

1 **BOARD BILL #201 INTRODUCED BY ALDERWOMAN LYDA KREWSON**

2
3 An ordinance pertaining to Secondhand Dealers and Junk Dealers as codified in Section
4 8.82 of the Revised Code of the City of St. Louis; repealing Ordinances 30179, 41746,
5 55783, 55790, 58160, and 63478 and enacting in lieu thereof a new ordinance
6 establishing licensing requirements and rules and regulations for persons doing business
7 in the City of St. Louis as Secondhand Dealers and Junk Dealers; containing definitions;
8 a penalty clause and an emergency clause.

9 **BE IT RESOLVED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

10 **SECTION ONE.** Ordinances 30179, 41746, 55783, 55790, 58160, and 63478 are hereby
11 repealed and in lieu thereof the following new sections are enacted for the purpose of
12 establishing licensing requirements and rules and regulations for persons doing business
13 in the City of St. Louis as Secondhand Dealers and Junk Dealers.

14
15 **SECTION TWO.** Secondhand Dealers

16
17 8.82.010 Defined.

18 Any person doing business in the City, who purchases and sells goods of any kind or
19 description, having once been used or transferred from the manufacturer to the dealer and
20 then received into the possession of third parties, whether the same consists of cloths,
21 carpets, clothing, rags, iron or other metals, furniture or articles of household utensils, or
22 articles of personal use, or male and female wearing apparel, or of jewelry of any kind or
23 description, or of old gold or silver, shall be a secondhand dealer.

24
25 8.82.020 License--Required.

26 No person shall engage in the business of secondhand dealer without first obtaining a
27 license from the License Collector and complying with the provisions of this chapter.

28
29 8.82.030 License--Tax.

30 Every secondhand dealer, as defined in Section 8.82.010 shall pay the graduated
31 business license tax pursuant to Chapter 8.07 of the Revised Code of the City of St.
32 Louis.

33
34 8.82.040 License--Application.

35 Every application for a license shall be made in writing to the License Collector and
36 shall state where the business is to be carried on. Before any license shall be issued, the
37 License Collector shall procure from the Police Commissioners, an endorsement on the
38 back of the application therefore:

1 A. That in their opinion the applicant has a good moral character and shall not have
2 been convicted within the ten years preceding the date of application for license or for
3 renewal of license or be on parole or a fugitive from justice for any federal, state or
4 municipal offense involving:

- 5 1. Drugs or narcotics;
- 6 2. Robbery;
- 7 3. Burglary;
- 8 4. Auto theft;
- 9 5. Stealing;
- 10 6. Receiving stolen property;
- 11 7. Embezzlement;
- 12 8. Extortion;
- 13 9. Forgery;
- 14 10. Gambling;
- 15 11. Bribery;
- 16 12. Perjury;
- 17 13. Any weapons offense; or
- 18 14. Any crime of violence.

19 B. That the applicant has agreed not to purchase any camera, radio, television set,
20 lawn mower, typewriter, addition machine, calculating machine, copying machine,
21 duplicating machine, tape recorder, tape player, cash register, still or moving picture
22 projector or offset projector, dictating machine, record player, electric buffer, electric
23 polisher, electric floor waxer, computer equipment, fax or any item that is manufactured
24 with a serial number or other identifying insignia, unless the item shall have plainly
25 visible thereon the manufacturer's serial number or other identifying insignia.

26 C. That the applicant has a camera that will take a clear photograph of the seller and
27 has agreed to use such camera to photograph every person, except as herein provided, in
28 connection with all purchases and/or trade-in allowance of all articles by him, and to
29 make such photographs available to any law enforcement officer or License Collector
30 upon request.

31
32 8.82.050 Photograph and transaction forms.

33 A. No secondhand dealer shall accept any article or property as full or part payment,
34 or purchase any article or property unless he shall make a photograph of the person from
35 whom such article is being received and attach such photograph to a transaction form
36 which shall be completed at the time of the transaction. No secondhand dealer shall
37 purchase any metal articles as described in Section 8.82.051 for cash. A copy of the
38 check issued as payment for such metal articles shall be attached to the transaction form.

39
40 B. The transaction form shall include, but not limited to, the date and time of sale,
41 place of sale, name, address, date of birth, social security number, driver's license
42 number, if different from social security number of seller, description of seller, home and
43 business telephone number of seller, employee handling the transaction and description
44 of property sold to licensee, and right thumb print of person selling property. If right
45 thumb print cannot be obtained, the left thumb print shall be obtained and the reason why
46 the right thumb print was not available shall be listed on the form. The requirement that
47 the seller be photographed and thumb-printed shall not apply to any purchase or trade-in
48 transaction which occurs at an auction or in the private house or office of the person
49 selling said items but all other requirements as aforesaid shall remain in effect.

