

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120098, AS AMENDED

Amending Chapter 54, Code of Ordinances, by repealing Sections 54-202, Definitions, 54-212, Records required, and 54-213, Restrictions on transactions, and enacting in lieu thereof new sections of like number and subject matter which adds additional restrictions to better combat theft of ferrous and nonferrous metal.

WHEREAS, secondary metal theft continues to be a problem which effects the public safety and welfare of the citizens who reside in the greater Kansas City area; and

WHEREAS, by requiring secondary metal recyclers to video record all transactions, install and maintain a retrievable electronic database and add additional transaction restrictions for the purpose of decreasing secondary metal theft, and by giving police and other law enforcement officers more resources to solve these crimes as quickly as possible, the preservation of our neighborhoods will be enhanced; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 54, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Sections 54-202, Definitions, 54-212, Records required, and 54-213, Restrictions on transactions, and enacting in lieu thereof new sections of like number and subject matter, to read as follows:

Sec. 54-202. Definitions.

As used herein, the following words shall have the definitions as provided:

Bales of recycled metal. Regulated metal property processed with professional recycling equipment by compression, shearing, or shredding, to a form in which it may be sold by a secondary metal recycler consistent with industry standards.

Catalytic converter. A device designed for use in a vehicle for purposes of chemically converting harmful exhaust gases, produced by the internal combustion engine, into harmless carbon dioxide and water vapor.

Designated agent. The individual designated by the permit holder who is in actual management and control of the business permitted under this article.

Director. The director of neighborhood and community services department or his designee.

Ferrous metal. A metal that contains iron or steel.

HVAC component. Any portion of an air conditioner evaporator coil or condenser used in connection with a residential, commercial or industrial building.

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120098, AS AMENDED

Junk vehicle. A motor vehicle, aircraft, boat, farming implement, industrial equipment, trailer or any other convenience used on the highways and roadways, which has no use or resale value except as scrap.

Nonferrous metal. A metal that does not contain iron or steel, including but not limited to, copper, brass, aluminum, platinum, bronze, lead, zinc, nickel, and their alloys.

Person. Any individual, estate, firm, corporation, association, partnership, limited liability company, cooperative or governmental agency.

Regulated metal property. Any item listed in section 54-213, vehicle, junk vehicle, vehicle part and any item composed in whole or in part of any nonferrous metal, other than aluminum cans, as defined herein, that is purchased or otherwise acquired for the purpose of recycling or storage for later recycling.

Secondary metal recycler. Any person who:

- (1) Is engaged in the business of purchasing, collecting, or soliciting regulated metal property for the purpose of recycling; or
- (2) Operates or maintains a facility where regulated metal property is purchased or kept for shipment, sale, transfer, or recycling.

Secondary metal recycling permit. A document, approved by the director, issued to a person who has applied for and met the requirements to operate as a secondary metal recycler as defined in this article.

Secondary metal recycling yard. Any real property where regulated metal property is purchased or kept for shipment, sale, transfer or recycling.

Vehicle part. Either the front clip consisting of the two front quarter panels, hood, grill and front bumper of an automobile assembled as one unit; or the rear clip consisting of those body parts behind the rear edge of the back doors, including both rear quarter panels, the rear window, trunk lid, trunk floor panel and rear bumper, assembled as one unit.

Sec. 54-212. Records required.

By no later than August 1, 2012, every secondary metal recycler shall install and maintain a retrievable electronic database and a video or photo recording system. The electronic database shall contain a distinct and consecutively numbered record of each and every purchase of ferrous and non-ferrous metals and shall be available for inspection at all times by police or other law enforcement officers during normal business hours. All secondary metal transactions must be recorded on camera where the seller's image is captured along with, and in conjunction with, a photographic image of the

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120098, AS AMENDED

vehicle in which the seller delivered the items at the time of delivery. The photographic image of each transaction and the photographic image of the vehicle must be maintained for a minimum of 30 days. At the time of acquiring any regulated metal property within the city, the secondary metal recycling permit holder is hereby required to:

- (1) Obtain, for all vehicles, an appropriate vehicle title, junking certificate, bill of sale created by a government entity or any other proof of ownership as accepted by the State of Missouri, or bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.
- (2) Accurately and legibly record the following information:
 - a. The time, date and place of transaction;
 - b. The seller's name, address, photograph, sex, date of birth, and the identifying number from the seller's drivers license, military identification card, passport, or government issued personal identification card. The identifying number from an official governmental document that includes a photograph for a country other than the United States may be used as an identifying number provided that a legible thumbprint is also obtained;
 - c. The license number, color, and style or make of any motor vehicle that is used in delivering any regulated metal property;
 - d. A full description, made in accordance with the custom of the trade, of the predominant types of acquired regulated metal property;
 - e. The weight, quantity, or volume, made in accordance with the custom of the trade, of the acquired regulated metal property;
 - f. A description of the junk vehicle, or vehicle part, including the make, model, color, vehicle identification number and/or serial number if applicable;
 - g. The consideration given in a purchase transaction for the regulated metal property;
 - h. The name of the individual acting on behalf of the secondary metal recycler in acquiring the regulated metal property.
- (3) Obtain a signed statement that the regulated metal property is his own personal property, is free of encumbrances and is not stolen, or that he is acting for the owner, the name and address of the owner, the regulated

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120098, AS AMENDED

metal property is free of encumbrances, is not stolen and that he has permission to sell the item.

- (4) Make all payments which are \$500.00 or more, by issuing a pre-numbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this section or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with this chapter.
- (5) Sign a statement on the director's form verifying that the correct vehicle identification number is listed, if applicable.
- (6) With the exception of 2a, 2b and 2c of this section, the provisions of this section shall not apply for purchases from another secondary metal recycling permit holder, a salvage yard that has been issued a permit as described in this article, or a person that operates a licensed business at a fixed location in which the person is the direct owner of the regulated metal property.
- (7) With the exception of 2a, 2b and 2c of this section, the provisions of this section shall not apply to any transaction for which the regulated metal property is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.
- (8) The provisions of this section shall not apply for the acquisition of tin cans or aluminum cans.

Sec. 54-213. Restrictions on transactions.

(a) A secondary metal recycler shall not acquire any regulated metal property from any person who brings or delivers regulated metal property in a shopping or grocery cart.

(b) A secondary metal recycler shall not purchase, receive or keep any of the following items without obtaining proof that the seller is the verifiable owner or is an employee, agent, or person who is authorized, in writing, to sell the item on behalf of the owner:

- (1) Utility access covers,
- (2) Street light poles or fixtures,
- (3) Road or bridge guard rails,

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120098, AS AMENDED

- (4) Highway or street signs,
- (5) Water meter covers,
- (6) Traffic directional and traffic control signs,
- (7) Traffic light signals,
- (8) Any metal marked with any form of the name or initials of a governmental entity,
- (9) Property owned and marked by a telephone, cable, electric, water, or other utility provider,
- (10) Property owned and marked by a railroad,
- (11) Funeral markers and vases,
- (12) Historical markers,
- (13) Bales of regulated metal property,
- (14) Beer kegs,
- (15) Real estate signs,
- (16) Bleachers or risers,
- (17) Twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge,
- (18) Catalytic converters unless accompanied by a receipt for the removal of the catalytic converter, or the title of the car that the catalytic converter was removed from, or proof or receipt documenting sale of the automobile from which the catalytic converter was removed to an auto salvage business or scrap metal recycler.
- (19) HVAC Components. No secondary metal recycler shall purchase HVAC components except from a licensed HVAC dealer or contractor unless accompanied by written verification from a licensed HVAC dealer or contractor evidencing that the components were legally removed and the seller provides a notarized letter stating he has the legal right to sell the material. The verification form should include the name and address of the seller; address from which the unit was removed; description of the unit to include brand, size and serial number if applicable; and the name

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 120098, AS AMENDED

and business address of the licensed HVAC dealer or contractor. It is an offense for a secondary metal recycler to knowingly accept any portion of an air conditioner evaporator coil or condenser unless the HVAC Components are accepted in compliance with all applicable federal environmental laws.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney