

1 **BOARD BILL NO. 86 CS AA INTRODUCED BY ALDERWOMAN DONNA**
2 **BARINGER, ALDERMAN CRAIG SCHMID, ALDERMAN CHARLES QUINCY**
3 **TROUPE, ALDERMAN LARRY ARNOWITZ, ALDERMAN ALFRED**
4 **WESSELS, ALDERMAN JEFFREY L. BOYD, ALDERMAN SHANE COHN,**
5 **ALDERWOMAN KACIE STARR TRIPLETT, ALDERWOMAN APRIL FORD**
6 **GRIFFIN, ALDERMAN SCOTT OGILVIE, ALDERWOMAN JENNIFER**
7 **FLORIDA, ALDERWOMAN CAROL HOWARD, ALDERMAN GREGORY**
8 **CARTER, ALDERMAN KENNETH ORTMANN, ALDERMAN TERRY**
9 **KENNEDY**

10 An ordinance pertaining to the purchase or resale of scrap metal; repealing
11 sections of Ordinance 55783 presently codified at Section 8.82.140 through 8.82.260 of
12 the Revised Code of the City of St. Louis; repealing Ordinance 67424, presently codified
13 as Section 15.159 of the Revised Code of the City of St. Louis, pertaining to electronic
14 database requirements, sale and purchase of certain scrap metal, and rules and regulations
15 for persons doing business in the City of St. Louis as scrap metal dealers; containing
16 definitions; a penalty clause, a severability clause and an effective date.

17 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

18 **SECTION ONE** A part of Section Two of Ordinance 55783 presently codified as
19 Section 8.82.140 of the Revised Code of the City of St. Louis is hereby repealed and
20 there shall be included as a new Section 8.82.140 the following:

21 8.82.140 Definitions.

22 The following words or phrases, as used in this part, are defined as follows:

23 A. "Junk merchant and junk shop" Any person engaged in the business of buying, selling,
24 exchanging or dealing in old junk, bottles, siphons, old rope, secondhand plumbing
25 materials, secondhand gas and electric fixtures, old rubber tires or other used or old

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1 articles commonly designated as "junk," and having a store, stand, junkyard, or place of
2 business, is a junk merchant, and such stand, junkyard, store or place of business is a junk
3 shop.

4 B. "Junk peddler" means any person engaged in the business of buying, selling,
5 exchanging, or dealing in old junk, bottles, siphons, old rope, secondhand plumbing
6 materials, secondhand gas and electric fixtures, old rubber tires or other used or old
7 articles commonly designated as "junk" and having no stand, store or place of business.

8 **SECTION TWO.** A part of Section Two of Ordinance 55783 presently codified as
9 8.82.220 of the Revised Code of the City of St. Louis is hereby repealed.

10 **SECTION THREE.**

11 Ordinance 67424, presently codified as Section 15.159 of the Revised Code of the City of
12 St. Louis is hereby repealed and there shall be included as a new Ordinance the
13 following:.

14 **SECTION FOUR. DEFINITIONS.**

15 As used in this ordinance, the following terms shall have the meaning indicated in this
16 section:

17 The term "catalytic converter" shall mean a device designed for use in a vehicle for
18 purposes of chemically converting harmful exhaust gases, produced by the internal
19 combustion engine, into harmless carbon dioxide and water vapor.

20 The term "copper property" shall mean any insulated copper wire, copper tubing, copper
21 guttering and downspouts, or any item composed completely of copper.

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1 The term “copper property peddler” shall mean any person who sells or attempts to sell
2 copper property and who is not either a licensed or certified tradesperson (i.e. licensed
3 plumber or electrician).

4 The term “ferrous metals” shall mean metals which contain iron and are magnetic.

5 The term “HVAC component” shall mean any air conditioner evaporator coil or
6 condenser used in connection with a residential, commercial or industrial building.

7 The term “nonferrous metals” shall mean metals which do not contain significant
8 amounts of iron, and are not magnetic, such as aluminum, brass, lead, zinc and copper.

9 The term "scrap metal dealer" shall mean any entity (person, firm, company, partnership,
10 association, or corporation) located in the City of St. Louis who purchases products
11 containing ferrous or nonferrous metals for recycling or resale.

12 The term “vehicle repair business” shall mean any commercial facility engaged in the
13 repair or replacement of car, truck and van, motorcycle or other motorized mechanical
14 and exhaust components, whether as a primary or ancillary activity.

15 **SECTION FIVE. HOURS OF OPERATION**

16 Hours of retail sales operation for scrap metal dealers may be no earlier than 6:00 a.m.
17 and no later than 7:00 p.m. daily.

