

1 **BOARD BILL NO. 86** **INTRODUCED BY ALDERWOMAN DONNA**
2 **BARINGER, ALDERMAN CHARLES QUINCY TROUPE, ALDERMAN LARRY**
3 **ARNOWITZ, ALDERMAN ALFRED WESSELS, ALDERMAN JEFFREY L.**
4 **BOYD, ALDERMAN SHANE COHN**

5 An ordinance pertaining to the purchase or resale of scrap metal; repealing
6 Ordinance 67424, presently codified as Section 15.159 of the Revised Code of the City of
7 St. Louis, pertaining to electronic database requirements, purchasing HVAC scrap metal,
8 establishing licensing requirements and rules and regulations for persons doing business
9 in the City of St. Louis as scrap metal merchants; containing definitions; a penalty clause,
10 a severability clause and an emergency clause.

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

12 **SECTION ONE** Ordinance 67424 and presently codified as Section 15.159 of the
13 Revised Code of the City of St. Louis is hereby repealed.

14 **SECTION TWO. Definition.**

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

17 The term "scrap metal dealer" shall mean any entity (person, firm, company, partnership,
18 association, or corporation) who purchases products containing ferrous or nonferrous
19 metals for recycling or resale. Ferrous metals contain iron, for example, mild steel, high-
20 carbon steel, stainless steel and iron. Non-ferrous metals for example, aluminum, brass
21 and copper or any other metal alloy containing these materials.

22 **SECTION THREE. Electronic Database Requirements.**

23 (A) Every scrap metal dealer shall keep a retrievable electronic database containing a
24 consecutively numbered record of each and every purchase.

1 (B) Any person selling, exchanging or trading catalytic converters, scrap iron, brass,
2 wire, cable, copper, lead or second-hand metals of any sort shall present a valid driver's
3 license and/or a picture identification from a state or federal issuing agency (i.e., state
4 issued identification or passport) to the scrap metal dealer.

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

- 7 1. Name, race, sex, date of birth, and residential address of the seller.
- 8 2. Date of the scrap metal purchase.
- 9 3. Driver's license number and/or a picture identification from a state or federal issuing
10 agency (i.e., state issued identification or passport) capable of identifying the seller.
- 11 4. Amount paid therefor.
- 12 5. Kind of metals purchased or received.
- 13 6. Number of pounds of each kind.

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

16 (D) A transaction receipt shall consist of the same information required under subsection
17 (C) of this Section. The seller shall sign the transaction receipt and shall receive a copy of
18 the transaction receipt. The scrap metal dealer shall also sign the transaction receipt. On
19 the scrap metal dealer copy of the record of the transaction, the seller shall reproduce his
20 or her right thumbprint. In the event the right thumb is amputated, then such other
21 fingerprint as required by the scrap metal dealer shall be taken and such fingerprint fully

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1 described on such record. This thumbprint shall be reproduced and taken in the usually
2 approved manner and shall not be blurred or obliterated.

3 (E) The electronic database shall at all times be open to the inspection of the police or
4 other officer who may desire to see it, during normal business hours without warrant or
5 subpoena and shall be kept in good faith and preserved on site by such dealer for
6 convenient inspection for a period of three (3) years from the date of the scrap metal sale.

7 (F) The scrap metal dealer shall inquire as to where the scrap metal was obtained for the
8 purpose of determining if purchasing scrap metal from that person is a lawful transaction.

9 If the seller presents a bill of sale, receipt or other document indicating that the person is
10 in lawful possession of the scrap metal, or was otherwise lawfully acquired, the dealer
11 shall photocopy such document and maintain it with the transaction information
12 otherwise required by this section.

13 (G) No scrap metal dealer shall purchase or otherwise receive from a minor under the age
14 of eighteen (18) any personal property of any kind with the exception of aluminum cans.
15 No voucher shall be required for the sale and purchase of aluminum cans.

16 **SECTION FOUR. Purchases of HVAC scrap metal--Requirements.**

17 (A) It is an offense for a scrap metal dealer to knowingly accept any portion of an air
18 conditioner evaporator coil or condenser unless it is accompanied by a statement and
19 appropriate documentation from a EPA certified technician evidencing that the coil or
20 condenser has been decommissioned and removed from an appliance in compliance with
21 the Federal Clean Air Act and its regulations.

