

1 **FLOOR SUBSTITUTE**  
2 **BOARD BILL # 201 INTRODUCED BY ALDERMAN LYDA KREWSON**  
3 **KENNETH ORTMANN, CRAIG SCHMID, JEFFREY BOYD, GREGORY J.**  
4 **CARTER**

5  
6  
7 An ordinance pertaining to the purchase or resale of scrap metal establishing licensing  
8 requirements and rules and regulations for persons doing business in the City of St. Louis  
9 as scrap metal merchants; containing definitions; a penalty clause and an emergency  
10 clause.

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

12 **SECTION ONE.** As used in this ordinance, the following term shall have the meaning  
13 indicated in this section:

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

19 **SECTION TWO.** (a) Cash Payments

20 For all purchases of scrap metal paid for in cash, the scrap metal merchant shall obtain  
21 the following information from the seller of the products containing ferrous or non-  
22 ferrous material.

- 23 1. a complete and accurate description of all property taken, purchased, or received  
24 by such merchant in the regular course of business,  
25 2. the date and time of the purchase,

- 1       3. the correct legal name, date of birth and place of residence, including city and
- 2           state,
- 3       4. a photograph of such person,
- 4       5. a copy of the driver's license, or if not available, a copy of the individual's
- 5           military identification, passport , or other approved state identification number,
- 6       6. license plate number of the vehicle delivering the material,
- 7       7. the amount paid for the property and the name of the employee handling the
- 8           transaction.

9 (b) CHECK Payments to Corporations or Businesses

10 Except as provided in subsection 7 below, for all purchases of scrap metal from a  
11 corporation or business and paid for by pre-numbered check drawn on the regular bank  
12 account of the scrap metal merchant AND made payable to the legal name of the  
13 corporation or business, the scrap metal merchant shall obtain and maintain on file, the  
14 following information from the Seller of the products containing ferrous or non-ferrous  
15 metals.

- 16       1. a complete and accurate description of all property taken, purchased, or received
- 17           by such merchant in the regular course of business,
- 18       2. the date and time of the delivery,
- 19       3. the Federal Employer Identification Number of the payee on the check (FEIN),
- 20       4. the name and full address of the driver delivering the product,
- 21       5. license plate number of the vehicle delivering the material, and
- 22       6. the amount paid for the property and the name of the employee handling the
- 23           transaction.

February 7, 2007

Page 2 of 5

Board Bill # 201FS    Sponsor: Alderwoman Krewson

1           7. In the event the scrap metal is delivered in a vehicle belonging to the scrap metal  
2           merchant and driven by an employee of the scrap metal merchant, the scrap metal  
3           merchant shall only be required to maintain the information required by  
4           subsections 1, 2 and 6.

5           8. In the event any of the above is not available and on file at the scrap metal  
6           merchant's office, the information obtained shall be the same as required for a  
7           cash purchase.

8           9. Checks may not be converted to cash by a scrap metal merchant or by any related  
9           entity.

10       (c) Every scrap metal merchant shall keep the information required in (a) and (b) above  
11       either in writing or in a retrievable electronic format at such merchant's place of business.  
12       Such records shall be made at the time of the purchase of the property and in no event  
13       later than close of the business day subsequent to the time of purchase.

14       (d) Records required by this chapter shall be maintained by the scrap metal merchant at  
15       such merchant's place of business for not less than two years following the date of  
16       transaction.

17       (e) No purchases shall be made from persons not of legal age.

18           (f) The following types of property and/or transactions are not subject to the  
19       record keeping requirements of this section:

20           1. Recyclable food and beverage containers.

21           2. Transactions involving materials purchased directly from a regulated public  
22           utility.

23

1 **SECTION THREE.** When a police officer has reasonable cause to believe that any  
2 property received by a scrap metal merchant is stolen, the police officer may place a hold  
3 notice upon the suspected stolen property. The identified property upon which a hold  
4 notice has been placed must be held by the scrap metal merchant at such merchant's  
5 place of business for sixty calendar days unless released sooner by authority of the police  
6 chief or his designee. After sixty calendar days, unless other disposition is authorized by  
7 the police chief or his designee, the hold is automatically released and scrap processor  
8 may dispose of the property.

9 **SECTION FOUR.** Every scrap metal merchant and every person employed by them in  
10 the conduct of their business shall admit to any and every part of the business premises at  
11 any time any law enforcement officer or other official designated by the chief of police of  
12 the City of St. Louis to examine, photograph, or copy any goods, articles, things, books,  
13 or other records on the premises to determine compliance with this ordinance, and to  
14 search for and to place a hold upon pursuant to the provisions of Section Five any article  
15 known or believed by such officer or official to have been stolen.

16 **SECTION FIVE.** (a) Any scrap metal merchant who shall conduct business in violation  
17 of any of the provisions of this ordinance shall be subject to a fine of not more than Five  
18 Hundred Dollars (\$500) per violation, or a term of imprisonment of not more than Ninety  
19 (90) days or by both a fine and imprisonment. Every transaction conducted by a scrap  
20 metal merchant in violation of the provisions of this ordinance shall be deemed a separate  
21 violation.

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

4 **SECTION SIX.**

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

9

10 07001883.DOC;2