18 **SECTION SIX. ELECTRONIC RECORDKEEPING REQUIREMENTS.**

19 (A) By no later than July 1, 2012, every scrap metal dealer shall install and maintain a
20 retrievable electronic database containing a consecutively numbered record of each and
21 every purchase of ferrous and non-ferrous metals.

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1 (B) Any person selling ferrous or non-ferrous metal to a scrap metal dealer shall present a
2 valid United States driver's license and/or a picture identification from a state or federal
3 issuing agency (i.e., state issued identification or passport) to the scrap metal dealer.

4 (C) Any person selling copper property who holds a valid business license or copper
5 property peddler's license shall present a copy of such license to the scrap metal dealer.

6 (D) Scrap metal dealers shall, at the time of making the purchase, enter into the electronic
7 database the following information:

8 (1) Name, date of birth, and address of the seller as indicated on the state or
9 federal issued driver's license and/or picture identification.

10 (2) Date of the scrap metal purchase.

11 (3) Driver's license number and/or reference number on the picture identification
12 from a state or federal issuing agency (i.e., state issued identification or passport) capable
13 of identifying the seller.

14 (4) Any business license number or the copper property peddler's license
15 (including the name of the issuing municipality or county)

16 (5) Amount paid therefore.

17 (6) Kind of metals purchased.

18 (7) Number of pounds of each kind.

19 (8) License plate number of the vehicle delivering the material.

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1 The information entered into the electronic database shall be completed in full without
2 any missing data or information as prescribed in this section.

3 (E) The electronic database shall at all times be open for inspection by police or other law
4 enforcement officers, during normal business hours without warrant or subpoena.

5 (F) A transaction receipt shall be issued and consist of the same information required
6 under Section Six (D) of this ordinance and shall include the following statement: “By
7 accepting payment from [Insert name of scrap metal dealer], seller represents and
8 warrants that the material documented by this receipt is owned by or was lawfully
9 obtained and the seller has the legal right to sell the material to [insert name of scrap
10 metal dealer].” If the seller provides any documentation indicating that the person is in
11 lawful possession of the scrap metal, or was otherwise lawfully acquired, including
12 without limitation a bill of sale or receipt, the scrap metal dealer shall photocopy such
13 documentation and maintain it with the transaction information otherwise required by this
14 section.

15 (G) All records described in this section shall be maintained for three (3) years from the
16 date of sale.

17 (H) A scrap metal dealer or the agent, employee, or representative of a scrap metal dealer
18 shall not disclose personal information concerning a customer obtained under this
19 Ordinance without the consent of the customer unless the disclosure is made in response
20 to a request from a law enforcement agency. A scrap metal dealer shall implement
21 reasonable safeguards

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1 1) To protect the security of the personal information required under Section Six
2 (D); and

3 2) To prevent unauthorized access to or disclosure of that information.

4 (I) A scrap metal dealer shall not be liable to any customer for a disclosure of personal
5 information if the scrap metal recycler has met the requirements set forth in subsection
6 (H).

7 **SECTION SEVEN. RESTRICTED PURCHASES AND EXCEPTIONS.**

8 (A) No person shall knowingly sell or attempt to sell to a scrap metal dealer and no scrap
9 metal dealer shall knowingly and willfully purchase the following types of scrap metal:

10 (1) Guardrails, manhole covers, certain cables used only in high voltage
11 transmission lines, historical markers and cemetery plaques, traffic signs, refuse
12 containers or refuse container components, unless accompanied by proof of ownership or
13 authorization to sell the materials on behalf of the owner.

14 (2) New materials, such as those used in construction, or equipment or tools used
15 by contractors unless accompanied by proof of ownership or authorization to sell the
16 materials on behalf of the owner.

17 (3) Materials which are clearly marked as property belonging to someone other
18 than the seller, unless accompanied by written authorization from the business or
19 property owner evidencing the seller has the legal right to sell the material.

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1 (4) HVAC Components unless accompanied by written authorization from a
2 licensed HVAC business evidencing that the components were legally removed and the
3 seller has the legal right to sell the material.

4 (5) Catalytic converters unless purchased from a vehicle repair business.

5 (B) The scrap metal dealer shall make a photocopy of any documentation provided
6 pursuant to this subsection, retain the copy as part of the transaction record, and maintain
7 such photocopy for a period of three (3) years following the transaction. All photocopies
8 shall be made available for inspection upon request by the police or other law
9 enforcement officers.