50 C. The photograph and transaction form shall be maintained by the secondhand dealer
51 for a period of one year from the date of the transaction. No secondhand dealer shall
52 refuse to deliver such photograph or transaction form to any law enforcement officer
53 upon request in connection with a specific item of stolen property within one year
54 following the date of the transaction. Every secondhand dealer shall display a notice to

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1 his customers in a prominent place to the effect that he is required to photograph and
2 fingerprint every person selling or offering as full or part payment an item to him, by city
3 ordinance.

4 D. At least sixty days prior to the destruction of a photograph or transaction form, the
5 licensee shall notify, in writing, the police department of his intent to destroy such
6 documents. The police department, at its option, shall request the licensee to turn over all
7 said documents to the police department, and the licensee, upon said request, shall turn
8 over all documents to the police department.

9
10 8.82.051 Metal records.

11 In addition to the record of purchase required in Section 8.82.050, whenever any
12 secondhand dealer shall purchase any copper, brass, copper alloy, nickel, nickel alloy,
13 iron, steel, tin, mercury, lead, or any other metal alloy containing these materials, the
14 secondhand dealer shall keep a record of the operator or chauffeur's license of the person
15 delivering the metal, the state license number of the vehicle in which the metal was
16 delivered, the quantity purchased, the general description of the form of the metal when
17 received including whether the same is in the form of wire, cable, bars, fittings, guttering,
18 rods, or tubing; the names and addresses of the persons, groups of persons, or corporation
19 from whom the seller obtained the metal, and the disposition of the metal after receipt by
20 the secondhand dealer during all the time the metal is in his possession, including the
21 names and addresses of the person, firm, or corporation to whom the metal is sold or
22 exchanged by Secondhand dealer. This record shall be open for inspection as required in
23 Section 8.82.050.

24
25 8.82.052 License--Revocation for violation.

26 The License Collector of the City of St. Louis shall have power and authority to revoke
27 any license issued under this chapter for any violation of a licensed secondhand dealer of
28 any of the provisions or conditions contained herein; provided such license shall be
29 revoked only after the licensee shall have been notified in writing at his place of business
30 of the violations complained of and shall have been afforded a reasonable opportunity to
31 have a hearing thereon before the License Collector.

32
33 8.82.060 Purchase of certain articles.

34 No secondhand dealer shall purchase any camera, radio, television set, lawn mower,
35 typewriter, adding machine, calculating machine, copying machine, duplicating machine,
36 tape recorder, tape player, cash register, still or moving picture projector or offset
37 projector, record player, dictating machine, electric buffer, electric polisher, or electric
38 floor waxer, computer equipment, fax or any item that is manufactured with a serial
39 number or other identifying insignia unless said item shall have plainly visible thereon
40 the manufacturer's serial number or other identifying insignia.

41
42 8.82.090 Reporting certain persons or articles.

43 In case any suspicious or known dishonest person shall offer for sale to any
44 secondhand dealer, his employee, agent or servant, any article of value or virtue and he
45 has reason to believe from any circumstance that the same has been stolen or acquired by
46 dishonest means, it shall be his duty to at once report the same to the Chief of Police or to
47 the officer on the beat in which his place of business is located. Any failure to so report
48 shall be deemed a violation of this ordinance.

49
50 8.82.100 Sale of secondhand vehicles--Brakes.

51 No person engaged in the business of selling secondhand motor vehicles shall, within
52 the City, sell, offer or expose for sale any secondhand motor vehicle, except a
53 motorcycle, unless the same shall be equipped with two sets of adequate brakes in good

1 working order, or sell, offer or expose for sale any secondhand motorcycle unless the
2 same is equipped with one set of adequate brakes in good working order.

3
4 **8.82.110 Sale of secondhand vehicles--Certificate--Contents.**

5 Every person engaged in the business of selling secondhand motor vehicles shall
6 deliver to the purchaser of every vehicle a certificate describing the vehicle sufficiently
7 for its identification and reciting that the vehicle is equipped with adequate brakes in
8 good working order, signed by the person who signs the certificate transferring the title to
9 the vehicle to the purchaser, if a certificate of title is made out at the time of the sale,
10 otherwise it shall be signed by the person duly authorized to sign the certificate of title.
11 The provisions of this section and Section 8.82.100 shall apply to a conditional sale when
12 the vehicle sold is delivered to the purchaser.

