.117 \(Metal property transaction records\)](#) when purchasing or receiving private metal property or fails to properly maintain metal property records related to private metal property.
 - (c)** Purchases or receives private metal property at any place other than a fixed place of business for either the scrap metal business or the commercial seller.
 - (d)** Purchases or receives private metal property if the person is not, or is not an agent or employee of, a business enterprise with a fixed place of business.
 - (e)** Fails to report any of the following to a law enforcement agency within 24 hours:

 - (A)** The purchase or receipt of metal property that the person knows or has good reason to know was the subject of theft.
 - (B)** The purchase or receipt of metal property that the person knows or has good reason to know has been unlawfully altered as described in subsection (1) of this section.

- (C) The purchase or receipt of metallic wire from which insulation has been removed, unless the individual offering the wire for purchase or receipt can prove by appropriate documentation that the individual owns or is entitled to offer the wire for purchase or receipt and that the insulation has been removed by accident or was done by legitimate means or for a legitimate purpose. The scrap metal business shall retain a copy of the documentation provided.
- (D) The purchase or receipt of commercial metal property that the person knows or has good reason to know was purchased or received from a person other than:
 - (i) A commercial seller that has a commercial account with the scrap metal business; **or**
 - (ii) An individual who can produce written documentation or identification that proves that the individual is an employee, agent or other individual authorized by a commercial seller that has a commercial account with the scrap metal business to deliver commercial metal property for purchase or receipt.
- (E) The purchase or receipt of metal property from an individual whom the person knows or has good reason to know is under 16 years of age or has, according to written or electronically transmitted information provided by a peace officer or government agency, been convicted within the past five years, as a principal, agent or accessory of a crime involving:
 - (i) Drugs;
 - (ii) Burglary, robbery or theft;
 - (iii) Possession or receipt of stolen property;

- (iv) The manufacture, delivery or possession of, with intent to deliver, methamphetamine;
- (v) The manufacture, delivery or possession of, with intent to deliver, ephedrine or a salt, isomer or salt of an isomer of ephedrine;
- (vi) The manufacture, delivery or possession of, with intent to deliver, pseudoephedrine or a salt, isomer or salt of an isomer of pseudoephedrine; **or**
- (vii) Possession of anhydrous ammonia with intent to manufacture methamphetamine.

(4) Violation of a provision of subsections (1) to (3) of this section is a Class A misdemeanor. [2009 c.811 §2; 2010 c.56 §2; 2021 c.412 §4]

Source: Section 165.118 — Metal property offenses, https://www.oregonlegislature.gov/bills_laws/ors/ors165.html.

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165.579

Cellular counterfeiting
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Cellular counterfeiting
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Penalties

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Texas: [Statutes](#)

World: [Rome Statute,
International
Dictionary](#)

4.822 Theft.

(1) *Theft in the Third Degree.* A person commits the crime of theft in the third degree if the total value of the property in a single or an aggregate transaction is less than \$100, and the person, by means other than extortion, with the intent to deprive another of property or to appropriate property to the person or a third person:

- (a) Takes, appropriates, obtains or withholds such property from an owner thereof; or
- (b) Comes into control of property of another that the person knows or has good reason to know to have been lost, mislaid or delivered under a mistake as to the nature or amount of the property or the identity of the recipient, and with the intent to deprive the owner thereof fails to take reasonable measures to restore the property to the owner; or
- (c) Obtains property of another, and with the intent to defraud:
 - 1. Creates or confirms another's false impression of law, value, intention or other state of mind which the actor does not believe to be true; or
 - 2. Fails to correct a false impression which the person previously created or confirmed; or
 - 3. Prevents another from acquiring information pertinent to the disposition of the property involved; or
 - 4. Sells or otherwise transfers or encumbers property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or
 - 5. Promises performance which the person does not intend to perform or knows will not be performed.
- (d) Receives, retains, conceals or disposes of property of another knowing or having good reason to know that the property was the subject of theft. For purposes of this subsection, "receiving" means acquiring, possession, control or title, or lending on the security of the property.