10 (C) No scrap metal dealer shall purchase or otherwise receive from a person under the
11 age of eighteen (18) any ferrous or non-ferrous metal, other than aluminum cans.

12 (D) This section shall not apply or to any transaction for which the seller has an existing
13 business relationship with the scrap metal dealer and is known to the scrap metal dealer
14 making the purchase to be an established business or political subdivision that operates a
15 business with a fixed location that can be reasonably expected to generate regulated scrap
16 metal and can be reasonably identified as such a business.

17 **SECTION EIGHT. COPPER PROPERTY PEDDLER'S LICENSE**

18 (A) No person shall engage in the business of a copper property peddler without first
19 obtaining a license from the License Collector and complying with the provisions of this
20 part.

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1 (B) Every copper property peddler shall pay a license fee of forty-five dollars (\$45) per
2 year. The license shall expire June 30 of each year. Each license shall bear a separate
3 number, the name and address of the licensee and telephone number of the licensee. The
4 license shall be available only to the person in whose name it is issued, and shall not be
5 used by any person other than the original licensee. Any licensee who shall permit his
6 license to be used by any other person, and any other person who shall use a license
7 granted to another person, shall each be deemed guilty of a violation of this ordinance.

8 (C) Application for licenses under this section shall be made in writing to the License
9 Collector and shall state the name, age, description and address of the applicant. The
10 application shall include a sworn statement setting forth each and every conviction of the
11 applicant for violations of federal, state or city laws, statutes or ordinances. In addition,
12 the applicant shall, at his or her expense, obtain a complete copy of the person's police
13 record as indicated by the records of the city police department, and submit such record
14 as part of the application. The License Collector shall not grant a license to any person
15 who has been convicted of burglary, robbery, stealing, theft or possession or receiving
16 stolen goods in the last twenty-four (24) months prior to the date of the application.

17 (D) The License Collector of St. Louis shall have the power and authority to revoke any
18 license issued under this section for any willful violation by a copper property peddler of
19 any of the provisions or conditions contained herein; provided, the license shall be
20 revoked only after the licensee shall have been notified in writing at his place of business

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1 of the violations complained of and shall have been afforded a reasonable opportunity to
2 have a hearing thereon before the License Collector.

3 (E) Notwithstanding the requirements set forth in this section, the City shall recognize a
4 copper property peddler's license issued by a state or local government so long as such
5 license is issued pursuant to laws or ordinances which (i) are no less stringent than this
6 ordinance, (ii) require criminal background checks, (iii) prohibit licenses issued to any
7 person who has been convicted of burglary, robbery, stealing, theft, or possession or
8 receiving stolen goods in the last twenty-four (24) months prior to the date of the
9 application, and (iv) similarly recognize copper property peddler's licenses issued by the
10 City of St. Louis.

11 **SECTION NINE. PURCHASES OF CERTAIN SCRAP METAL--**

12 **REQUIREMENTS.**

13 (A) A scrap metal dealer shall pay for any copper property or HVAC component as
14 follows:

15 (1) A scrap metal dealer may not pay cash for copper property or HVAC
16 component unless the seller presents a valid trade license or trade certificate.

17 (2) Payment to any seller of copper property or HVAC component who presents
18 valid copper property peddler's license shall be by check. Checks shall be written to the
19 licensee or certified tradesperson and may be delivered to the seller at the time of the
20 sale.

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1 (3) Payment to any seller of copper property or HVAC component who does not
2 present or have on file a valid business license, valid trade license or certificate or valid
3 copper property peddler's license shall be by check. Checks shall be payable only to the
4 person whose name was recorded as delivering the copper property or HVAC component
5 to the scrap metal dealer; provided, however, that if such person is delivering the copper
6 property or HVAC component on behalf of a governmental entity or a nonprofit or for
7 profit business entity, the check may be payable to such entity. All checks issued to a
8 seller of copper property or HVAC component who does not present or have on file a
9 valid business license, valid trade license or valid copper property peddler's license shall
10 be mailed via U.S. Mail to the address provided on the driver's license or picture
11 identification provided by the seller.

12 (4) Checks may not be converted to cash by a scrap metal dealer or by any
13 related entity.

14 (B) This section shall not apply or to any transaction for which the seller holds a business
15 license issued by the City of St. Louis or other municipality or county and has an existing
16 business relationship with the scrap metal dealer and is known to the scrap metal dealer
17 making the purchase to be an established business or political subdivision that operates a
18 business with a fixed location that can be reasonably expected to generate regulated scrap
19 metal and can be reasonably identified as such a business.