13
14 **8.82.120 Sale of secondhand vehicles--Certificate--False.**

15 It shall be unlawful to sign or cause or permit another to sign a certificate as is
16 provided for by Section 8.82.110, if the certificate contains any false statement as to the
17 description of a secondhand motor vehicle, or as to the condition of the brakes thereof.

18
19 **8.82.130 Sale of secondhand vehicles--Exception.**

20 The provisions of Sections 8.82.100--8.82.120 shall not apply to motor vehicles
21 operated wholly on tracks.

22
23 **8.82.135 Recycling operations exempted.**

24 There is hereby specifically exempted from the regulations of secondhand dealers as
25 set forth in Sections 8.82.010, 8.82.040, 8.82.050 and 8.82.051, the conducting of
26 recycling operations of aluminum, glass and paper products by persons and
27 organizations.

28
29 **SECTION THREE. Junk Dealers**

30
31 **8.82.140 Definitions.**

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

33 A. "Junk merchant and junk shop." Any person engaged in the business of buying,
34 selling, exchanging or dealing in old junk, metals, bottles, siphons, old rope, old iron,
35 brass, copper, tin or lead, secondhand plumbing materials, secondhand gas and electric
36 fixtures, old rubber tires or other used or old articles commonly designated as "junk," and
37 having a store, stand, junkyard, or place of business, is a junk merchant, and such stand,
38 junkyard, store or place of business is a junk shop.

39 B. "Junk peddler" means any person engaged in the business of buying, selling,
40 exchanging, or dealing in old junk, metals, bottles, siphons, old rope, old iron, brass,
41 copper, tin or lead, secondhand plumbing materials, secondhand gas and electric fixtures,
42 old rubber tires or other used or old articles commonly designated as "junk" and having
43 no stand, store or place of business.

44
45 **8.82.150 License--Required.**

46 No person shall engage in the business of junk peddler or junk merchant without first
47 obtaining a license from the License Collector and complying with the provisions of this
48 part.

49
50 **8.82.160 License--Junk peddler.**

51 Every junk peddler shall pay a license fee of ten dollars per year for each wagon or
52 truck used in such business and five dollars per year for each pushcart used in such
53 business. The license shall expire on June 30 of each year. Each license shall bear a
54 number which shall correspond with the number on a license plate which shall be

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1 attached to the wagon, cart or vehicle used by the licensee in his business, as provided in
2 this chapter. The license shall be available only to the person in whose name it is issued,
3 and shall not be used by any person other than the original licensee. Any licensee who
4 shall permit his license to be used by any other person, and any other person who shall
5 use a license granted to another person, shall each be deemed guilty of a violation of this
6 chapter.

7
8 8.82.170 License--Junk merchant.

9 Every junk merchant, as defined in this part, shall pay the annual license tax and the ad
10 valorem tax and additional tax and shall be subject to all the requirements, provisions and
11 penalties as provided for merchants in Chapter 8.56. Every junk merchant is hereby
12 declared to be a merchant within the meaning of such provisions.

13
14 8.82.180 License--Application.

15 Application for licenses under this part shall be made in writing to the License
16 Collector and shall state the name, age, description and address of the applicant and in the
17 case of a junk merchant shall also state the name of the street and number of the store,
18 stand, junkyard, or place of business stated herein. The License Collector, upon receipt of
19 the application, shall make inquiry into the character of the applicant and shall not grant a
20 license unless he is satisfied that the applicant therefore is a fit person to receive same.

21
22 8.82.190 License--Revocation.

23 The License Collector of St. Louis shall have the power and authority to revoke any
24 license issued under this chapter for any willful violation by a licensed junk merchant or
25 junk peddler or any of the provisions or conditions contained therein; provided, the
26 license shall be revoked only after the licensee shall have been notified in writing at his
27 place of business of the violations complained of and shall have been afforded a
28 reasonable opportunity to have a hearing thereon before the License Collector.

29
30 8.82.200 License--Plate.

31 The wagon, cart or vehicle used by any junk peddler or junk merchant in his business
32 shall have affixed thereto in a prominent place, plainly visible, a metal license plate
33 which shall be of a different color each year, and which shall have stamped thereon the
34 words "junk peddler" or "junk merchant," as the case may be and his license number, for
35 the purpose of identification. The plates shall be furnished by the City Register to the
36 License Collector, who shall issue them without charge to the applicant for a license.