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1 (B) It is an offense for a scrap metal dealer to pay cash to a person who presents an air
2 conditioner evaporator coil or condenser or any portion of an air conditioner coil or
3 condenser for sale as scrap, nor may such dealer make payment at the time of the
4 transaction.

5 (C) Payment for scrap metal described in subsection (A) shall be:

6 1) Made by check or money order to a licensed HVAC contractor named by the
7 seller; and

8 2) After a period of three (3) business days from the date of the scrap transaction
9 such check or money order shall be mailed to the business address of the licensed HVAC
10 contractor; and

11 3) The payee on the check shall be the name of such licensed HVAC contractor;
12 and

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

15 **SECTION FIVE. Restricted Purchases and Exceptions.**

16 (A) It is an offense to knowingly sell or attempt to sell to a scrap metal dealer or for a
17 scrap metal dealer to knowingly purchase or attempt to purchase the following types of
18 scrap metal:

19 1) Materials sold by a business but brought in by an individual, such as new
20 materials that are part of a manufacturing process.

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1 2) Property which is often used by government, utilities, railroads or other
2 specific industries such as guardrails, manhole covers, certain cables used only in high
3 voltage transmission lines, historical markers and cemetery plaques.

4 3) Full sized, new materials, such as those used in construction, equipment or
5 tools used by contractors.

6 4) Property which might not be new but are clearly suspect, such as traffic signs
7 or 20' lengths of copper down spouts.

8 5) Materials which are clearly marked as property belonging to a business or
9 someone else other than the seller.

10 (B) An exception to this section is if the person attempting to sell the scrap metal
11 provides reasonable, written documentation that the seller is the owner of the scrap metal
12 or is an employee, agent, or other person authorized to sell the scrap metal on behalf of
13 the owner. The dealer shall make a photo copy of any documentation provided pursuant
14 to this subsection and retain the copy as part of the transaction record, and maintain such
15 photocopy for a period of three (3) years following the transaction. All photocopies shall
16 be made available for inspection upon request by law enforcement officials.

17 **SECTION SIX. Purchases of scrap metal--Requirements.**

18 (A) It is an offense for a scrap metal dealer to pay cash to a person who presents copper,
19 to include copper tubing and copper wiring as scrap, or catalytic converters at the time of
20 the transaction.

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1 (B) After a period of three (3) business days from the date of the scrap transaction such
2 check or money order shall be mailed to the seller's address listed on the government-
3 issued identification card used in the transaction.

4 (C) The payee on the check shall be the name of the seller who conducted the transaction.

5 (D) Issue check for all industrial accounts under company name, no cash given to
6 employee or owner.

7 (E) Issue scrap metal sellers a 1099 tax form (taxable income) for any scrap transactions
8 over \$500.00 in a calendar year.

9 (F) No scrap dealer shall buy copper wire that was burned in whole or in part to remove
10 the insulation unless the seller can produce written proof to the scrap metal dealer that the
11 wire was lawfully burned.

12 **SECTION SEVEN. Hold Notice.**

13 (A) If the scrap dealer suspects copper or metal property in their possession to be stolen
14 or lost they shall immediately notify the Police Department and provide the owner's
15 name, if known, and provide the seller's personal information. If there is reasonable
16 suspicion that the property may be stolen, a 10 day hold order will be placed on the
17 property.

18 (B) Any scrap dealer who conducts business with any person whom the police have
19 informed them of being a convicted felon to include Drug Offenses, Burglary, Robbery,
20 Theft, or Possession or Receiving Stolen Property within the past 10 years may be subject
21 to fine.

22 **SECTION EIGHT. Penalty for Violation.**

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1 (A) Violation of this section shall be punishable by a fine not to exceed more than Five
2 Hundred Dollars (\$500) per violation, or a term of imprisonment of not more than ninety
3 (90) days or by both a fine and imprisonment. Every transaction conducted by a scrap
4 metal merchant in violation of the provisions of this ordinance shall be deemed a separate
5 violation.

6 (B) In addition to the penalties described in this section the city may revoke any
7 occupancy permit issued for the business premise of the scrap metal merchant and the
8 License Collector may revoke such merchant's business license.

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

11 **SECTION NINE. Severability Clause.**

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

17 **SECTION TEN. Emergency Clause.**

18 This being an ordinance for the preservation of public peace, health, and safety, it is
19 hereby declared to be an emergence measure within the meaning of Sections 19 and 20 of
20 Article IV of the Charter of the City of St. Louis and therefore shall become effective
21 immediately upon its passage and approval by the Mayor.

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