(2) *Theft in the Second Degree.* A person commits the crime of theft in the second degree if, by means other than extortion, the person commits a theft described in subsection [\(1\)](#) of this section and the total value of the property in a single or aggregate transaction is \$100 or more, but is less than \$1,000.

(Section 4.822 added by Ordinance No. 20348, enacted July 25, 2005, effective August 25, 2005; and amended by Ordinance No. 20446, enacted December 14, 2009, effective January 1, 2010.)

The Eugene Code is current through Ordinance 20722, passed February 24, 2025.

Disclaimer: The city recorder's office has the official version of the Eugene Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.eugene-or.gov](http://www.eugene-or.gov)

[Hosted by General Code.](#)

The Eugene Code is current through Ordinance 20722, passed February 24, 2025.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Work Session: Unlawful Transfer on Vehicular Portion of Right-of-Way

Meeting Date: April 23, 2025
Department: Police
www.eugene-or.gov

Agenda Item Number: 2
Staff Contact: Chief Chris Skinner
Contact Telephone Number: 541-682-8461

ISSUE STATEMENT

This work session is to discuss ways to “discourage occupants of motor vehicles, while on public streets, from transferring money or goods” such as through the adoption of an ordinance prohibiting drivers and passengers in vehicles from passing items to pedestrians unless the vehicle is legally parked. This work session is informational only, in response to a Council work session poll.

BACKGROUND

On April 4, 2016, the City of Springfield adopted code section 6.112, Unlawful Transfer on Vehicular Portion of the Right-of-Way. At the Eugene City Council work session on January 14, 2019, during Committee Reports and Items of Interest, a motion was passed to hold a public hearing on an ordinance that mirrored Springfield’s ordinance. On February 19, 2019, the council held a public hearing on the addition of a new section (5.170) to Chapter 5 of the City’s Code and the amendment of section 5.990 of the code to provide a maximum fine of \$50 for the offense. In April, 2019, the Council voted 2-6 against adopting the ordinance.

On November 7, 2024, City Council passed a work session poll requesting strategies to reduce or eliminate “Occupants of motor vehicles from the dangerous practice of transferring money or goods to people while on public streets” and seeking measures to address “actions that are posing safety hazards, encouraging behavioral problems, and causing economic harm to residents and local businesses.”

PREVIOUS COUNCIL DIRECTION

[January 14, 2019, Work Session](#)

Councilor Clark, seconded by Councilor Taylor, moved to direct the City Manager to prepare an ordinance that mirror’s Springfield Municipal Code section 6.112 Unlawful Transfer on Vehicular Portion of the Right-of-Way and schedule a Public Hearing.
Passed 6-2 (Opposed by Councilors Syrett and Zelenka)

[April 15, 2019, Meeting](#)

Councilor Taylor, seconded by Councilor Semple, moved to adopt Council Bill 5203, an

ordinance concerning unlawful transfer on vehicular portion of right-of-way adding section 5.170 to the Eugene Code, 1971, and amending section 5.990 of that code.
Failed 2-6 (Opposed by Councilors Syrett, Evans, Zelenka, Semple, Yeh, and Pryor)

COUNCIL OPTIONS

Information only

CITY MANAGER'S RECOMMENDATION

None

SUGGESTED MOTION

None

ATTACHMENTS

- A. City of Springfield Municipal Code section 6.112 Unlawful Transfer on Vehicular Portion of the Right-of-Way

FOR MORE INFORMATION

Staff Contact: Chief Chris Skinner
Telephone: 541-682-8461
Staff E-Mail: cskinner@eugene-or.gov

6.112. Unlawful Transfer on Vehicular Portion of the Right-of-Way.

- (1) A person commits the offense of unlawful transfer on a vehicular portion of the right-of-way if the person, while a driver or passenger in a vehicle on a highway, road or street within the boundaries of the city of Springfield, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any item of property to a pedestrian.
- (2) This section does not apply if the vehicle is legally parked.
- (3) An offense of this section is punishable as a violation and may include a fine of \$50.00.
[Section 6.112 added by Ordinance No. 6351, enacted April 4, 2016]