37
38 8.82.210 Photograph and transaction forms.

39 A. No junk merchant or junk peddler shall accept any article or property as full or part
40 payment, or purchase any article or property unless he shall make a photograph of the
41 person from whom such article is being received and attach such photograph to a
42 transaction form which shall be completed at the time of the transaction. No junk
43 merchant or junk peddler shall purchase any metal articles as described in Section
44 8.82.220 for cash. A copy of the check issued as payment for such metal articles shall be
45 attached to the transaction form.

46 B. The transaction form shall include, but not limited to, the date and time of sale,
47 place of sale, name, address, date of birth, social security number, driver's license
48 number, if different from social security number of seller, description of seller, home and
49 business telephone number of seller, employee handling the transaction and description
50 of property sold to licensee, and right thumb print of person selling property. If right
51 thumb print cannot be obtained, the left thumb print shall be obtained and the reason why
52 the right thumb print was not available shall be listed on the form. The requirement that
53 the seller be photographed and thumb-printed shall not apply to any purchase or trade-in

1 transaction which occurs at an auction or in the private house or office of the person
2 selling said items but all other requirements as aforesaid shall remain in effect.

3 C. The photograph and transaction form shall be maintained by the junk merchant or
4 junk peddler for a period of one year from the date of the transaction. No junk merchant
5 or junk peddler shall refuse to deliver such photograph or transaction form to any law
6 enforcement officer upon request in connection with a specific item of stolen property
7 within one year following the date of the transaction. Every junk merchant or junk
8 peddler shall display a notice to his customers in a prominent place to the effect that he is
9 required to photograph and fingerprint every person selling or offering as full or part
10 payment an item to him, by city ordinance.

11 D. At least sixty days prior to the destruction of a photograph or transaction form, the
12 licensee shall notify, in writing, the police department of his intent to destroy such
13 documents. The police department, at its option, shall request the licensee to turn over all
14 said documents to the police department, and the licensee, upon said request, shall turn
15 over all documents to the police department.

16
17 8.82.220 Metal records.

18 In addition to the record of purchase required in Section 8.82.210, whenever any junk
19 merchant shall purchase any copper, brass, copper alloy, nickel, nickel alloy, iron, steel,
20 tin, mercury, lead, or any other metal alloy containing these materials, the junk merchant
21 shall keep a record of the operator or chauffeur's license of the person delivering the
22 metal, the state license number of the vehicle in which the metal was delivered, the
23 quantity purchased, the general description of the form of the metal when received
24 including whether the same is in the form of wire, cable, bars, fittings, guttering, rods, or
25 tubing; the names and addresses of the persons, groups of persons, or corporation from
26 whom the seller obtained the metal, and the disposition of the metal after receipt by the
27 junk merchant during all the time the metal is in his possession, including the names and
28 addresses of the person, firm, or corporation to whom the metal is sold or exchanged by
29 junk merchant. This record shall be open for inspection as required in Section 8.82.210.

30
31 8.82.230 Purchases from minors--Hours of operation.

32 No junk peddler or junk merchant shall purchase any goods, articles or things
33 whatsoever from any minor, at any time, or from any person whomsoever, between the
34 hours of seven p.m. and seven a.m.

35
36
37 8.82.240 Limitations on business.

38 No junk peddler or junk merchant shall be licensed as a pawnbroker or dealer in
39 secondhand articles in the City, nor shall any junk peddler or junk merchant make any
40 loans upon any article designated herein as junk, nor receive the same as a pledge, pawn
41 or security, nor shall any person purchase, sell, exchange or deal in any such articles
42 without first complying with all the provisions of this part.

43
44 8.82.250 Posting regulations.

45 A copy of the regulations prescribed by this part shall be posted in a conspicuous place
46 in every junk shop in the City, and it shall be the duty of the register, upon request, to
47 furnish copies of the regulations to every junk peddler and junk merchant in the City.

48
49 8.82.260 Penalty

50 Any junk merchant, junk peddler or secondhand dealer who shall conduct business in
51 violation of any of the provisions of this ordinance shall be subject to a fine of not more
52 than Five Hundred Dollars (\$500) or a term of imprisonment of not more than Ninety
53 (90) days or by both a fine and imprisonment. Every transaction conducted by a junk

1 merchant, junk peddler or secondhand dealer in violation of the provisions of this
2 ordinance shall be deemed a separate violation.

3

4

SECTION FOUR. Emergency clause.

5

6

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

10