

BILL NO. 1126

ORDINANCE NO. 1041

Sponsor: Councilman Steigerwald

AN ORDINANCE AMENDING CHAPTER 10 BY ADDING AND ENACTING A
NEW ARTICLE XII TO BE KNOWN AS "THE SCRAP METAL DEALERS CODE"
OF THE CODE OF ORDINANCES OF THE CITY OF BLACK JACK, MISSOURI

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK JACK, ST. LOUIS COUNTY,
MISSOURI, AS FOLLOWS:

WHEREAS, in the interest of the public welfare and safety and to help safeguard the
property of the City's residents, the City Council wishes to provide for the regulation of scrap metal
dealers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK JACK, ST.
LOUIS COUNTY, MISSOURI AS FOLLOWS:

SECTION 1: Chapter 10 is amended by adding and enacting a new Article XII to be known as
"The Scrap Metal Dealers Code", which shall read as follows:

ARTICLE XII SCRAP METAL DEALERS CODE

Sec. 10-315 Short title. – This Article shall be known and may be cited as "The Scrap
Metal Dealers Code." It shall be effective within the boundaries of the City of Black Jack, Missouri.

Sec. 10-316 Definitions. – Unless it appears that a different meaning is intended, the
following words shall have the meaning given them by this section:

(1) "Catalytic converter" means a device designed for use in a vehicle for the purpose of
chemically converting harmful exhaust gases, produced by the internal combustion engine, into
harmless carbon dioxide and water vapor.

(2) "Copper property" means any insulated copper wire, copper tubing, copper
guttering and downspouts, copper alloys, or any item composed completely of copper.

(3) "HVAC component" means any air conditioner evaporator coil or condenser used in
connection with a residential, commercial or industrial building.

(4) "Scrap metal dealer" means any person or business entity that purchases products
containing ferrous or non-ferrous metals for recycling or resale. For the purposes of this Article,
any person holding a license under "The Waste Management Code" of St. Louis County, Chapter
607 SLCRO 1974 as amended as a recycling center or as a waste hauler shall not be considered a
scrap metal dealer, nor shall a duly licensed HVAC contractor, plumber or electrician be considered

a scrap metal dealer. For the purpose of enforcing violations of this Article, it shall be a rebuttable presumption that any person storing or possessing at their place of business more than 100 pounds of the items specified herein shall be presumed to be a scrap metal dealer.

(5) “Vehicle repair business” means any commercial facility engaged in the repair or replacement of car, truck and van, motorcycle or other motorized mechanical and exhaust components, whether as a primary or ancillary activity.

Sec. 10-317 Hours of operation. – Hours of retail operation for scrap metal dealers may be no earlier than 6:00 AM and no later than 7:00 PM daily.

Sec. 10-318 Electronic database requirements. – (1) Every scrap metal dealer shall keep a retrievable electronic database containing a consecutively numbered record of each and every purchase of ferrous and non-ferrous metals.

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

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

- a. Name, gender, date of birth, and address of the seller as indicated on the state or federally-issued driver’s license and/or picture identification.
- b. Date of the scrap metal purchase.
- c. Driver’s license number and/or a picture identification from a state or federal issuing agency (i.e., state issued identification or passport) capable of identifying the seller.
- d. Amount paid therefor.
- e. Kind of metals purchased.
- f. Number of pounds of each kind.
- g. License plate number of the vehicle delivering the material.

The information entered into the electronic database shall be completed in full without any missing data or information.

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

(5) A transaction receipt shall consist of the same information required under subsection 3 of this section and shall include the following statement: “By accepting payment from

[insert name of scrap metal dealer], seller represents and warrants that the material documented by this receipt is owned by or was lawfully obtained and the seller has the legal right to sell the material to [insert name of scrap metal dealer].” If the seller provides any documentation that the person is in lawful possession of the scrap metal, or was otherwise lawfully acquired, including without limitation a bill of sale or receipt, the scrap metal dealer shall photocopy such documentation and maintain it with the transaction information otherwise required by this section.

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

(7) A scrap metal dealer or the agent, employee or representative of a scrap metal dealer shall not disclose personal information concerning a customer obtained pursuant to this ordinance without the consent of the customer unless the disclosure is made in response to a request from a law enforcement agency. A scrap metal dealer shall implement reasonable safeguards to protect the security of the personal information required pursuant to this section; and to prevent unauthorized access to or disclosure of that information. A scrap metal dealer shall not be liable to any customer for disclosure of personal information if the scrap metal dealer has met the requirements of this subsection.

Sec. 10-319 Restricted purchases and exceptions. - (1) No person shall knowingly sell or attempt to sell to a scrap metal dealer, and no person shall knowingly and willfully purchase, the following types of scrap metal:

a. any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or electrical cooperative, municipal utility, wireless communications service provider or a utility regulated under Chapter 386 or 393 of the Missouri state statutes, including bleachers, guardrails, signs, street and traffic lights or signals, cables and conductors used in low, medium or high voltage electrical distribution and transmission lines, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, electrical cooperative or utility or manufacturer of the metal or item described in this section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, electrical cooperative or utility or manufacturer to sell the metal;

b. new materials, such as those used in construction, or equipment or tools used by contractors unless accompanied by proof of ownership or authorization to sell the materials on behalf of the owner;

c. materials which are clearly marked as property belonging to someone other than the seller, unless accompanied by written authorization from the business or property owner evidencing the seller has the legal right to sell the material;

d. HVAC components unless accompanied by written authorization from a licensed HVAC business evidencing that the components were legally removed in compliance with the Federal Clean Air Act and its regulation and the seller has the legal right to sell the material;

e. catalytic converters except when sold directly to or from a vehicle repair business.

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

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

(4) This section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably identified by such business.

Sec. 10-320 Purchase of certain scrap metal-requirements. - (1) A scrap metal dealer shall pay for any copper property or HVAC component as follows:

a. Payment to any seller of copper property or HVAC component shall be by check. Checks shall be payable only to the person whose name was recorded as delivering the copper property or HVAC component; provided, however, that if such person is delivering the copper property or HVAC component on behalf of a governmental entity or the owner of the copper property or HVAC component, the check may be payable to such entity or owner. All checks issued to a seller of copper property or HVAC component shall be mailed via U.S. Mail to the address provided on the driver's license or picture identification provided by the seller.

(2) This section shall not apply to any transaction for which the seller holds a business license issued by any political subdivision of the state and has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such.

Sec. 10-321 Hold notice. - (1) A scrap metal dealer with actual knowledge that copper property or HVAC component in its possession has been stolen shall notify the Black Jack Substation of the St. Louis County Police and provide any information in its possession relative to the seller or to the sale transaction.

(2) Following notice from the scrap metal dealer, or upon reasonable suspicion that the scrap metal dealer is in possession of stolen property, the Police Department may issue a ten day hold order to the scrap metal dealer requiring that the suspect material not be sold or otherwise transferred from the possession of the scrap metal dealer for up to ten days.

Sec. 10-322 Specific violations. - (1) No person shall knowingly present for sale to a scrap metal dealer stolen ferrous or non-ferrous metal, including, but not limited to, copper property or HVAC components.

(2) No person shall mutilate, deface or otherwise damage any personal or real property owned by another person for the purpose of obtaining ferrous or non-ferrous metals.

Sec. 10-323 Use of scrap metal theft alert system. - Scrap metal dealers shall register with or subscribe to the alert system established by the Institute of Scrap Recycling Industries, Inc., referred to as the ISRI Scrap Metal Theft Alert System and maintain that registration or subscription.

Sec. 10-324 Penalties. - (1) No person or entity shall violate any of the provisions of this Article.

(2) A person or entity convicted of violating any of the provisions of this Article shall be punished by a fine of up to \$500 or a term in jail of up to thirty (30) days or both.

SECTION 2: This Ordinance shall become effective upon its passage and approval as provided by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK JACK, ST. LOUIS COUNTY, MISSOURI, THIS 16th DAY OF OCTOBER, 2012.

Norman C. McCourt, Mayor

ATTEST:

Karen E. Robinson, MRCC/CMC
City Clerk

APPROVED THIS 16th DAY OF OCTOBER, 2012.

APPROVED AS TO LEGAL FORM:

Sheldon K. Stock, Special Counsel