20 **SECTION TEN. HOLD NOTICE.**

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1 (A) If a scrap metal dealer has actual knowledge that copper property or HVAC
2 component in its possession has been stolen the dealer shall notify the Police Department
3 via 911 and provide any information in its possession relative to the seller or the sale
4 transaction.

5 (B) Following notice from the scrap metal dealer or if the Police Department has
6 reasonable suspicion that the scrap dealer is in possession of stolen property, the Police
7 Department may issue to the scrap metal dealer a written notice placing a ten (10) day
8 hold order on the property.

9 **SECTION ELEVEN. PENALTY FOR KNOWING AND WILLFUL VIOLATION**
10 **BY SCRAP METAL DEALER.**

11 (A) Any scrap metal dealer who shall knowingly and willfully conduct business in
12 violation of any of the provisions of this chapter shall be subject to a fine of not more
13 than five hundred dollars (\$500) per violation, or a term of imprisonment of not more
14 than ninety (90) days or by both a fine and imprisonment. Every transaction conducted by
15 a scrap metal dealer in violation of the provisions of this chapter shall be deemed a
16 separate violation.

17 B) In addition to the penalties described in this section, the city may revoke any
18 occupancy permit issued for the business premise of the scrap metal dealer who
19 knowingly and willfully violates this chapter.

20 (C) Nothing in this section shall be construed to preclude a person violating this section
21 from also being prosecuted for any applicable criminal offense.

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1 **SECTION TWELVE. PENALTY FOR SELLER OF STOLEN METALS**

2 (A) It is unlawful for any person to knowingly present for sale to a scrap metal dealer
3 stolen ferrous or non non-ferrous metal, including but not limited to copper property or
4 HVAC components. Any person who knowingly presents for sale stolen ferrous or non-
5 ferrous metal shall be guilty of an offense for each item of scrap metal, and shall upon
6 conviction, be subject to a fine of not less than Five Hundred Dollars (\$500) or by
7 imprisonment for a period not to exceed ninety (90) days or by both fine and
8 imprisonment;

9 (B) It is unlawful for a person to willfully and maliciously cut, mutilate, deface, or
10 otherwise injure any personal or real property owned by a third party, including any
11 fixtures or improvements, for the purpose of obtaining ferrous or non-ferrous metals in
12 any amount. Any person who willfully and maliciously cuts, mutilate, defaces, or
13 otherwise injures any personal or real property owned by a third party for the purpose of
14 obtaining ferrous or non-ferrous metal, shall be guilty of an offense for each item of scrap
15 metal derived from such actions, and shall upon conviction, be subject to fine of not less
16 than Five Hundred Dollars (\$500) or by imprisonment for a period not to exceed ninety
17 (90) days or by both fine and imprisonment.

18 (C) In addition to the penalties described in this section, the city shall revoke any copper
19 property peddler’s license of a person who knowingly and willfully violates this chapter.

20 **SECTION THIRTEEN. USE OF SCRAP THEFT ALERT SYSTEM**

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1 (A) A scrap metal dealer shall register with or subscribe to the alert system established by
2 the Institute of Scrap Recycling Industries, Inc., referred to as the ISRI Scrap Theft Alert
3 system and maintain that registration or subscription. The ISRI Scrap Theft Alert system
4 is an internet-based alert system available to dealers, law enforcement agencies, and the
5 general public that lists and tracks, at a minimum, thefts of nonferrous metal and articles
6 containing nonferrous metals.

7 (B) The Chief of Police for the City of St. Louis shall designate the appropriate
8 personnel within the department, which shall consist of not less than two officers, who
9 shall register with or subscribe to, and maintain that registration or subscription with the
10 ISRI Scrap Theft Alert system. The designated officers shall be directed by the Chief of
11 Police to monitor and report scrap metal thefts to the system, as they are reported to the
12 department in order to assist scrap metal dealers with identifying stolen materials that
13 may be presented for subsequent sale.

14 **SECTION FOURTEEN. SEVERABILITY CLAUSE.**

15 If any provision, clause, sentence, paragraph or word of this ordinance or the application
16 thereof to any person, entity or circumstances shall be held invalid, such invalidity shall
17 not affect the other provisions of this ordinance which can be given effect without the
18 invalid provisions or application, and to this end the provisions of this ordinance are
19 declared severable.

20 **SECTION FIFTEEN. EFFECTIVE DATE.**

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- 1 This ordinance shall become effective thirty (30) days after its passage and approval by
- 2 the Mayor.

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